

To:
All members of the
Council

Please reply to:
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Service: Committee Services
Direct line: 01784 446240
E-mail: g.scott@spelthorne.gov.uk
Date: 4 December 2020

Supplementary Agenda

Council - Thursday, 10 December 2020

Dear Councillor,

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Thursday, 10 December 2020:

- | | | |
|------------|---|----------------|
| 10. | Changing to a Committee system of governance - update | 5 - 18 |
| | To receive an update report from the Constitution Review Task Group on progress with arrangements for changing to a Committee system of governance. | |
| 12. | Recommendations of the Cabinet | |
| | To consider the recommendations of the Cabinet in relation to the following items, from its meeting held on 3 December 2020. | |
| c) | Capital Monitoring Quarter 2 | 19 - 20 |
| 14. | Report from the Leader of the Council | 21 - 22 |
| | To receive the reports from the Leader of the Council on the work of the Cabinet at its meeting held on 3 December 2020. | |
| 20. | General questions | 23 - 24 |
| | The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 15. | |

Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 3 December 2020.

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Staines-upon-Thames TW18 1XB

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At the time of the publication of this agenda, two questions were received (below). A further five questions were received by the deadline and are attached.

Question from Councillor Ian Harvey

“Can the Leader please confirm that all matters are on track for the transition to the Committee System, as per Council Resolution of 30th July, and that this will indeed come into effect from the Annual Council Meeting in May 2021? If not can he please explain why not?”

Question from Councillor Richard Barratt

“Evidence has been provided to me that a Councillor and others have potentially breached environmental rules in that they used land at Napper's Paddock Wheatsheaf Lane for which they are responsible to store trade waste and rubbish to the detriment of the local environment. When directed to remove it by council officers they chose to burn it on two occasions (10th and 13th November 2020) causing pollution, explosions, risk to the wildlife and environment leading to the unnecessary call out of the Surrey Fire brigade.

Local residents are deeply concerned at this alleged action by a local councillor and have complained. Apparently, the action was aggravated by alleged claims told to the fire brigade claiming they had an environmental licence to burn the waste.

1. Does the leader consider that this action is in breach of the policy recently issued by Spelthorne Borough Council declaring a climate emergency?
2. Does the leader consider this has brought the council into disrepute?
3. Does the council condone such behaviour by a serving borough councillor?
4. What action does the council intend to take, bearing in mind the unnecessary additional cost to the fire brigade and the environmental catastrophe that occurred, due to the actions of this councillor?”

Yours sincerely

Gill Scott
Committee Services

To the members of the Council

Councillors:

C.F. Barnard (Mayor)
M.M. Attewell
C.L. Barratt

S.M. Doran
R.D. Dunn
S.A. Dunn

M.J. Madams
J. McIlroy
A.J. Mitchell

R.O. Barratt
C. Bateson
I.J. Beardsmore
J.R. Boughtflower
A. Brar
S. Buttar
R. Chandler
N.L. Cornes
J.H.J. Doerfel
J.T.F. Doran

T. Fidler
N.J. Gething
M. Gibson
K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
N. Islam
T. Lagden
V.J. Leighton

L. E. Nichols
R.J. Noble
O. Rybinski
D. Saliagopoulos
J.R. Sexton
R.W. Sider BEM
V. Siva
R.A. Smith-Ainsley
B.B. Spoor
J. Vinson

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Council

10 December 2020



Title	Changing to a Committee System
Purpose of the report	To make a decision
Report Author	The Committee System Working Group
Cabinet Member	Not applicable
Confidential	No
Corporate Priority	Not applicable
Recommendations	<p>It is recommended that:</p> <p>the proposed committee system structure (Appendix 1) be approved; and</p> <p>the content of the proposed public consultation questionnaire be approved</p>
Reason for Recommendation	To ensure that the Council can take forward the resolution for a change to the committee system model of governance.

1. Background

At the Council meeting on 30 July 2020, Members approved a motion as the first step of moving to a change in the governance arrangements of the Council.

A move to a committee system of governance has been proposed and (if adopted) this would mean that the decisions which are currently taken by the Cabinet would be taken by a number of Committees.

