To:
All members of the Council

Please reply to:
Contact: Karen Wyeth
Service: Committee Services
Direct line: 01784 446240
E-mail: k.wyeth@spelthorne.gov.uk
Date: 15 February 2023

Supplementary Agenda

Council - Thursday, 23 February 2023

Dear Councillor

I enclose the following items which have been updated following recommendations from the Corporate Policy and Resources Committee on 20th and 21st February 2023, and from the Standards Committee on 16th February 2023:

12. Capital Strategy 2023 to 2028 **5 - 6**

To agree the Capital Strategy for 2023 to 2028.

Note: Some agenda items being discussed at Corporate Policy and Resources Committee on 20 February 2023 may impact on this report and it may require updating to account for that Committee's decision after the meeting.

13. Capital Programme 2023/24 to 2026/27 **7 - 10**

To approve the proposed Capital Programme for 2023/24 to 2027/28.

Note: Some agenda items being discussed at Corporate Policy and Resources Committee on 20 February 2023 may impact on this report and it may require updating to account for that Committee's decision after the meeting.

15. Detailed Budget 2023/24 **11 - 24**

To consider the detailed Revenue Budget for 2023-24.

Note: Some agenda items being discussed at Corporate Policy and Resources Committee on 20 February 2023 may impact on this report

and it may require updating to account for that Committee's decision after the meeting.

17. Calendar of Meetings 2023-2024 **25 - 28**

To agree the proposed schedule of Council and Committee meetings for the period from August 2023 to August 2024.

18. Withdrawal from Spelthorne Joint Committee **29 - 34**

To approve the cessation of all the Borough Council's non-executive and advisory functions from the Spelthorne Joint Committee's remit and that the functions be delegated to the appropriate committee.

Note: Some agenda items being discussed at Standards Committee on 16 February 2023 may impact on this report and it may require updating to account for that Committee's decision after the meeting.

20. Councillor DBS Checks **35 - 44**

To agree Disclosure and Barring Service Checks for Councillors.

Note: Some agenda items being discussed at Standards Committee on 16 February 2023 may impact on this report and it may require updating to account for that Committee's decision after the meeting.

21. Induction Programme 2023 **45 - 50**

To approve the Member's Induction Programme 2023.

Note: Some agenda items being discussed at Standards Committee on 16 February 2023 may impact on this report and it may require updating to account for that Committee's decision after the meeting.

Yours sincerely

Karen Wyeth
Committee Services

To the members of the Council

Councillors:

S.M. Doran (Mayor)	R. Chandler	T. Lagden
D. Saliagopoulos	J.T.F. Doran	V.J. Leighton
M.M. Attewell	R.D. Dunn	A.J. Mitchell
C.F. Barnard	S.A. Dunn	S.C. Mooney

C.L. Barratt
R.O. Barratt
C. Bateson
I.J. Beardsmore
M. Beecher
J.R. Boughtflower
A. Brar
S. Buttar
J. Button
T. Fidler
N.J. Gething
M. Gibson
K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
K. Howkins
N. Islam
L. E. Nichols
R.J. Noble
O. Rybinski
J.R. Sexton
R.W. Sider BEM
V. Siva
B.B. Spoor
J. Vinson
S.J Whitmore

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Council

23 February 2023

Title	*Addendum – Capital Strategy 2023/24*
Purpose of the report	To approve the report and note one change to section 1.3
Report Author	*Paul Taylor Chief Accountant*
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	**Council is asked to approve the recommendations in the original report and note the change of emphasis in respect of opening sentence in paragraph 1.3 as restated below:** **Originally stated - During the ECM a significant amount of funding was secured from Homes for England totalling some £54.9m.** **Revised statement - That at the ECM Council support was secured to pursue significant funding from Homes England**
Reason for Recommendation	*The above reflects the decisions made at the ECM on 2 February 2023.*

1. Summary of the report

1.1 This report seeks to clarify the situation on Homes England funding.

2. Key issues

2.1 In order to apply for Homes England Grant funding, the Council must become a Registered Provider (RP) and it takes at least 18 months to achieve this.

2.2 Once RP status has been obtained, then the Council can apply for funding.

2.3 At the ECM, Council gave approval for Officers to pursue this source of funding for future development projects.

3. Financial implications

3.1 There are none, until RP status has been obtained, then the council can apply for funds, i.e., no funds have been secured now.

4. Risk considerations

4.1 As per the main report

5. Procurement considerations

5.1 As per the main report

6. Legal considerations

6.1 As per the main report

7. Other considerations

7.1 As per the main report

8. Equality and Diversity

8.1 As per the main report

9. Sustainability/Climate Change Implications

9.1 As per the main report

10. Timetable for implementation

10.1 As per the main report

11. Contact

11.1 Paul Taylor p.taylor@spelthorne.gov.uk

Background papers: As per the main report

Appendices: There are none

Council

23 February 2023

Title	*Addendum – Estimated 2023/24 to 2026/27 Capital Programme*
Purpose of the report	To approve the report and note the Capital Growth bids approved by Corporate Policy & Resources Committee (CPRC) on 21 February 20222
Report Author	*Paul Taylor Chief Accountant*
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	**Council is asked to approve the recommendations in the original report and note the capital growth bids approved by CPRC on 21 February 2023.**
Reason for Recommendation	*The above reflects the decisions made at the CPRC meeting on 21 February 2023.*

1. Summary of the report

1.1 This report seeks to confirm the capital growth bids approved by CPRC on 21 February 2023, which were included in the original report.

2. Financial implications

2.1 As per the main report

3. Risk considerations

3.1 As per the main report

4. Procurement considerations

4.1 As per the main report

5. Legal considerations

5.1 As per the main report

6. Other considerations

6.1 As per the main report

7. Equality and Diversity

7.1 As per the main report

8. Sustainability/Climate Change Implications

8.1 As per the main report

9. Timetable for implementation

9.1 As per the main report

10. Contact

10.1 Paul Taylor p.taylor@spelthorne.gov.uk

Background papers: As per the main report

Appendices:
Appendix A – Capital growth bids approved by CPRC

2023/24 Capital Growth bids								
Committee	**Code**	**Amount £**	**Project**	**Requested By**	**Date**	**Explanation**	**Associated Revenue Costs**	**Associated Savings**
CP&R	42075	8,662,000	Benwell II	Assets	31/10/2022	100% Private Rental as agreed at Council ECM 2/2/2023	0	0
CP&R	VARIOUS	150,000	Recruit an additional Development Manager - Affordable Housing	Assets	31/10/2022		0	0
CP&R		-150,000	Funding for the additional Development Manager from Street Acquisitions budget.	Assets	31/10/2022		0	0
CP&R	New Code	82,000,000	Tothill Surface Car Park	Assets	02/02/2023	179 Apartments	0	0
CP&R	New Code	-20,000,000	Tothill Surface Car Park	Assets	02/02/2023	Homes England Grant	0	0
CP&R	New Code	-1,259,074	Street Property Acquisitions	Assets	25/01/2023	Local Authority Housing Fund - Capital Grant for Ukrainian Hotels	0	0
CWH	40203	30,000	DFG Discretionary Fund	Independent Living	31/10/2022	To request an uplift in the DFG Discretionary fund to allow for increased supplier /contractor costs during a projected period of static DFG awards	0	0
NS&E	New Code	400,000	Procurement of new food waste vehicles	Neighbourhood Services	31/10/2022	Procurement of new food waste vehicles	0	0
NS&E	New Codes	805,000	Procurement of leased waste vehicles.	Neighbourhood Services	31/10/2022	Lease of seventeen waste & cleansing vehicles	0	0
NS&E	41620	50,000	Waste Bins	Neighbourhood Services	31/10/2022	Wheelie Bins - annual programme	0	0
NS&E	New Code	35,000	CCTV cameras	Neighbourhood Services	31/10/2022	Supply of 5 new CCTV cameras in Shepperton to replace some ones that are over 14 years old and do not supply good images. The intention is to convert them from analogue broadband to digital broadband	0	0
Admin	43610	25,500	General Software - annual programme	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	43610	46,000	General Hardware - Homeworking Kit	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	43610	31,000	General Hardware - Tablets	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	43610	21,000	General Hardware - Mobiles	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	43610	38,000	Service Delivery Hardware Printers	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	43610	5,000	Service Delivery Hardware Infrastructure	ICT	31/10/2022	General Hardware/Software - annual programme	0	0
Admin	New Code	20,000	Acquisition of GovTech	Commissioning & Transformation	31/10/2022	Acquisition of GovTech - Fully automates Revenues forms with AI, projected increase take-up rate to 80%.	0	0
Admin	New Code	85,000	website upgrade	Communications	31/10/2022	Website procurement exercise needs to be undertaken - current website contract expires September 2023	0	0
		70,994,426					**0**	**0**

