

Public



**Spelthorne
Borough Council**

Council Meeting
Thursday, 14 December 2017



6 December 2017

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held in the **Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 14 December 2017** commencing at **7.30 pm** for the transaction of the following business.

A handwritten signature in black ink, appearing to read 'Daniel Mouawad', is written over a faint, light-colored background.

Daniel Mouawad
Chief Executive

Councillors are encouraged to wear their badge of past office at the Council meeting.

For those Councillors wishing to participate, prayers will be said in the Leader's office starting at 7pm.

AGENDA

Description	Page nos.
1. Apologies for absence To receive any apologies for non-attendance.	
2. Minutes To confirm as a correct record the minutes of the Council meeting held on 19 October 2017.	5 - 10
3. Disclosures of Interest To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.	
4. Announcements from the Mayor To receive any announcements from the Mayor.	
5. Announcements from the Leader To receive any announcements from the Leader.	
6. Announcements from the Chief Executive To receive any announcements from the Chief Executive.	
7. Questions from members of the public The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 14. <i>Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 7 December 2017.</i>	
8. Petitions To receive any petitions from members of the public.	
9. Recommendations of the Cabinet To consider the recommendations of the Cabinet on the following matters, from its meeting held on 12 December 2017.	To be tabled
a) Calendar of meetings 2018-2019	
b) Supplementary Capital Programme Provision for Asset Acquisitions	
10. Annual Report on Complaints to the Local Government Ombudsman To note the annual report of the Local Government Ombudsman on complaints made in the 2016/17 financial year.	11 - 22

- 11. Report from the Leader of the Council**
To receive the report from the Leader of the Council on the work of the Cabinet at its meetings held on 22 November 2017 (attached) and 12 December 2017 (to follow). 23 - 24
- 12. Report from the Chairman of the Overview and Scrutiny Committee**
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of his Committee. 25 - 26
- 13. Report from the Chairman of the Planning Committee**
To receive the reports from the Chairman of the Planning Committee on the work of his Committee at its meetings held on 15 November 2017 (attached) and 13 December 2017 (to follow). 27 - 28
- 14. Motions**
To receive any motions from Councillors in accordance with Standing Order 19.
- Note: The deadline for motions to be considered at this meeting was Monday 4 December 2017 and none were received.*
- 15. Questions on Ward Issues**
The Leader, or his nominee, to answer questions from Councillors on issues in their Wards, in accordance with Standing Order 15.
- Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 7 December 2017.*
- 16. General questions**
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 7 December 2017.*
- The following question has been received from Councillor Q.R. Edgington:
- “Has the Leader had any recent discussions or meetings with any of the Surrey District Council Leaders regarding re-organisation of Local Government in Surrey?”

MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 19 October 2017 at 7.30 pm

Present:

Councillors:

M.M. Attewell	M.P.C. Francis	J.M. Pinkerton OBE (Deputy Mayor)
C.B. Barnard	A.E. Friday	O. Rybinski
R.O. Barratt	N.J. Gething	A. Sapunovas
I.J. Beardsmore	A.C. Harman (Deputy Leader)	J.R. Sexton
J.R. Boughtflower	I.T.E. Harvey (Leader)	R.W. Sider BEM
S.J. Burkmar	N. Islam	R.A. Smith-Ainsley
S. Capes	A.T. Jones	B.B. Spoor
C.A. Davis	J.G. Kavanagh	H.A. Thomson
S.M. Doran	M.J. Madams	H.R.D. Williams
S.A. Dunn	A.J. Mitchell	
Q.R. Edgington	S.C. Mooney	

The Mayor, Councillor V.J. Leighton, in the Chair

Apologies:

Apologies were received from Councillors T.J.M. Evans, K. Flurry, P.C. Forbes-Forsyth, D. Patel and D. Saliagopoulos and Mr Murray Litvak, Chairman of the Members' Code of Conduct Committee

564/17 Minutes

The minutes of the Council meeting held on 20 July 2017 and the Extraordinary Council meeting held on 21 August 2017 were agreed as correct records.

565/17 Disclosures of Interest

There were no disclosures of interest.

566/17 Announcements from the Mayor

The Mayor announced two upcoming events:

- Wednesday, 29th November Civic Reception for the Business Sector at St James School, Ashford from 6-8pm, with guest speaker Sir Peter Bonfield.

- Friday, 19th January Wine Tasting & Quiz event at the Holiday Inn, Shepperton.