At the Council meeting of the 22 October 2020, Members agreed the clear objectives they want the new system of governance to achieve:

- Accountability – responsibilities and accountability about who does what should be clear, within the Council and to residents
- Credibility – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals
- Transparency – the decision-making process should be open and transparent to councillors, officers and to the public
- Collaboration - decision making should be collaborative across parties and less combative
- Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision-making

2. The Committee System Working Group

This working group consists of the leaders of all political groups who make up the Council being:

Councillor Ian Beardsmore

Councillor Jan Doerfel

Councillor Joanne Sexton

Councillor John Boughtflower

Councillor Sandra Dunn

Councillor Veena Siva

The working group have met on three occasions in the last few weeks so as to expedite progress with the design stage. The working group has worked collaboratively with the shared intention of improving the Council's model for decision-making and to promote the agreed objectives. Members have also consulted with their own group colleagues as they have moved forward. All working group members agreed the proposed structure and consultation approach and documents.

The working group is working at pace to ensure that the project moves forward so that the changes can be implemented at the Annual Council Meeting in May 2021.

3. Designing a new model

The proposed committee system structure is included as Appendix 1 and shows a model formed of Full Council, 5 main committees and 4 other quasi-judicial / administrative committees.

The role of Full Council (though not an exhaustive list) includes: -

- Approves/adopts the policy framework and the budget/Council Tax
- Appoints the Leader (must be done annually under committee system rather than for 4 years)
- Agrees the Terms of Reference for Committees
- Agrees the cycle of Council and Committee meetings
- Appoints members to Committees
- Adopts and agrees changes to the Constitution
- Considers and determines any matters referred by Council Committees (by exception)

The working group agreed that there should be 5 main committees (the blue boxes on the diagram) based on the key corporate strategic themes rather than the existing groupings of services and functions.

On the structure diagram at Appendix 1, each of the main committees has functions listed below them to give an indication of the purpose of that committee. The functions listed are illustrative only and are not exhaustive. As the working group makes progress on this project and works through the detail and terms of reference for each committee, the allocations of functions will be finalised for Council consideration and it should be noted that some of the listed functions may move to a

different committee. Indeed, even after the new system has been launched, it may be that experience of it working in practice will determine changes to the assignment of functions. It is within the remit of the Council to make any future changes to the terms of reference if required.

The Corporate Policy and Resources Committee will handle cross-cutting issues. It will include the chairs and vice-chairs of the other main committees as well as other councillors. That committee will be chaired by the Leader of the Council.

It was agreed by the working group that there should be 4 other decision-making committees to carry out regulatory/quasi-judicial and administrative functions (the green boxes on the diagram). These will include Planning, Licensing, Audit & Standards and Administrative. The Administrative Committee will cover a mix of other operational and regulatory areas of work as required such as health & safety, constitutional reviews and member support.

All members of the working group strongly advocated that there should be a strong level of overview and scrutiny. It is acknowledged that this is fundamentally important to the successful functioning of local democracy. It must be made clear to residents that these changes are designed to increase overview and scrutiny. In the proposed new structure, there will not be a standalone Overview & Scrutiny Committee (as there is with the current Cabinet system). Instead, each of the 5 main committees will carry out the overview and scrutiny function for its own areas. Overview and scrutiny is often carried out in this way in a committee system as this check and balance is built into the individual committee. This is reflected in the remit for each committee on the diagram at Appendix 1. Any high-profile issues which are currently considered by the Overview & Scrutiny Committee (e.g. Heathrow expansion) will (under the new system) be standing items under the main committees or could be subject of individual Task Groups set up for that specified purpose. Alternatively, joint Task Groups could be set up to look at cross-cutting high-profile issues.

In a committee system a Council is only required to have a scrutiny function for health, flood prevention and crime and disorder. This requirement will be met by the appropriate main committee.

It is recommended that Council approve the proposed new committee structure as at Appendix 1.

4. Public Consultation

The working group agreed that the public consultation should not be on a detailed model but on the principles (the agreed objectives) of the system. This should identify how the residents feel the Council performs currently against the agreed design principles. This will help the working group ensure that the new system addresses any public concerns about how the Council currently operates.

The working group agreed that the public consultation would be in the form of a questionnaire supported by a publicity and information campaign.

The content of the questionnaire (included as Appendix 2) has been agreed by the working group and it is intended that the questionnaire will be launched on 14 December 2020 and will run to 15 January 2021.