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Council

23 February 2023

Title	*Addendum – 2023/24 Detailed Budget Report*
Purpose of the report	To make a Key Decision
Report Author	*Paul Taylor Chief Accountant*
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	**Council is asked to approve the following recommendations from the Corporate Policy & Resources Committee (CPRC) on Tuesday 21 February:** **1. The Legal Assistant role growth bid in Legal Services is to be funded from reductions in other Cost Centres within the Administration Committee, as it did not comply with CPRC guidance on new FTE roles, i.e., there were only to be included if fully funded or statutorily required. (This funding initiative was proposed by the Administration Committee). See 2.1 below** **2. A Procurement Assistant post on a two year fixed term contract for £22,000 plus oncosts has been upgraded to a more senior Procurement Officer role again on a two year fixed term contract, which will require a marginal increase of £20,000 plus oncosts per annum. See 2.5 below.** *3.* **The Jet Administrator Role growth bid has been removed from the budget. See 2.9 below.** **The net difference is £15,100 and therefore the following changes will take place to:**

	A	**107,472,600**	**Being the aggregate of the amount which the Council estimates for the items set out in Section 31A (2) of the Act considering all precepts issued to it by Parish Councils.**
	B	**-98,707,900**	**Being the aggregate of the amount which the Council estimates for the items set out in Section 31A (3) of the Act**

That the following amounts be calculated for the year 2023-24 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011.

Items C to F are unchanged.

Reason for Recommendation	*The above reflects the decisions made at the CPRC meeting on Tuesday.*

1. Summary of the report

1.1 This report seeks to update the detailed budget report submitted to Council easier in the month, and reflects the decisions made by CPRC at their meeting on 21 February.

2. Key issues

2.1 Legal Assistant

2.2 At the Administration Committee in January 2023, the Committee heard representation from the Group Head of Corporate Governance regarding this growth bid, noting that it did not comply with CPRC guidance on new FTE roles, i.e., it was not fully funded nor was it statutorily required.

2.3 After a long discussion the Committee felt that this role was important not only for the department, but the Council as a whole and in order to support this role, decide to propose to CPRC that they fund this position by requesting that the Cost Centres within the Administration Committee reduce their budgets to accommodate this request.

2.4 The Finance Team had not included this post in the original detailed budget, as they were awaiting CPRC decision and therefore, as CPRC approved this, it is a cost neutral adjustment.

2.5 **CPRC has agreed to support this proposal**

2.6 **Procurement Assistant & Procurement Officer**

2.7 Following extensive advertising campaign and difficulties trying to recruit for this junior role the Head of Department has reached the conclusion that the strategy needs to be reassessed, and as part of that reassessment there the role of the Procurement Assistant needs to be upgraded to a Procurement Officer.

2.8 This means that there will be no increase in the actual number of FTE's employed by the Council, however, there will be a marginal increase salary of £20,000 plus oncosts to reflect that the role is now more senior in nature.

2.9 **CPRC supports this proposal.**

2.10 **Jet Administrator**

2.11 This role is not fully funded nor is it statutorily required.

2.12 The Neighbourhood Services & Enforcement Committee felt that this post should be supported and asked CPRC to consider this.

2.13 There was no empirical evidence to support his role. Indications were that the cost benefit was not sufficient to justify retaining the role, further as the current incumbent had obtained another post within the Council, the position was not vacant and due to lapse on 31 March 2023 and the end of the twelve month fixed term contract.

2.14 The new uniform software was currently being evaluated and in the absence of any plans to utilise technology to support this team and workflow patterns, CPRC felt that the Cost Centre Manage should reflect upon the above and if required submit a proposals later in the year.

2.15 **CPRC rejects this proposal**

3. Financial implications

3.1 Please note that as the changes highlighted below come to £14,600 and have been regarded as immaterial, when compared to £107,487,700, being the aggregate of the amount which the Council estimates for the items set out in Section 31A (2) of the Act considering all precepts issued to it by Parish Councils and therefore, these figures have not been updated, as there is no impact on the Council Tax charge of £216.14.

3.2 The financial implications of the above are as follows:

(a) £nil - £31,000 savings in other Administration Committee Cost Centre budgets for the Legal Assistant against £31,000 cost of the Legal Assistant

(b) £20,500 increase in Procurement salaries.

(c) £34,600 savings Jet Administrator.

(d) This equates to a £15,100 reduction in the funding required from reserves to balance the budget.

4. Risk considerations

4.1 As per the main report

5. Procurement considerations

5.1 As per the main report

6. Legal considerations

6.1 As per the main report

7. Other considerations

7.1 As per the main report

8. Equality and Diversity

8.1 As per the main report

9. Sustainability/Climate Change Implications

9.1 As per the main report

10. Timetable for implementation

10.1 As per the main report

11. Contact

11.1 Paul Taylor p.taylor@spelthorne.gov.uk

Background papers: As per the main report

Appendices all dated 22 February:
Appendix 1 – Detailed budget for 2023/24
Appendix 2 – Net Expenditure Budget 2023/24 by Committee
Appendix 3 – General Fund Subjective Analysis 2023/24
Appendix 4 – Calculation of Council Tax for 2023/24
Appendix 5 – No change not attached
Appendix 6 – No change not attached
Appendix 7 – Comparison for the five years ended 2023/24 between actual and budgeted FTEs showing the year on year movement between the two by cost centre.
Appendix 8 – No change not attached