567/17 Announcements from the Leader

The Leader made the following announcements:

I am pleased to have this opportunity to tell you some good news about recent Council successes.

Shepperton has been named as the most courteous town in the UK by officials from the National Campaign for Courtesy, a UK registered charity that stands for and promotes good manners, respect and courtesy for all. The award will be presented to Cllr Sider at a ceremony on 21 October.

In line with our ongoing programme of investment in properties which generate sustainable revenue streams, I am pleased to announce the purchase of two further commercial properties since our last Council meeting: an office development in Stockley Park, Uxbridge; and the 'World Business Centre 4' office development at Heathrow. We also completed the purchase of Benwell House in Sunbury, a site outside the Green Belt, which is set to be converted into much needed housing for the Borough.

Improvements have been made to Edinburgh Drive in Staines-upon-Thames as part of a £200,000 project, jointly funded by Spelthorne and Surrey County Council, to improve four shopping parades in the Borough. We think the changes help demonstrate our commitment to invest in Spelthorne and support the small businesses that residents rely on.

Events that have taken place include the annual Junior Citizen Event attended by 1000 year-6 pupils; 'Living Well Week' promoting the activities and services available to help older people improve their health; 'Spelthorne Skills and Careers Fair' opened by Kwasi Kwarteng MP, the biggest we've ever held; and Spelthorne Sports Awards where awards were presented to sporting stars in recognition of their efforts and dedication to sport in our Borough.

Each year Spelthorne donates a proportion of the money raised from the textiles collection service to charity. The chosen charity for this year was the Manna Food Bank, based in Staines-upon-Thames, which received a cheque for £800 this month.

We know that anti-social behaviour can blight communities, so on 10th October Spelthorne's Community Safety Partnership held a public meeting at the Council Offices to outline the work undertaken by the Council, Surrey Police and other local agencies to tackle crime and anti-social behaviour. Chaired by Cllr Gething, the Council's Cabinet Member for Environment and Compliance, the meeting featured a number of presentations and a question and answer session for residents to raise issues of concern.

As evidence that Spelthorne Means Business when it comes to law enforcement, the Council has recently secured the conviction of a Stanwell resident who dumped unsightly rubbish in the Borough and was illegally trading in waste and scrap metal, and a Hounslow resident who was found guilty of accepting cash donations and selling trinkets in the Borough without the necessary charity collection and street trading consents. Well done to the JET and Licensing teams.

Finally I would like to again put on record my gratitude for all those that helped with the two counter-terrorism incidents which occurred over the weekend of 16th and 17th of September. I would like to thank the Metropolitan and Surrey Police forces for their decisive action in dealing with these incidents. I would also like to commend the residents whose lives were disrupted for their patience and support during what must have been a very difficult time for them. The Council is also indebted to the Spelthorne Rugby Club and our own Greeno Community Centre staff, who opened their facilities at short notice to provide residents with a warm and safe refuge. This was an incredible team effort which also involved councillors and staff from a number of our other services, which I believe demonstrates all that is good with our Borough.

568/17 Announcements from the Chief Executive

The Chief Executive, Daniel Mouawad, thanked Councillors for the warm welcome they had extended to him as Chief Executive.

He said he was looking forward to working closely with Council to ensure that our strong community leadership role remains at the heart of everything we do.

In regards to the two counter terrorism operations that occurred over the weekend of the 16th and 17th September, he joined the Leader, Councillor Ian Harvey, in thanking all of our staff who have worked hard and gone the extra mile to care for our residents. The evacuation of over 200 residents required the mobilisation of colleagues across the Council who freely gave up their time over the weekend to help in this emergency plan operation. He also took the opportunity to thank the Met and Surrey Police for their sterling service and the high level of cooperation throughout.

569/17 Questions from members of the public

There were no questions from members of the public.

570/17 Petitions

There were no petitions.

571/17 Report from the Leader of the Council

The Leader of the Council, Councillor I.T.E. Harvey, presented the report of the Cabinet meeting held on 27 September 2017, which outlined the matters the Cabinet had decided since the last Council meeting.

572/17 Report from the Chairman of the Audit Committee

The Chairman of the Audit Committee, Councillor M.J. Madams, presented her report which outlined the matters the Committee had decided since the last Council meeting.

573/17 Report from the Chairman of the Licensing Committee

The Chairman of the Licensing Committee, Councillor R.W. Sider BEM, presented his report which outlined the matters the Committee had decided since the last Council meeting.