The publicity and information campaign will include FAQs, social media content, a press release and an e-News item. Particular attention will be paid to residents who may not be digitally connected. There will be posters on Borough noticeboards and

other locations across the Borough and a Surrey Advertiser article. Residents' groups and other key stakeholders will be provided with information for direct dissemination. Paper copies of the questionnaire with an SAE will also be available for those who contact the Council to request them.

It is recommended that Council approve the proposed content of the questionnaire as at Appendix 2.

5. Timetable for implementation

It is an exceptionally tight timetable in terms of making the changes required to be ready for adoption at the Annual Council Meeting in May 2021. The working group and project team have made sound progress during the design stage.

- 1.1 There is extensive work to be undertaken to implement the new committee structure, install appropriate staffing to support it and make the required amendments to the Council's constitution.
- 1.2 The principal components of the new system need to be agreed prior to a new constitution being developed as the constitution will flow from that agreed structure. The draft constitution will need to set out the format of the new arrangements, any amendments to delegations to officers and the terms of reference for each committee. The terms of reference of each committee and their financial responsibilities are key decisions to make. Amendments to the rules of debate will need to take place. As per the requirements of the Constitution the amendments will be presented to the Members' Code of Conduct Committee for consideration on 17 March 2021.
- 1.3 The required recruitment to the Committee Services Team has been undertaken, with two additional committee managers joining the team in January who will be trained and ready to assist with any new governance system from adoption.
- 1.4 The following timetable sets out key dates:-

Date	Item
Thursday 10 December	Council Meeting: Update on progress. Seek approval of proposed new structure and public consultation content.
Monday 14 December	Public Consultation will start
Monday 14 December	Working Group Meeting: To discuss the constitutional changes and workplan (January – March)
Friday 15 January	Public Consultation will close
Monday 25 January	Working Group Meeting: To consider the results of Public Consultation and any revisions. Constitutional work.

Mondays 8, 15, 22 Feb (as required TBC)	Working Group Meeting
Thursday 25 February	Council Meeting – Update on progress
Monday 15 March	Working Group Meeting: Update in advance of ECM
Wednesday 17 March	Member Code of Conduct Meeting: To consider the proposed changes to the Constitution
Thursday 25 March	Extraordinary Council Meeting: Resolution to amend the Council's governance arrangements
Thursday 1 April	Publication requirements to be fulfilled
Thursday 8 April (AM)	Training for Officers
Thursday 8 April (PM)	Training for all Councillors

Background papers: There are none.

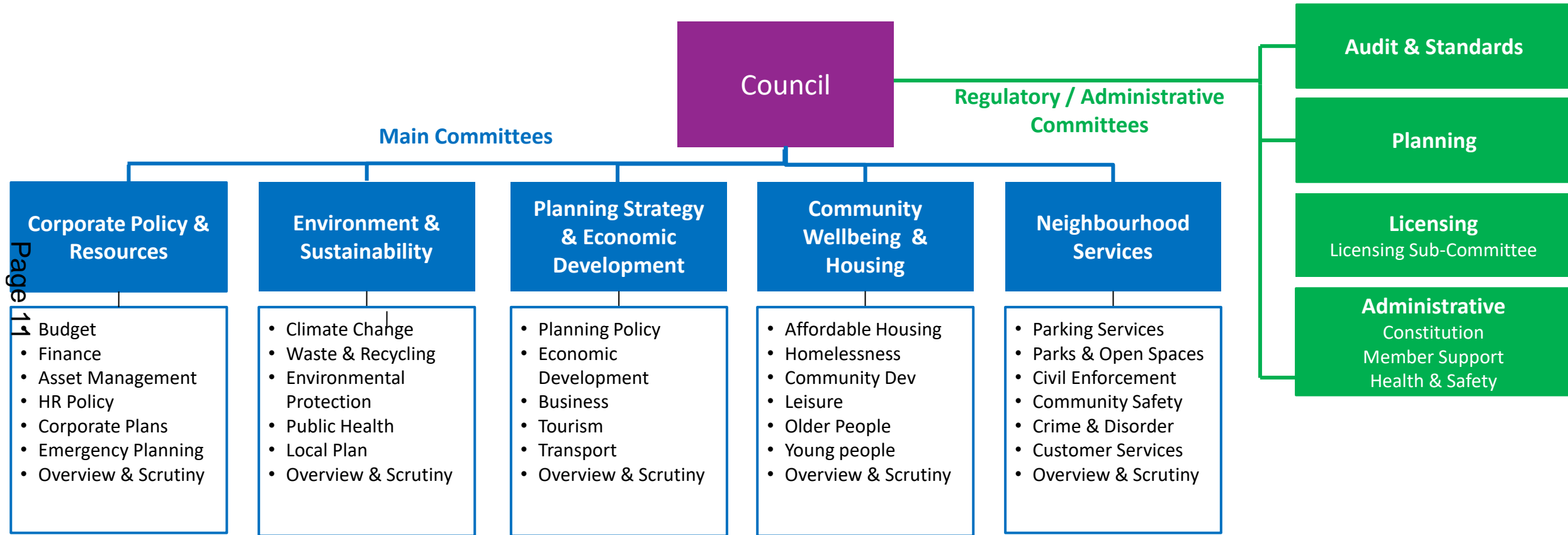
Appendices:

Appendix 1 – Proposed new committee structure

Appendix 2 – Proposed content for public consultation questionnaire

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Appendix 1: Proposed Committees System Structure



Hoey Ainscough Associates Ltd



Association of
Democratic Services
Officers

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Spelthorne Borough Council

Public consultation on new model of governance

What do we have now?

At present the Council operates what is known as the Cabinet model of governance. This means that apart from the decisions which legally have to be taken by the Council, the Licensing Committee and the Planning Committee, all other decisions are taken by the Cabinet which is made up of between 7-9 councillors selected by the Leader.

What is being proposed?

At the Council meeting on 30 July 2020, Spelthorne Borough Council approved a motion as the first step of moving to a change in the governance arrangements of the Council. This means a change in how decisions are made.

What is proposed is a move to a Committee system of governance which means that the decisions which are currently taken by the Cabinet are taken by a number of Committees.

With a Committee system, more of your local councillors will be directly involved in decision making and they will gain expertise in their areas of interest. It is considered to be a more open, democratic, and transparent way of conducting Council business.

Clear objectives

At the Council meeting of the 22 October 2020, the Councillors agreed the clear objectives they want the new system of governance to achieve :

1. **Accountability** – responsibilities and accountability about who does what should be clear, within the Council and to residents
2. **Credibility** – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals
3. **Transparency** – the decision-making process should be open and transparent to councillors, officers and to the public
4. **Collaboration** - decision making should be collaborative across parties and less combative
5. **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision-making

Why are we consulting?

Engagement of the public in local democracy is at the heart of what we want to achieve and we are undertaking a public consultation exercise to ensure we understand the views of local residents and use this information to help us decide if we should move to a Committee system of governance.

Question 1

- a) Do you agree that Spelthorne Borough Council is accountable under the current system of governance?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- b) Do you agree that Spelthorne Borough Council is credible under the current system of governance?

Strongly Agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- c) Do you agree that Spelthorne Borough Council is transparent under the current system of governance?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- d) Do you agree that Spelthorne Borough Council is collaborative under the current system of governance?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- e) Do you agree that Spelthorne Borough Council makes timely decisions under the current system of governance?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

Question 2

Do you agree that the proposal to move to a Committee system of governance would improve the following?

- a) **Accountability**

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- b) **Credibility**

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- c) **Transparency**

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

Comments

- d) **Collaboration**

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

e) Timeliness of decisions

Strongly agree
Agree
Disagree
Strongly disagree
Don't know

Comments

Question 3

How important do you consider the following aspects of Council governance?

a) Accountability

Very important
Fairly important
Important
Slightly important
Not at all important
Don't know

Comments

b) Credibility

Very important
Fairly important
Important
Slightly important
Not at all important
Don't know

Comments

c) Transparency

Very important
Fairly important
Important
Slightly important
Not at all important
Don't know

Comments

d) Collaboration

Very important
Fairly important
Important
Slightly important
Not at all important
Don't know

e) Timeliness of decisions

- Very important
- Fairly important
- Important
- Slightly important
- Not at all important
- Don't know

Comments

Question 4

Would you like to make any further comments or suggestions about the proposed change?

Thank you for taking part in this consultation.