Outline Budget 2023-24 Base Case
incl all growth bids with £1925 salary increase

Appendix 1
22 February 2023

	2022-23 original £	2023-24 £	2024-25 £	2025-26 £	2026-27 £
Gross Expenditure	58,865,600	60,330,700	60,330,700	60,330,700	60,330,700
Less: Fees and Charges and Specific Grants (excl H	(13,048,100)	(13,619,100)	(13,619,100)	(13,619,100)	(13,619,100)
Less: Housing Benefits Grant	(21,556,000)	(21,556,000)	(21,556,000)	(21,556,000)	(21,556,000)
Net Service Expenditure:	**24,261,500**	**25,155,600**	**25,155,600**	**25,155,600**	**25,155,600**
Broken down by Committee					
Regulatory & Administration Committee	6,536,800	6,898,400			
Corporate Policy & Resources Committee	6,172,400	6,674,600			
Economic Development Committee	(149,200)	(87,900)			
Community Wellbeing & Housing Committee	4,244,400	4,325,400			
Neighbourhood Services Committee	6,213,200	5,938,400			
Environment & Sustainability Committee	1,137,900	1,406,700			
	24,155,500	**25,155,600**	**25,155,600**	**26,789,900**	**27,639,900**
In year growth bids	0	0	200,000	200,000	200,000
Pensions	0	0	61,000	45,000	50,000
Leisure Centre Funding	0	0	750,000	0	0
SLM funding	0	0	0	0	0
Net fees, pay & 3rd party inflation on base budgets	0	0	1,157,000	1,064,000	1,088,000
Lapsed Growth bids base budgets	0	0	(533,700)	(459,000)	(5,720)
Service Expenditure	**0**	**0**	**1,634,300**	**850,000**	**1,332,280**
NET EXPENDITURE	**24,155,500**	**25,155,600**	**26,789,900**	**27,639,900**	**28,972,180**
Investment Property Income per lease incl regen	(59,246,200)	(46,128,700)	(49,233,000)	(53,389,000)	(54,120,000)
Landlord Costs	9,240,500	7,893,900	8,846,000	6,836,000	6,319,500
Debt Interest payable	25,078,800	25,172,800	24,933,104	24,674,531	24,396,888
Minimum Revenue Provision	12,279,800	12,396,800	12,770,500	13,785,440	14,128,290
Set Aside	1,130,000	630,000	650,000	670,000	690,000
Capitalised Interest	(1,221,100)	(1,400,000)	(1,625,000)	(1,900,000)	(350,000)
Interest Cash Equiv.	0	(500,000)	(400,000)	(320,000)	(256,000)
LA & Other Loans Interest Rec	0	(700,000)	(560,000)	(448,000)	(358,400)
Interest Rec - Pooled Funds	(1,288,400)	(1,200,000)	(1,257,500)	(1,317,875)	(1,381,300)
Net interest margin on loans to KGE	(151,000)	(818,700)	(812,479)	(805,632)	(798,356)
Net interest margin on loans to SDS	0	(20,000)	(20,000)	(20,000)	(20,000)
NET EXPENDITURE AFTER INTEREST EARNINGS	**9,977,900**	**20,481,700**	**20,081,525**	**15,405,364**	**17,222,802**
Appropriation to/(from) Reserves:					
Revenue Contributions to Capital Outlay	750,000	750,000	750,000	750,000	750,000
Other Service (NI)	(133,000)	0	0	0	0
Carry Forward Reserve	(2,050,000)	0	0	0	0
Environmental Impact Reserve	(79,900)	0	0	0	0
Planning Performance Agreement	(30,000)	(36,800)	0	0	0
Green Initiative Fund	(30,000)	(48,800)	0	0	0
Local Plan Reserve	0	(75,000)	0	0	0
Inflation Reserve	0	(362,000)	0	0	0
BRR Retention - EcDev	0	(128,000)	0	0	0
IFRS16 Reserve	0	(472,000)	0	0	0
Sinking Fund Contributions/(Funding)	6,812,100	1,037,100	874,700	2,891,000	3,668,000
Sinking Fund (Funding)	(2,467,800)	(6,973,100)	(4,000,000)	0	0
BUDGET REQUIREMENT	**12,749,300**	**14,173,100**	**17,706,225**	**19,046,364**	**21,640,802**
Allocation from National Non-Domestic Rate pool	(100,100)	(450,000)	0	0	0
Retained Business Rates	(1,929,000)	(1,929,000)	(1,929,000)	(1,929,000)	(1,200,000)
Section 31 Grants	(800,000)	(874,900)	(874,900)	(874,900)	(874,900)
Empty property premia	(107,000)	(500,000)	(500,000)	(500,000)	(500,000)
Lower Tier Services Grant re Core Spending Power	(86,500)	(79,500)	(80,000)	(80,000)	(80,000)
Core Spending Power Guarantee Grant	0	(1,483,000)	(1,200,000)	0	0
Revenue Support Grant	0	(91,000)	(91,000)	0	0
New Homes Bonus Grant	(1,294,000)	(101,000)	(121,000)	0	0
NET BUDGET REQUIREMENT	**8,432,700**	**8,664,700**	**12,910,325**	**15,662,464**	**18,985,902**
Collection Fund (Surplus)/Deficit	117,000	100,000	100,000	180,000	180,000
CHARGE TO COLLECTION FUND	**8,549,700**	**8,764,700**	**13,010,325**	**15,842,464**	**19,165,902**

Outline Budget 2023-24 Base Case
incl all growth bids with £1925 salary increase

Appendix 1
22 February 2023

	2022-23 original £	2023-24 £	2024-25 £	2025-26 £	2026-27 £
Tax base	**40,703**	**40,551**	**41,161**	**41,781**	**42,410**
Council Tax rate	210.05	216.14	222.84	227.83	232.85
Council Tax yield	**8,549,725**	**8,764,700**	**9,172,317**	**9,518,965**	**9,875,169**
DEFICIT/(SURPLUS)	**0**	**(0)**	**3,838,008**	**6,323,499**	**9,290,734**

Net Expenditure Budget 2023/24 by committee

Appendix 2

22 February 2023

Committee	Restated 2022/23 £000s	Proposed 2023/24 £000s	Change from 2022/23 £000s
Audit	259.3	214.2	(45.1)
Committee Services	278.5	322.9	44.4
Corporate Governance	283.3	339.7	56.4
Corporate Management	832.9	729.7	(103.2)
Corporate Publicity	364.2	415.9	51.7
CServ Management & Support	1,235.3	1,271.8	36.5
Democratic Rep & Management	427.8	435.5	7.7
Elections	10.2	10.5	0.3
Electoral Registration	292.1	288.2	(3.9)
HR	421.0	415.8	(5.2)
Information & Comms Technology	1,191.1	1,318.3	127.2
Insurance	288.3	388.4	100.1
Legal	615.6	708.0	92.4
Payroll	72.1	74.3	2.2
Land Charges	(34.9)	(34.8)	0.1
Regulatory & Administration Committee	**6,536.8**	**6,898.4**	**361.6**
Accountancy	704.9	678.6	(26.3)
Asset Mgn Administration	817.0	336.8	(480.2)
Chief Executive	234.9	242.4	7.5
Deputy Chief Executives	296.8	300.9	4.1
General Property Expenses	(3.0)	(30.1)	(27.1)
Facilities Management	733.4	751.4	18.0
Planned Maintenance Programme	1,371.5	1,370.8	(0.7)
Project Management	597.3	607.7	10.4
MAT Secretariat & Support	100.3	101.4	1.1
Unapportionable CentralO/heads	1,319.3	2,314.7	995.4
Corporate Policy & Resources Committee	**6,172.4**	**6,674.6**	**502.2**
Economic Development	288.0	323.1	35.1
Staines Market	(125.9)	(68.7)	57.2
Staines Town Centre Management	(311.3)	(342.3)	(31.0)
Economic Development Committee	**(149.2)**	**(87.9)**	**61.3**