574/17 Report from the Chairman of the Overview and Scrutiny Committee

The Chairman of the Overview and Scrutiny Committee, Councillor C.A. Davis, presented his report which outlined the matters the Committee had decided since the last Council meeting.

575/17 Report from the Chairman of the Planning Committee

The Chairman of the Planning Committee, Councillor R.A. Smith-Ainsley, presented his report which outlined the matters the Committee had decided since the last Council meeting, subject to a correction: the third application considered at the meeting on 26 July 2017 concerning the erection of a single storey side extension at 3 Corsair Road, Stanwell (17/00696/HOU) was in fact refused.

He informed the members of an upcoming seminar on Affordable Housing and encouraged their attendance.

576/17 Motions

No Motions had been received.

577/17 Questions on Ward Issues

The Mayor reported that one question on a ward issue had been received from Councillor Sider.

Question from Councillor Sider

“In recent months there have been several incursions of Travellers on council land in all areas of the borough. In Shepperton, the group who recently encamped on Duppas Park were particularly aggressive, destructive and intimidated local residents, eventually departing leaving a great deal of rubbish for the council to collect. Whilst this authority takes, and has taken every precaution to prevent these incursions and encampments, the borough is still committed to dealing with this ongoing problem both with its financial resources and limited manpower. That said, will the Leader and all members of the council join me in congratulating the Group Head for Neighbourhood Services and the council’s legal team for their unstinting efforts in the way that they have dealt with the aforesaid incursions, and at most times under considerable pressure and duress.”

Response from Councillor I.T.E. Harvey, Leader of the Council

“Thank you for your question Cllr Sider. As per your previous question and my subsequent answer, I am sure every Councillor would wish to join me in thanking our very committed staff, both in Neighbourhood Services and Legal, for their continued hard work and successes. You will also be aware that the Government has recently announced that they are exploring whether there needs to be changes to legislation regarding Traveller Incursions. The Council has dealt with a number of traveller incursions in recent months. In doing so the Council acted as swiftly as possible whilst following the legal processes needed to get the travellers to move on. We will continue to review the processes we use to make sure they are as expedient and effective as possible and are also undertaking works to deter traveller incursions in some parts of the Borough.”

578/17 General questions

There were no general questions.

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Council**14 December 2017**

Title	Annual report on Complaints to the Local Government Ombudsman		
Purpose of the report	To note		
Report Author	Michael Graham, Monitoring Officer		
Cabinet Member	Councillor Ian Harvey	Confidential	No
Recommendations	Council is asked to note the report.		
Reason for Recommendation	Not applicable		

1. Key issues

- 1.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to report Local Government Ombudsman (LGO) findings and recommendations to the Council where, following an investigation into a complaint, the Ombudsman has made a finding of fault.
- 1.2 The Ombudsman has issued guidance to authorities about how they should report findings on LGO investigations to elected members and is supportive of a flexible approach to discharging this duty.
- 1.3 As a general guide the Ombudsman has suggested that where her office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, the duty is satisfactorily discharged in a small authority if the Monitoring Officer summarises the findings on all upheld complaints over a specific period, in an annual report to the Council.
- 1.4 The Ombudsman has recently circulated its Annual Review letters for 2016/17 to all local authorities.
- 1.5 The letter includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where the Ombudsman's recommendations remedied the fault and the number of cases where it decided the authority had offered a satisfactory remedy during the local complaints process. In these latter cases the LGO provides reassurance that the authority has satisfactorily attempted to resolve the complaint before the person approached them.

- 1.6 The attached breakdown of complaints about Spelthorne Borough Council (**Appendix 1**) shows the Ombudsman decided 9 complaints, of which it upheld 1.
 - 1.7 The requirement to report findings of fault by the Ombudsman applies to all such complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year. However, the last time a finding of fault was made against Spelthorne Borough Council was in 2010.
 - 1.8 The upheld complaint in May 2016 was in relation to a service failure and I can confirm that the authority remedied the complaint by implementing the recommendations made by the Ombudsman, within one week of its decision.
 - 1.9 The Ombudsman's full decision in respect of the upheld complaint is attached at **Appendix 2**. Members will note that the report has been anonymised to protect the identity of the complainant.
 - 1.10 In summary the Ombudsman found that, "there was fault in the way the Council considered Mrs X's complaints about poor quality work by building contractors who carried out adaptations to her home with funding from a Disabled Facilities Grant. That caused injustice to her husband, Mr X, because he was not able to make full use of the new facilities."
- 2. Options analysis and proposal**
 - 2.1 This report is for information and there are no options arising.
 - 3. Financial implications**
 - 3.1 There are no financial implications arising directly out of this report.
 - 4. Other considerations**
 - 4.1 There are none.