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Recommendation of the Cabinet

Cabinet meeting held on 3 December 2020

1. Capital Monitoring Quarter 2

- 1.1. We considered a report on the Capital programme 2020-2025, monitoring of Capital expenditure and the estimated Capital outturn and noted the current level of spend.
- 1.2. We agreed the request to recommend Council a supplementary Capital estimate of £40,000 for a replacement minibus which is needed for the OPAL group as there is excessive wear and tear on the existing minibus. We agreed the proposal to fund this from the Revenue Budget via a Revenue Contribution to Capital.
- 1.3. We also recommended Council to agree that £15.730m shown as 'Future Development Projects' for 2020/21, is vired to the individual schemes as originally allocated, but which were redacted for commercial reasons.
- 1.4. **Cabinet recommends that Council approves:**
 1. **a Supplementary Capital Estimate of £40,000 for a replacement minibus to be funded from Revenue Reserves; and**
 2. **the amount of £15,730,000 to be allocated by virement from Future Development Projects to the individual Development Projects in 2020/21.**

Councillor John Boughtflower
Leader of the Council

10 December 2020

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Report from the Leader of the Council on the work of the Cabinet

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main business considered by the Cabinet at its meeting held on 3 December 2020. One further item considered at this meeting on the Capital Monitoring report included recommendations to Council and has been dealt with earlier on this agenda.

1. Adverse Weather Plan

- 1.1 We considered and agreed to adopt the Adverse Weather Plan in order to simplify decision making and response requirements at the time of an adverse weather event through a commonly agreed, understood and co-ordinated approach.

2. Sandbag Distribution Policy

- 2.1 We considered and agreed to adopt the Sandbag Distribution Policy to provide a clear and achievable strategy for supporting the local community, in relation to sandbags, in a flood event.

3. Safeguarding Children and Adults at Risk Policy

- 3.1 We considered and approved the Safeguarding Children and Adults at Risk Policy 2020-22 to meet the Council's statutory obligations to safeguard children and adults at risk. We also agreed to delegate authority to the Portfolio Holder and the Designated Strategic Lead for Safeguarding, to make any minor amendments to the policy as will inevitably occur.

4. Framework Agreements

- 4.1 We considered and agreed two reports to establish framework agreements for professional services and construction contractors to facilitate the successful delivery of the Council's property and development project pipeline. The use of bespoke Council framework agreements provides a long term, compliant services appointment, with the ability to demonstrate value for money and improve social value.
- 4.2 We also approved the named providers under each framework as set out in a confidential appendix to the report.

Councillor John Boughtflower
Leader of the Council

10 December 2020

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Council – 10 December 2020

Item 20 - General Questions supplement

3. Question from Councillor Ian Harvey

“Can the Leader please confirm that his administration remains implacably opposed to a single Surrey Unitary Authority which would result in the dissolution of Spelthorne and the potential loss of income, services and assets to this Borough. I ask this due to the very close links between his administration and that of Surrey County Council, at the highest levels, who are known to still be pursuing the Single Unitary Surrey plan. A simple “Yes we remain opposed” or “No we are not opposed” will suffice.

4. Question from Councillor Ian Harvey

“In an article in the 25 October 2020 edition of the Observer newspaper LibDem Member Cllr Lawrence Nichols described Spelthorne as a “rotten Borough”. Regardless of whether you accept the Wikipedia or the Blackadder definitions of “rotten Borough” most people will interpret this as an extremely derogatory insult on both those democratically elected in Spelthorne, including our MP, and also Officers and all residents of the Borough. Does the Leader agree with Cllr Nichols, and if he agrees with him, how does he feel about leading a “Rotten Borough”?”

5. Question from Councillor Ian Harvey

“Can the Leader please advise with regard to Community Infrastructure Levy, since 26th June 2020:

- The sums paid out
- The sums formally committed to projects
- Projects and sums currently under consideration but not yet formalised

6. Question from Councillor Ian Harvey

“The Leader is to be congratulated on surviving for almost six months. Could he please enumerate what he believes his administration’s significant tangible achievements have been in this period?”

7. Question from Councillor Bernie Spoor

“Would the Portfolio Holder for Planning agree that as the Bugle Nurseries site has had two applications rejected by the Planning Committee on the grounds of green belt, but the local community want the development to go ahead as it clears the industrial use and mess currently there. And

given that any submission to the Secretary of State is rejected would the Portfolio holder ensure that the enforcement team, or whoever is best suited, at SBC take action by instructing the owners, Angle Properties, to return the site to as near as possible its Green Belt appearance?”