Net Expenditure Budget 2023/24 by committee — Appendix 2

22 February 2023

Committee	Restated 2022/23 £000s	Proposed 2023/24 £000s	Change from 2022/23 £000s
Community Care Administration	484.4	436.8	(47.6)
Community Centres	578.9	604.8	25.9
Homelessness	538.0	548.1	10.1
Housing Benefits Admin	382.6	409.0	26.4
Housing Benefits Payments	51.0	51.0	0.0
Housing Needs	1,445.4	1,519.0	73.6
Sports and Active Lifestyle	17.6	18.0	0.4
Arts Development	29.8	30.5	0.7
Leisure Administration	332.9	357.3	24.4
Sunbury Golf Club	(47.6)	(47.6)	0.0
Museum	(2.8)	(5.1)	(2.3)
Public Health	(5.0)	4.2	9.2
Resource Centre	14.3	14.0	(0.3)
Spelthorne Leisure Centre	(9.7)	19.4	29.1
Youth	26.3	27.1	0.8
General Grants	249.7	215.9	(33.8)
Meals on Wheels	68.3	84.0	15.7
Community Development	92.6	39.0	(53.6)
Research & Consultation	0.0	0.0	0.0
Span	(2.3)	0.0	2.3
Spelthorne Family Support	0.0	0.0	0.0
Community Wellbeing & Housing Committee	**4,244.4**	**4,325.4**	**81.0**
Abandoned Vehicles	3.5	3.6	0.1
Allotments	(13.2)	(16.6)	(3.4)
Building Control	(34.6)	(39.4)	(4.8)
Bus Station	25.7	24.9	(0.8)
Car Parks	(483.9)	(54.5)	429.4
Cemeteries	(337.4)	(327.5)	9.9
Community Safety	247.4	257.4	10.0
Depot	121.7	119.0	(2.7)
Neighbourhood Serv Mgt Support	1,400.5	1,380.7	(19.8)
Environmental Enhancements	21.0	21.6	0.6
Environmental Health Admin	1,200.3	1,238.0	37.7
Environmental Protection Act	100.8	85.5	(15.3)
Food Safety	(2.0)	0.9	2.9
Grounds Maintenance	1,820.3	1,635.4	(184.9)
Licensing	94.2	108.8	14.6
Parks Strategy	3.9	34.8	30.9
Public Conveniences	9.9	1.5	(8.4)
Public Halls	(20.2)	(17.4)	2.8
Refuse Collection	1,348.1	931.6	(416.5)
Rodent & Pest Control	10.9	10.8	(0.1)
SAT	150.2	165.6	15.4
Street Cleaning	966.2	782.4	(183.8)
Taxi Licensing	(78.1)	(61.7)	16.4
Waste Recycling	(342.0)	(347.0)	(5.0)
Neighbourhood Services Committee	**6,213.2**	**5,938.4**	**(274.8)**
Emergency Planning	64.1	95.5	31.4
Energy Initiatives	10.1	9.7	(0.4)
Planning Development Control	619.5	779.5	160.0
Planning Policy	452.4	535.6	83.2
Water Courses & Land Drainage	5.5	5.7	0.2
Parks Properties project	(13.7)	(19.3)	(5.6)
Environment & Sustainability Committee	**1,137.9**	**1,406.7**	**268.8**

APPENDIX 3		GENERAL FUND SUBJECTIVE ANALYSIS				22/02/2023
	Community Wellbeing & Housing	Corporate Policy and Resources	Economic Development	Environment & Sustainability	Neighbourhood Services	Regulatory Administrative Comm	Total
	£	£	£	£	£	£	£
Employees	4,993,400	5,514,100	232,400	1,663,100	7,262,600	4,807,500	24,473,100
Premises	2,333,500	1,608,700	134,700	9,700	1,147,000	230,800	5,464,400
Transport	92,600	16,000	6,000	30,800	607,800	197,200	950,400
Supplies and Services	1,655,700	121,400	97,300	322,200	937,900	2,083,800	5,218,300
External Contracts	1,671,600	28,700	90,000	95,400	393,100	50,700	2,329,500
Benefit Payments	21,872,000	0	0	0	0	0	21,872,000
Support to Capital	0	0	0	0	0	0	0
TOTAL EXPENDITURE	**32,618,800**	**7,288,900**	**560,400**	**2,121,200**	**10,348,400**	**7,370,000**	**60,307,700**
Government Grants	(23,694,800)	0	0	0	0	0	(23,694,800)
Rents & Other Income	(4,598,600)	(614,300)	(648,300)	(714,500)	(4,410,000)	(471,600)	(11,457,300)
TOTAL INCOME	**(28,293,400)**	**(614,300)**	**(648,300)**	**(714,500)**	**(4,410,000)**	**(471,600)**	**(35,152,100)**
NET EXPENDITURE	**4,325,400**	**6,674,600**	**(87,900)**	**1,406,700**	**5,938,400**	**6,898,400**	**25,155,600**

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Calculation of the basic Council Tax for 2023/24
Appendix 4

			22/02/2023
		£	£
Total Service expenditure for the year			60,330,700
	Less Housing Benefit		-21,556,000
			38,774,700
Add	Transfer to refurbishment reserve	1,037,100	
	Revenue contribution to capital outlay	750,000	
	Debt interest payable	24,334,100	
	Minimum Revenue Provision	12,396,800	
	Asset Supervision costs	630,000	
	Landlord Costs	7,893,900	
	Green initiatives	0	
	Contribution to Revenue Reserves	0	
			47,041,900
Gross Expenditure for the year			**85,816,600**
Less	Gross income for the year	-13,619,100	
	Interest earnings	-2,400,000	
	Income from assets acquisitions	-46,128,700	
	Transfer from refurbishment reserves	-6,973,100	
	Capitalisation of interest	-1,400,000	
	Transfer from Earmarked Reserves	-1,122,600	
Income for the year			**-71,643,500**
The Council's net expenditure			**14,173,100**
Less	Retained share of business rates	-1,929,000	
	Empty Property Premia	-500,000	
	Revenue Support Grant	-91,000	
	Non ring fenced grants	-874,900	
	Core Spending Power Grant	-1,483,000	
	National Non Domestic Rate Pool	-450,000	
	Lower Tier Service Grant	-79,500	
	New Homes Bonus	-101,000	
			-5,508,400
	Estimated Deficit on the Collection fund		100,000
Net sum to be recovered through Council Tax			**8,764,700**
The Council's Band D tax base for 2021/22			**40,551**
Expressed per equivalent Band D property (8763900/40551)			**216.14**

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Appendix 7 - Comparison of actual FTE posts to budgeted FTEs for the 6 years to 31 March 2024

22/02/2023	Actual FTEs						Budgeted approved FTEs						year on year increase between actuals and budget from previous year					
Department	**2018**	**2019**	**2020**	**2021**	**2022**	**2023 EST**	**2018/19**	**2019/20**	**2020/21**	**2021/22**	**2022/23**	**2023/24**	**2018/19**	**2019/20**	**2020/21**	**2021/22**	**2022/23**	**2023/24**
Building Control	5.93	5.93	6.30	6.23	6.23	6.08	5.93	5.93	6.93	6.60	7.11	7.08	-0.00	-0.38	0.31	0.37	0.88	1.00
Audit Services	1.56	1.75	1.75	1.75	1.75	1.75	1.56	1.75	1.75	1.75	1.75	1.75	-0.19	0.00	0.00	0.00	0.00	0.00
Accountancy	8.62	10.41	12.46	12.46	11.18	11.27	8.61	10.39	12.65	12.46	13.17	12.90	-1.80	-2.07	0.19	-0.00	1.99	1.63
Commissioning & Transformation	23.69	26.26	27.27	30.68	31.02	29.37	26.68	32.57	36.37	35.15	41.00	46.12	0.42	5.30	9.10	4.47	9.98	16.75
Community Wellbeing	69.39	71.61	78.88	77.01	79.11	84.28	70.46	78.08	84.22	86.12	89.81	93.99	-1.15	-0.80	6.07	9.11	10.70	9.71
Customer Relations	18.62	23.75	24.22	24.23	21.75	23.24	22.58	27.65	27.93	25.02	25.75	26.07	-1.17	3.43	4.49	0.79	4.00	2.83
Environmental Health	19.57	21.60	22.38	22.39	23.39	25.32	21.66	21.30	23.09	22.79	22.79	25.33	0.06	-1.08	0.71	0.40	-0.60	0.01
Family Support Programme	8.95	10.95	10.77	10.78	11.67	10.43	9.00	11.00	10.94	11.78	11.83	10.80	-1.95	0.23	0.24	1.00	0.16	0.37
Neighbourhood Services	135.90	130.95	139.02	133.56	133.79	127.46	156.07	161.13	162.17	163.94	162.08	146.50	25.12	22.11	19.90	30.38	28.29	19.04
Regeneration & Growth	36.85	39.81	38.75	43.26	53.29	52.53	34.60	43.34	43.64	50.36	57.18	56.97	-5.21	4.59	4.39	7.10	3.89	4.44
Secretariat	3.00	3.00	3.00	3.00	2.00	1.00	3.00	3.00	3.00	3.00	2.00	2.00	0.00	0.00	0.00	0.00	0.00	1.00
MAT	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	0.00	0.00	0.00	0.00	0.00	0.00
Communications	4.78	4.06	4.66	4.69	5.69	5.69	3.36	4.28	4.28	4.69	5.69	5.69	-0.70	-0.38	-0.38	0.00	0.00	0.00
Legal	8.46	10.06	11.05	13.06	13.66	14.59	8.46	10.46	9.46	9.40	10.00	13.78	-1.60	-0.59	-1.61	-3.66	-3.66	-0.81
Elections	2.58	3.00	3.88	3.89	3.89	4.88	3.58	3.58	3.58	3.89	3.89	3.89	0.58	-0.30	-0.30	-0.00	-0.00	-0.99
Total FTE	**350.90**	**366.14**	**387.39**	**389.99**	**401.42**	**400.89**	**378.56**	**417.46**	**433.01**	**439.95**	**457.03**	**455.88**	**12.42**	**30.07**	**43.11**	**49.96**	**55.61**	**54.99**