Background papers: There are none.

Appendices:

Appendix 1 – Table of decisions made by the LGO in 2016/17

Appendix 2 – LGO 'finding of fault' decision on a complaint by Mrs X

Reference	Authority	Category	Decision Date	Decision	Remedy	
1	15001502	Spelthorne Borough Council	Housing	12-May-16	Upheld	Apology,Financial Redress
2	16001316	Spelthorne Borough Council	Planning & Development	20-Feb-17	Not Upheld	Null
3	16002989	Spelthorne Borough Council	Corporate & Other Services	01-Jun-16	Incomplete/Invalid	Null
4	16003330	Spelthorne Borough Council	Housing	04-Jul-16	Referred back for local resolution	Null
5	16005786	Spelthorne Borough Council	Highways & Transport	18-Aug-16	Closed after initial enquiries	Null
6	16005954	Spelthorne Borough Council	Highways & Transport	29-Sep-16	Closed after initial enquiries	Null
7	16008842	Spelthorne Borough Council	Adult Care Services	19-Sep-16	Referred back for local resolution	Null
8	16010351	Spelthorne Borough Council	Planning & Development	09-Nov-16	Closed after initial enquiries	Null
9	16018164	Spelthorne Borough Council	Highways & Transport	09-Mar-17	Referred back for local resolution	Null

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Complaint reference:
15 001 502

Complaint against:
Spelthorne Borough Council

The Ombudsman's final decision

Summary: there was fault in the way the Council considered Mrs X's complaints about poor quality work by building contractors who carried out adaptations to her home with funding from a Disabled Facilities Grant. That caused injustice to her husband, Mr X, because he was not able to make full use of the new facilities.

The complaint

1. Mrs X complains about the way the Council responded when she complained about poor quality work by building contractors who carried out adaptations in her home to meet the needs of her husband who is disabled. She also complains about the conduct of three named Council officers.
2. Mrs X disagrees with the Occupational Therapist's assessments of her husband's needs and the recommendations she made to the Council. The Occupational Therapist is employed by the social services authority - Surrey County Council.
3. Mrs X is dissatisfied with action taken by staff who work for the Home Improvement Agency (HIA).

What I have investigated

4. I investigated the Council's actions including Mrs X's complaint about the conduct of three Council officers.
5. The Council was not responsible for supervising the building works and resolving other disputes between Mrs X and the building contractors.
6. I did not investigate the complaint about the Home Improvement Agency (HIA), the Occupational Therapist or the building contractors for the reasons given in paragraph 66 to 68.

The Ombudsman's role and powers

7. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

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8. If the Ombudsman is satisfied with a council's actions or proposed actions, she can complete her investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i)*)

How I considered this complaint

9. I considered Mrs X's complaint and her correspondence with the Council. I made enquiries to the Council and considered the evidence it sent me. This includes grant notices and agreements and correspondence between officers and Mrs X about her complaint.
10. I considered a report written by an independent surveyor who inspected the completed works and his photographs.
11. I sent my draft decision to Mrs X and the Council and considered their comments. I met Mrs X at her home. She showed me the extension and the outstanding defects. Following the meeting, I discussed the case with a senior environmental health manager at the Council and the independent surveyor who inspected the property.
12. These further enquiries led me to make significant changes to the original draft decision. So I sent Mrs X, the Council and the independent surveyor the amended draft decision statement to give them a further opportunity to comment before I made a final decision. I have taken their comments into account.

What I found

The Council's role and responsibilities

13. Three organisations were involved in this Disabled Facilities Grant (DFG) application: the HIA, Surrey County Council and Spelthorne Borough Council. Mrs X has also complained about the conduct and competence of the building contractors. It is therefore important to explain the role and responsibilities of Spelthorne Borough Council as the local housing authority.
14. The Council assesses applications for DFGs. It must decide whether the proposed works are necessary and appropriate to meet the needs of the disabled person. It must consult the social services authority about the disabled person's needs. It does a means test to decide whether the disabled person makes a financial contribution to the cost of the works.
15. However the Council does not inspect or supervise the works on behalf of the grant applicant while they are in progress. In this case that was the responsibility of technical staff who work for the HIA. The Council took no part in selecting or appointing the building contractors. The HIA manages this part of the process in its role as the applicant's agent.
16. The Council must carry out a final inspection of the completed works to ensure they meet a reasonable standard before it releases payments to the contractors. The Council's guidance says it will not certify any works as satisfactorily completed if the workmanship is of unacceptable quality or it has not met the objectives of the grant. The Council requires the contractor to take remedial action if the works are defective.