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Council

23 February 2023

Title	Calendar of Meetings 2023-24
Purpose of the report	To make a decision
Report Author	Matthew Williams, Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	**Council are asked to approve the Corporate Policy and Resources Committee's recommendation to:** **Approve the Calendar of Meetings for 2023-2024 as set out in Appendix 1.**
Reason for Recommendation	**The Calendar of Meetings provides a framework for the democratic and decision-making procedures that will underpin the delivery of the Council's key corporate priorities.**

1. Summary of the report

1.1 This report proposes a schedule of Council and Committee meetings (Appendix 1) to enable the consideration of Council business during the period from August 2023 to August 2024. This matter was considered by the Corporate Policy and Resources Committee on 16th January 2023.

2. Key issues

2.1 Meetings of the Council have been scheduled with the following general principles in mind, to enable effective decision-making whilst making the best use of resources available:

i) Avoidance of Surrey school holidays wherever possible. It is not possible to additionally accommodate the differing holiday periods of private schools.

ii) Maintaining the current scheduling of Council meetings i.e. meetings in July, October, December, February and April and the Annual (Mayor making) meeting in May.

iii) The Committee meetings have been programmed to ensure that matters which need to be referred on to the Corporate Policy and Resources Committee and/or Council can proceed in a timely way, thereby enabling the Council to implement its priorities and strategies, as well as fulfil its constitutional and legal obligations.

iv) A reduction in the number of Environment and Sustainability Committee meetings from 7 to 5 after consultation with the Group Head Commissioning and Transformation and consideration of the following points:

- The Green Initiatives Fund will be mostly allocated by May 2023
- Following adoption, the Local Plan can be accommodated within the ordinary cycle of meetings
- CIL Funds are likely to be considered by a Task Group and the Committee will receive updates in the normal cycle of meeting, this is to be determined by a report due to go to the Standards Committee.
- Should additional meetings become necessary we can add in Extraordinary meetings as necessary

v) The Regulatory and Administrative Committees feed directly into Council (i.e. Planning, Licensing, Audit, Standards and Administrative)

vi) Each Committee meets wherever possible on the same day of the week.

vii) Licensing Committee primarily meets as a daytime Sub-Committee and those meetings are arranged as and when required. Rather than schedule a monthly Licensing Committee which is likely to be cancelled, this Committee can be scheduled as and when we are notified of business.

viii) Planning Committee meets every 4 weeks except in May 2024 due to an election. In May 2024 the Planning Committee will have a 5-week gap followed by a 3-week gap. This alternative scheduling has been approved by Esme Spinks, Planning Development Manager.

2.2 The Committee Chairs have the power to call additional or extraordinary meetings, when required, to accommodate urgent or unscheduled matters of business.

2.3 The Chief Finance Officer has been consulted on the suitability of dates to enable financial reports to be ready for consideration at the relevant service committees on a timely basis.

3. Options analysis and proposal

3.1 The calendar of meetings provides a framework for the democratic and decision-making processes that will underpin the delivery of the Council's key priorities. It is proposed to agree the dates as set out in Appendix 1.

4. Financial implications

4.1 The cost of administering the proposed meetings will be met from within existing budgets.

5. Risk considerations

5.1 There are no direct risk implications arising from this report. Meetings have been scheduled to enable the timely consideration of ordinary business, with the flexibility for extraordinary meetings to be called as business requires.

6. Procurement considerations

6.1 There are no direct procurement implications arising from this report.

7. Legal considerations

7.1 Council and Committee meetings have been scheduled to fulfil the Council's constitutional and legal obligations.

8. Other considerations

8.1 Additional Committee meetings to those proposed will have resource implications.

9. Equality and Diversity

9.1 There are no implications arising from this report.

10. Sustainability/Climate Change Implications

10.1 There are no implications arising from this report.

11. Timetable for implementation

11.1 Once agreed by Council, the Calendar of Meetings will be published on the Council's website and implemented from August 2023.

12. Contact

12.1 Matthew Williams, m.williams@spelthorne.gov.uk

Background papers: There are none.

Appendices:
Appendix A - proposed Calendar of Meetings schedule

Appendix B – proposed Calendar of Meetings year planner 2023 in colour

Appendix C – proposed Calendar of Meetings year planner 2024 in colour

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Council

23 February 2023

Title	Spelthorne Joint Committee - cessation of functions
Purpose of the report	To approve the recommendations in the report
Report Author	Farida Hussain, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	**Council is asked to approve the recommendation of the Standards Committee to approve:** **1. the cessation of all the Borough Council's non-executive and advisory functions from the Spelthorne Joint Committee's remit as set out in the Joint Committee Constitution, be approved with immediate effect and** **2. those functions be delegated to the appropriate Committee as set out in Paragraphs 3.5 to 3.10 of this report.**
Reason for Recommendation	To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Spelthorne Joint Committee from 11 October 2022.

1. Summary of the report

1.1 Surrey County Council ("SCC") has withdrawn all of its functions from the Spelthorne Joint Committee from 11 October 2022 and has given 6 months' notice of its intention to withdraw fully from the Joint Committee by the end of the current municipal year. It is now for this Council to determine how it wishes to proceed with the remaining functions delegated to the Joint Committee by Spelthorne Borough Council. This matter was considered by the Standards Committee on 16th February 2023.

2. Key issues

Background

2.1 In 2016, this Council and SCC agreed to replace the former Local Committee (Spelthorne) with a new Spelthorne Joint Committee, which would deal not only with the range of executive and non-executive SCC functions that the Local Committee discharged locally, but also a range of executive and non-executive Spelthorne Borough Council (SBC) functions delegated to it, as well as a range of advisory functions relating to both Councils.

2.2 The Joint Committee comprises the seven County Councillors representing the seven County Divisions within the Borough, plus seven Borough Councillors appointed on a politically proportionate basis.

2.3 The first Joint Committee meeting was held in January 2017. Since then, there have been 19 meetings of the Spelthorne Joint Committee. It is worth noting that 46% of the business transacted at those meetings dealt with highways, infrastructure, and parking matters. The main SBC function dealt with by the Joint Committee has been Community Infrastructure Levy funding.

Withdrawal of functions by SCC

2.4 The Council will be aware that SCC's Cabinet decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Spelthorne Joint Committee, and other Joint Committees and Local Committees in Surrey, to County Officers, in consultation with relevant Divisional Members. These changes took effect from 1 April 2022 and sit alongside the development of new engagement methods and tools. It is SCC's view that these changes will enable members and officers to reach out more effectively to residents.

2.5 At its Annual Meeting on 24 May 2022, SCC noted a number of consequential changes to the Spelthorne Joint Committee Constitution to omit from its terms of reference all executive highway functions (including on-street parking) and agreed that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county shall hold those offices only until 31 October 2022.