The background to the complaint

17. Mr X is disabled following a stroke. In April 2013 he signed an agreement with the HIA authorising it to deal with his application for a DFG. The grant was to extend an existing rear extension to provide a shower room with a level access shower, WC and washbasin. The agreement said the HIA would act as Mr X's agent to process the grant application and organise the works in his home.
18. The HIA obtained quotations for the grant works from four building contractors on its approved list. In December 2013 Mr X signed a form accepting the lowest quotation. The form explained the contract for the building works was between him and the contractor. It added that any legal issues would be between him and the contractor.
19. On 27 June 2014 the Council approved a grant of £24,886.92. Mr X did not have to make a financial contribution.
20. In June 2014 Mr X suffered a second stroke and was hospitalised.
21. On 17 July Occupational Therapists from the hospital and County Council visited Mrs X to review whether any changes should be made to the agreed specification of works before Mr X was discharged from hospital. A Council officer (Officer A) and an officer from the HIA were also present. It was decided to include a ramp and widening of the internal doors to accommodate a wheelchair. At the time it was thought Mr X may need to use a wheelchair when he returned home.
22. In the event the original scheme proceeded because Mr & Mrs X did not want a ramp and Mr X made good progress and did not need to use a wheelchair indoors. The original specification of works included a standard height WC.

The building works start

23. The contractors started work on 3 September 2014.
24. Mrs X made a complaint to the HIA about the contractors in October. She said they had not installed a folding shower seat, the WC was too low for Mr X and there was no grab rail. The Occupational Therapist agreed to order a wall-mounted chair and fit a raised WC seat and drop down rail.
25. On 22 October the building contractors informed the Council the works were completed.
26. Mrs X made a further complaint to the HIA on 24 October. She expressed concern about the safety of the electrical works, requested guarantees for some items and complained about the contractors' conduct. She reported defects with the plumbing to the WC, the height of the seat and the shower doors. She also listed some external defects and damage to her fence and garden. Mrs X was not prepared to let the contractors back into her home to rectify the defects and complete the works. The HIA sent the Council a copy of the letter.
27. On 11 November a senior manager in the Environmental Health team replied to Mrs X's complaint. She confirmed the electrical works had been certified as safe by a registered competent contractor after some defects were rectified. She listed all the defects Mrs X had reported. She said Mrs X should contact the team to

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- make an appointment for an officer to visit to inspect the works. The officer would look at all the items on Mrs X's snagging list.
28. The Council wanted to do a joint post-works inspection with the OT and the HIA on 3 November. But Mrs X did not want some of the officers to attend so the visit did not take place. On 10 December Surrey County Council assigned a new Occupational Therapist to Mr X's case.
 29. Meanwhile one of the Council's building control officers had visited on 3 November. The Council says Mrs X asked him to leave before he had time to complete the inspection.
 30. On 12 November the contractors requested payment for the building works. The Council decided to withhold 25% of the approved grant (just under £5,000) to fund the outstanding remedial works. It paid 75% of the grant to the contractors on 8 December. The Council says it is confident this reserved sum is sufficient to fund the works. It based its assessment on the costings provided by contractors and officers' experience of the cost of building works.
 31. On 16 December a grants officer visited the property and drew up a list of 18 outstanding issues. She noted Mrs X had alleged the contractors had damaged the fence, garden and a grate to an external air vent. She found significant defects with the sliding doors to the shower room, poor quality grouting to tiles in the shower room and the wrong material used to seal the waste to the washbasin. She passed the list to the HIA. Mrs X says the grants officer omitted some defects from her list and included some works that were not necessary.
 32. The new Occupational Therapist also visited on 16 December. She agreed with the previous OT's assessment that a raised seat fitted to the existing WC would meet Mr X's long term needs. Mrs X disagreed. She considered a raised seat would be unhygienic and said there was a raised WC in the first floor bathroom. Having considered Mrs X's comments, the Occupational Therapist agreed in January 2015 to change her recommendation to a new raised WC pan with grab rails.
 33. The senior EHO sent the list of defects to Mrs X on in early January. She confirmed the new OT had agreed the existing WC should be replaced with a raised WC pan (rather than a raised seat) and grab rails should be fitted. The Council agreed to fund the new WC and grab rails as additional items.
 34. On 6 February the grants officer sent Mrs X a new specification listing all the outstanding works and snagging items. The replacement of the WC and grab rails was included. She explained the Council needed two quotations. Mrs X could ask the HIA to obtain them or she could find contractors herself.
 35. Mrs X did not accept the specification was complete because it did not include all the defects she had reported. She also refused to proceed until the contractors paid her for their use of electricity.
 36. A senior officer from the HIA met Mrs X on 11 March. Council officers and HIA staff then met to agree a way forward. On 24 March the senior officer wrote to Mrs X to confirm that an independent organisation that accredits builders and other tradespersons would inspect the works and draw up a final list of remedial works. According to her letter, she enclosed a cheque for £50 from the contractors to cover the cost of electricity. Mrs X says she did not receive a cheque and has never been reimbursed for the electricity costs.