2.6 On 27 September 2022, the Leader of SCC made a decision to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022. The amended Spelthorne Joint Committee Constitution following this decision is attached as **Appendix A**.

2.7 At the SCC meeting on 11 October 2022, formal approval was given to cease all the Local Committees with effect from 31 October 2022, to serve notice of SCC's intention to withdraw from all of the Joint Committees (the notice to expire on or before 30 April 2023), and to transfer their non-executive functions relating to Public Rights of Way from all the Local and Joint Committees back to the County's own local governance arrangements. That notice has been received.

2.8 This report asks the Council to consider its position in light of these changes.

3. Options analysis and proposal

3.1 The effect of the decisions taken by SCC means that the Spelthorne Joint Committee now has no SCC functions delegated to it, and its remit only comprises the very limited number of SBC non-executive and advisory functions. On or before 30 April 2023, the Spelthorne Joint Committee will

cease to exist, although it is arguable that the Joint Committee cannot now be considered to be a “joint committee” where one of the two parties has withdrawn all of its functions. If it were to continue until 30 April 2023, this Council would have to manage meetings of the Joint Committee.

3.2 **Option 1 (recommended)**

In light of the decisions taken by SCC outlined above, Standards Committee is asked to recommend Council at its meeting on 23 February 2023 to transfer the existing council, delegated and advisory functions currently within the remit of the Joint Committee (**pages 3-4 of Appendix A**) back to this Council.

3.3 If the Council agree to this action, then the Joint Committee will effectively be dissolved as of 23 February 2023 (rather than April) as it would have no functions delegated to it.

3.4 The only council function delegated by SBC to the Joint Committee which requires a Council decision as to which Committee should be delegated the function in the Borough Council’s Constitution is:

‘Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended.’

3.5 A meeting of the CIL Task Group held on 21 December 2022 agreed that due to the strategic nature of CIL spending on infrastructure and the relationship with planning and the Local Plan, responsibility for considering all CIL allocation proposals should lie with Environment and Sustainability Committee.

3.6 Members proposed that where significantly large sums of monies are being committed, and on schemes which carry a degree of complexity that Corporate Policy and Resources Committee should be responsible for decision making, and that the decision as to which Committee should decide any particular CIL allocation would lie with the CIL Task Group.

3.7 The proposed changes to Terms of Reference (Part 3a of the Constitution) of both Environment and Sustainability and Corporate Policy and Resources Committees are attached at **Appendix B.**

3.8 Subject to Council approval to the proposed delegation of CIL functions, the Environment and Sustainability Committee will need to establish the Community Infrastructure Levy Task Group (including its membership and Terms of Reference) at its first subsequent meeting (currently scheduled for 14 March 2023).

3.9 The previous delegated and advisory functions of the Joint Committee will be absorbed by Council (in relation to the community strategy) or the Committee which has responsibility for the relevant service area (advisory functions (i) to (xii), without the need to amend the Borough Council’s Constitution.

3.10 In terms of advisory function (v) of the Joint Committee Constitution i.e., ‘Monitor the quality of services provided locally and recommend action as appropriate’; all the Borough Council Service Committees have responsibility for their particular service areas, to ‘review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.’

3.11 **Option 2**

3.12 The Council could decide alternative arrangements for the delegation of CIL functions to Committees.

3.13 **Option 3**

The Council could decide not to withdraw SBC functions from February and to continue with the Joint Committee arrangement with SCC until the expiry of the six months' notice given by SCC (not beyond 30 April 2023).

4. Financial implications

4.1 It is not anticipated that continuing with a Joint Committee or withdrawal from it will have any significant financial implications for the Council. If the operation of the Joint Committee was terminated, there would be a small saving on a special responsibility allowance in respect of the Vice-Chairman of the Joint Committee (as set out in the current scheme of allowances for councillors).

5. Risk considerations

5.1 If the Council fails to determine by 30 April 2023 where the executive function relating to CIL spend, previously delegated to the Joint Committee, will sit in the Borough Council's Committee structure, it risks a delay on allocation of CIL funds to infrastructure projects in its communities.

6. Procurement considerations

6.1 There are no procurement considerations applicable to this report.

7. Legal considerations

7.1 Under arrangements for any joint committee between two local authorities, it is implicit that any executive or non-executive functions delegated to a joint committee by one authority can be unilaterally withdrawn by that authority. SCC has exercised its right to withdraw all of its functions from all Joint Committees and Local Committees in the county and has agreed to give six months' notice under the terms of the Joint Committee's Constitution of its wish to withdraw from the Joint Committee.

7.2 If the Council agree to withdraw SBC's non-executive functions, the Joint Committee will effectively be dissolved at that point, without the need to wait for the expiry of the six months' notice referred to above.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 There are no equality and diversity impacts a rising from this report.

10. Sustainability/Climate Change Implications

10.1 This report has no effect on sustainability/climate change issues.

11. Timetable for implementation

11.1 Subject to Councill approval on 23 February 2023, the recommendations will take effect immediately.

12. Contact

12.1 Farida Hussain, f.hussain@spelthorne.gov.uk

Background papers: There are none.

Appendices:
Appendix A – Spelthorne Joint Committee updated 11 October 2022
Appendix B – Proposed additions to Terms of Reference of Committees

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Council

Thursday 23 February 2023

Title	Disclosure and Barring Service (DBS) Checks for Councillors
Purpose of the report	To make a decision
Report Author	Farida Hussain, Group Head Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	**Council are asked to approve the recommendation from the Standards Committee to:** 1. Note the new grounds for disqualification from being elected to, or being a member of, a local authority that have been introduced by the Local Government (Disqualification) Act 2022 as set out in Appendix A; and a) Approve the introduction of Basic Disclosure and Barring Service checks (DBS) for all councillors; b) Agree to adopt the DBS Checks for Members Protocol for inclusion in the Council's Constitution at Appendix B; and c) Agree to delegate to the Monitoring Officer to make the necessary amendments to the terms of reference of the Standards Committee, to include the resolution of issues concerning the discharge of members' roles in light of DBS check responses.
Reason for Recommendation	Following the introduction of the Local Government (Disqualification) Act 2022 ("the 2022 Act"), additional disqualification criteria have been added that disqualifies individuals from being elected to or holding certain positions in local government in England.

	There is currently no statutory requirement or policy in place for DBS checks for councillors. In order to formalise the requirement for DBS checks to be carried out by for councillors, it is necessary to make amendments to the Constitution. There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction/s.

1. Summary of the report

1.1 The report sets out the changes to disqualification criteria introduced by the 2022 Act and also sets out relevant DBS legislation, guidance, and practice in other areas. It further outlines the level of DBS checks that could legally be carried out in relation to Spelthorne Councillors. It seeks agreement to the proposed approach for Spelthorne Councillors to undertake Basic Disclosure and Barring Service checks. This matter was considered by the Standards Committee on 16th February 2023.

2. Key issues

2.1 The requirement for councillors to undertake DBS checks was proposed by the former and current lead councillor for safeguarding Cllr S Doran and Cllr M Attewell at recent Spelthorne Strategic Safeguarding Board meetings.

2.2 There is no legal requirement for councillors to undertake DBS checks, however candidates for election to local government must declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination. It is a criminal offence to make a false statement on nomination papers.

2.3 The 2022 Act, which came into force on 28 June 2022, introduces new grounds on which a person is disqualified from being elected to, or holding, certain positions in local government in England, including the position of councillor. This new disqualification criteria explicitly disqualifies individuals who are subject to the relevant notification requirements or orders due to sexual offences from standing or remaining in office. The new disqualification criteria are set out in more detail in Appendix A to this report.

Levels of DBS checks that can be applied for from the DBS

2.4 **Basic disclosure check** – shows any `unspent convictions' a person may have in the UK. (An unspent conviction is a conviction that a person is still in the rehabilitation process for will stay on their record. This is predetermined according to the nature of the crime). A basic disclosure shows a conviction record at a point in time, so there is no set time that it lasts for. Individuals can apply for a Basic Disclosure themselves.

2.5 **Standard disclosure check –** checks for spent and unspent convictions, cautions, reprimands, and final warnings.

2.6 **Enhanced check** – this includes the same as the standard check plus any additional information held by local police that is reasonably considered relevant to the role being applied for.

2.7 **Enhanced with barred list checks**, this is like the enhanced check, but includes a check of the DBS barred lists. An employer can only ask for a barred list check for specific roles. It's a criminal offence to ask for a check for any other roles.

The level of DBS check that can be submitted for a Councillor depends on the role that is being carried out and is based on whether **"Regulated activity"** as set out by the Safeguarding Vulnerable Groups Act 2006 ("SVGA") is being undertaken. In summary these relate to certain types of activities and interactions with children and vulnerable groups.

DBS and Council Members

2.8 The definition of Regulated Activity from the SVGA outlines that a Member or co-optee will be undertaking regulated activity if they:

(a) discharge, as a result of their membership, any education or social services functions of the Council;

(b) are a Cabinet Member (and the cabinet discharges education and social services functions);

are a member of a committee of the Cabinet

or

(c) they are a member of a committee of the Council which discharges education or social services functions.

2.9 There is no unified approach to councillor DBS checks nationally. None of the Surrey Boroughs and Districts require their councillors to undertake a DBS check. Surrey County Council require their councillors to have enhanced DBS checks as some of their councillors are responsible for education and social services functions.

Spelthorne Councillors

2.10 The duties of Spelthorne Councillors mean that a standard or enhanced DBS check cannot legally be undertaken. Spelthorne Councillors could however be required to undertake a **Basic DBS check as a requirement under DBS Checks for Members Protocol.** This protocol will be included in the Council's Constitution at Part 5 Codes and Protocols.

2.11 Upon election councillors would be asked to apply online for a basic Disclosure and Barring Service (DBS) check. They would receive a copy of their record including any criminal records. The check will only show convictions that are not `spent', for example some types of caution will disappear after 3 months. It usually takes up to 14 days for the certificate to arrive. In order to apply the member will need to provide:

i. Addresses for the last 5 years and dates lived there

ii. National Insurance number

iii. Passport

iv. Driving licence

2.12 Other practicalities include:

i. The online service is available from 8am to 11.30pm

ii. The councillor will need to pay for the basic DBS check at the time of application with a debit or credit card or by Google Pay or Apple Pay. The councillor would then claim the money back from Spelthorne Borough Council (SBC).

iii. It is possible for SBC to pay the fee, but this would have to be done within 10 days of the application, which could create unnecessary pressure on officers and creates a practicality issue due to the availability of corporate credit cards.

iv. Committee Services would view the DBS certificate and record that this has been done. If convictions are visible a decision would be made in accordance with the legislative guidance with a referral to the Monitoring Officer to consider if any adverse entries should be considered by the Standards Committee.

2.13 If a councillor has a basic DBS check this will only cover their role as a councillor. Any role outside of the council involving work with children or adults at risk will require an additional check to be undertaken by the agency they work or volunteer for (if applicable).

3. Options analysis and proposal

3.1 It is proposed that upon election Members immediately apply for a Basic DBS check within 14 days of being elected and submit the certificate to Committee Services within a further 14 day period of receipt.

i. **Positive points of this proposal**

a. This will ensure that SBC are aware of convictions which affect the suitability of the councillor to work in a public domain/bring the council into disrepute.

b. The proposal provides added assurance that the Council is committed to promoting high standards.

ii. **Negative points of this proposal**

It will require Committee Services officer time to instruct councillors, to view the DBS certificates, keep records and reimburse the councillors. If convictions are identified, it may require legal advice and committee time. There will also be an impact on councillor time to submit the information required.

Some councillors may consider that this is an invasion of privacy.

Some councillors may struggle to apply online if they have limited IT skills however IT assistance may be provided.

There will be a financial cost to the council, and this will be an ongoing cost if the DBS checks are undertaken every four years. (see Finance implications)

3.2 The other option is to remain with the current position of not asking councillors to apply for a Basic DBS check.

i. **Positive points of this proposal**

There will be no impact on officer or councillor time

There will be no financial impact

ii. **Negative points of this proposal**

Councillors may have criminal convictions that have not been declared which may potentially put the public at risk.

The Council may be brought into disrepute if convictions are identified after a councillor has been elected.

4. Financial implications

4.1 The current cost of a Basic DBS check is £23. There are 39 councillors. This would cost the council £897.00 every four years. There will be additional costs if new councillors are elected following casual vacancies. There are also the hidden costs of staff time connected with viewing certificates, recording and reimbursement. There will be additional staff costs if legal advice is required.

5. Risk considerations

5.1 There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction.

6. Procurement considerations

There are no procurement considerations

7. Legal considerations

7.1 The legal implications are set out in the report.

8. Other considerations

8.1 There are no other considerations

9. Equality and Diversity

9.1 There are no impacts on equality and diversity

10. Sustainability/Climate Change Implications

10.1 There are no impacts on sustainability or climate change issues.

11. Timetable for implementation

11.1 If a decision is made to approve the proposal. Information will be sent out by Committee Services prior to the candidate nominations deadline on 4th April 2023 to ensure that candidates know what will be expected of them upon election.

12. Contact

12.1 Farida Hussain, Monitoring Officer - f.hussain@spelthorne.gov.uk

Background papers: There are none.

Appendices

Appendix A – Local Government (Disqualification Act) 2022
Appendix B - Disclosure and Barring Services Checks For Members Protocol

APPENDIX A – LOCAL GOVERNMENT (DISQUALIFICATION ACT) 2022

1. Background and Context

1.1 In 2017 the Government consulted on proposals to update the disqualification criteria for councillors, London Assembly members and elected mayors to bring them into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them. In October 2018 the government issued a summary of responses to that consultation and gave a commitment to seek to legislate to ensure that the disqualification criteria would be amended to also include individuals who are subject to either the notification requirements set out in the Sexual Offences Act 2003 (commonly known as 'being placed on the sex offenders register') or a Sexual Risk Order made under section 122A of the Sexual Offences Act 2003.

1.2 The 2022 Act gives effect to the Government's commitment to legislate in this area. It expands the new disqualification criteria beyond the offences consulted upon in 2017 to ensure that they are specific and comprehensive in disqualifying individuals subject to the relevant notification requirements or relevant orders imposed in respect of sexual offences, and includes the territorial equivalents of such notification requirements and orders in the devolved nations (and the Isle of Man and Channel Islands) in the event that someone subject to such territorial equivalents subsequently stands for elected office in England.

2 The New Disqualification

2.1 The 2022 Act introduces a new disqualification, inserted as Section 81A of the Local Government Act 1972. Under that section a person is disqualified from being elected to, or being a member of, a local authority in England if the person is subject to:

a) any relevant notification requirements, or
b) a relevant order.

2.2 "Relevant notification requirements" means the notification requirements of Part 2 of the Sexual Offences Act 2003 (or equivalent requirements applying in the Channel Islands or the Isle of Man).

2.3 "Relevant order" means:
a) a sexual harm prevention order under section 345 of the Sentencing Code;
b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
c) a sexual offences prevention order under section 104 of that Act;
d) a sexual risk order under section 122A of that Act;
e) a risk of sexual harm order under section 123 of that Act; or
f) certain equivalent legislation to the above applying in the devolved nations, the Channel Islands or the Isle of Man.

2.4 A person who is subject to any relevant notification requirements referred to at paragraph 2.2 above is not to be regarded as disqualified until:
a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in

respect of which the person is subject to the relevant notification requirements, or
b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

2.5 Similarly, a person who is subject to a relevant order referred to at paragraph 2.3 above is not to be regarded as disqualified until:
a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

2.6 The disqualification introduced by the 2022 Act does not operate retrospectively. Therefore, it does not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force on 28 June 2022.

2.7 Consequential changes to the rules for administering elections have also been made (either by the 2022 Act itself or under secondary legislation), including to the prescribed consent to nomination form. Candidates are now required to declare when standing that they are not disqualified under the newly inserted Section 81A of the Local Government Act 1972.

2.8 The DBS is a non-departmental public body, sponsored by the Home Office which provides access to criminal records and other relevant information for organisations in England and Wales. DBS checks provide a controlled and regulated route for assurance in relation to a person's criminal convictions and cautions where this is required. DBS is also responsible for investigating safeguarding concerns and maintaining the barred lists for Children and Adults (these are the statutory lists containing details of people considered unsuitable to work with children and /or adults).

APPENDIX B – DISCLOSURE AND BARRING SERVICE CHECKS FOR MEMBERS PROTOCOL

1. The effective date of commencement for this protocol is 4th May 2023.

2. This Protocol complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service ("DBS") Code of Practice.

3. This Protocol replaces all previous policies, decisions and/or precedents relating to criminal records checks for Spelthorne Borough Councillors and co-opted members.

General Principles

4. As the Council has a duty to protect the most vulnerable residents, this Protocol requires all councillors to undergo basic level DBS checks.

5. For certain Member appointments a higher level of check may be required. In those instances, the councillor will be advised.

The Process

6. All newly elected councillors shall be required to undergo a basic DBS check.

7. Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check. The cost of this check may be claimed as a councillor expense.

8. Within 14 days of receipt of the DBS certificate, the relevant councillor or co-opted member will show the original certificate to a member of Committee Services and a copy of the certificate shall be retained. Where a check is not clear, for instance, it contains details of an offence, a copy of the DBS certificate shall be referred to the Monitoring Officer, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 14 days following the outcome of the dispute.

9. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a 'list' of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

10. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

11. Copies of the DBS certificate shall be destroyed securely at the end of the councillor's term of office.

The Use of Disclosure Information

12. The existence of a criminal record or other information revealed as a result of a DBS check will not automatically debar a Councillor from holding office.

13. In the event that the disclosure information received raises issues of concern, the Monitoring Officer in consultation with the relevant Group Leader, will then discuss with the individual Councillor the restrictions considered necessary, to safeguard members of the public.

14. In the event that any issues arising from DBS checks are of such significant concern that they can not be resolved by the actions in paragraph 13 above or the councillor in question is a Group Leader, the Monitoring Officer shall refer the matter to the Standards Committee for consideration.

15. This Protocol will be reviewed every two years and updated as and when required as a result of changes in the law.

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Council

23 February 2023

Title	Member Induction Programme 2023
Purpose of the report	To make a decision
Report Author	Matthew Williams, Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	
Corporate Priority	Service delivery
Recommendations	**Council is asked to approve the recommendation from the Standards Committee to:** **Approve the proposed Member's Induction Programme for 2023.** **Authorise the Group Head of Corporate Governance to make changes to the Programme to reflect any necessary amendments.** **Authorise the Monitoring Officer to amend the Members' Code of Conduct in accordance with Appendix C.**
Reason for Recommendation	**Following the elections in May 2023 it will be necessary to provide an Induction to new and re-elected councillors.**

1. Summary of the report

1.1 This report seeks to outline a proposed Induction Programme aimed at providing new Members with a comprehensive training schedule while also remaining relevant to any re-elected members. This matter was considered by the Standards Committee on 16th February 2023.

2. Key issues

2.1 The Draft Induction Programme 2023 has been put together based on the induction training offered in 2019, the feedback from that training, and suggestions from members. The training has also been reviewed to ensure that it addresses recommendations from the Corporate Peer Review.

2.2 As with 2019, the preferred format for the Induction was to have it delivered by officers and external professional trainers, to include input from experienced members where appropriate.

2.3 The Induction Programme aims to deliver the essential training for new members and refresher training for any re-elected members.

2.4 Further development workshops and seminars can be arranged following completion of the Induction Programme but that is beyond the scope of this report.

2.5 Additional resources have been sourced through the Local Government Association (LGA) including workbooks and e-learning.

3. Options analysis and proposal

3.1 Option 1: Approve the proposed Induction Programme and expenditure not exceeding £20,000 for external training providers. Early approval of the programme would mean it could be distributed to all candidates ahead of the election to ensure they are aware of the training commitment.

Option 2: Do nothing. This is not recommended as it will lead to there being no plan for providing training to new members.

Option 3: Create an alternative Induction Programme.

4. Financial implications

4.1 A budget of £20,000 has been set aside for delivery of the Induction Programme and ongoing member development.

4.2 The anticipated cost is outlined below and does provide room for additional training beyond the core Induction Programme.

4.3 External Trainers, based on the 2019 programme and with input from relevant departments, have been approached to secure quotes (Appendix B).

4.4 The LGA have advised they feel given Spelthorne's unique political make-up it would be beneficial to have two member peers, from different political parties, presenting the training.

4.5 A request from current members to include a session on determining the strategic direction of the Council has been added to the draft programme and a suitable trainer is currently being sourced.

5. Risk considerations

5.1 Consulted with Punita Talwar on 29/11/2022.

5.2 If members do not attend/join training sessions this may lead to reduced insight of the Council's operations, as well as a lack of comprehensive understanding of member roles, responsibilities and expected standards of conduct, possibly resulting in sub-optimal decisions that reduce value to the local taxpayer and communities served in delivering corporate priorities.

5.3 To mitigate the risk identified in 5.2 we would aim to make the training sessions as accessible as possible, including exploring the option of being able to join remotely. Sessions held in the Council Chamber could also be recorded. Early publication of the dates of the mandatory sessions would ensure members are aware of the dates and times they are expected to attend and should aid with forward planning.

5.4 Failure to follow up on non-attendance to training sessions, the risk identified in paragraph 5.2 may prevail. To mitigate this, attendance at all training sessions will be monitored and be made publicly available via the Spelthorne Council Website. Non-attendance at mandatory sessions will be followed up with the individual member(s) and where necessary appropriate action taken. It is proposed that the Member's Code of Conduct is amended in accordance with Appendix C to ensure that members do not participate in any committee meetings until the relevant mandatory training has been completed.

5.5 Should the training not be adequately delivered, conveyed or understood, then the risk identified in paragraph 5.2 may prevail. To mitigate this, feedback on all training sessions will be requested and monitored on a regular basis. Where members identify that training was insufficient, further session(s) can be arranged.

6. Procurement considerations

6.1 Procurement authorised Committee Services to get quotes for external trainers and refreshments.

7. Legal considerations

7.1 Report sent to Legal on 29/11/22

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 Equality, Diversity and Inclusivity training would be offered as part of the training sessions to allow members to consider these factors in their roles and decision-making.

9.2 Accommodations would be made for members to ensure they are able to participate fully in the training sessions.

10. Sustainability/Climate Change Implications

10.1 By offering training sessions as a hybrid option, we can reduce the need for Members and Trainers to travel to the Council offices.

11. Timetable for implementation

11.1 MAT 13 December 2022.

11.2 Standards Committee 16 February 2023.

11.3 Council 23 February 2023.

11.4 The Induction Programme would then be implemented immediately following the Elections on 4 May 2023.

12. Contact

12.1 Committee Services committeeservices@spelthorne.gov.uk

Background papers: There are none.

Appendices:
Appendix A: Draft Induction Programme 2023

Appendix B (Exempt): List of Training Providers and Quotes

Appendix C – Amendments to Member's Code of Conduct

Amendments to Member's Code of Conduct

The following is to be added as 8.1.1

"I shall not participate in any Committee meeting until I have completed the relevant mandatory training."

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