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37. The independent surveyor says Mrs X contacted his organisation on 26 March 2015. He says all the parties involved had asked his organisation to investigate the complaint at the same time.
38. The independent surveyor told me he had never met the contractors or had any direct contact with them but he had inspected their work in the past.
39. The independent surveyor inspected the property on 30 March 2015. I have looked at his photographs, read his report and spoken to him about his findings and recommendations. He considered the February 2015 specification included some works that were not necessary and missed some defects he found when he inspected the property. He did a thorough inspection of the property and drew up a comprehensive snagging list. He found evidence of poor workmanship. He said the contractors were responsible for most of the problems.
40. The Council received the surveyor's report on 20 April. The surveyor confirmed he sent a copy of his report, without his conclusions and recommendations, to Mrs X the following day.
41. On 23 June the grants officer sent Mr & Mrs X a revised schedule of works. She included most, but not all, of the works recommended in the independent surveyor's report. As a goodwill gesture, she included the replacement of three damaged fence panels. She added half height shower doors to contain water. She explained this was the final list of works that could be funded from the original DFG. The new raised WC and fence panels would be funded as additional items.
42. She advised Mrs X to get two quotations from contractors or ask the HIA to do that using the new specification.
43. Mrs X was dissatisfied because the revised schedule of works omitted some of the snagging items in the independent surveyor's report. The following items were not in the final schedule:
- resecure a light switch on the wall adjacent to the shower room;
 - seal, prime and repaint a wooden fascia at the rear of the property where the contractors had used nails which had rusted;
 - works to seal/repaint two sections of lead flashing on the roof at the rear of the property;
 - refix a TV cable which was left loose on the roof after work was done on the roof;
 - fitting grab rails for the new raised WC
44. Mrs X did not want to get quotations from new contractors until the Council's schedule of works includes all the items from the snagging list in the independent surveyor's report.
45. The senior EHO told me the Council did not include these items in the final schedule of works because officers did not consider these defects related to the works done by the building contractors under the DFG. They thought the roof defects related to defects on the original rear extension. The independent surveyor says none of the Council officers contacted him to ask him to explain why he had included these items in his report. When I spoke to him he was certain the defects were a result of work done by the building contractors.
46. There has been a deadlock since June 2015. The snagging works are still outstanding and the WC has not been replaced.

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47. During this investigation, I asked the Council to reconsider the schedule of works and its reasons for excluding some items from the independent surveyor's report. I suggested officers should speak to the independent surveyor to explain their concerns and find out why he considered the building contractors were responsible for all the defects listed in his report.
48. The Council has now completed the review and Mrs X recently collected the new schedule of works which includes all the previously excluded items.
49. Mrs X told me her husband can use the shower but she has to mop up water from the floor. He cannot use the WC in the ground floor wet room because it is too low and there are no grab rails. She says he spends most of his time upstairs where he can use a raised WC. She considers the Council should pay £5,000 to recognise the serious impact the delay has had on her husband's quality of life and the distress caused to him and her family.

Mrs X's complaints about Council officers

50. In August 2014 Mrs X complained about a comment a grants officer made when he visited on 19 July. She had asked him whether a skylight could be included in the specification to increase natural light in the shower room. Mrs X says the officer told her she would have to pay for it herself if she could afford to. She said she felt embarrassed and belittled by this comment. She felt he had spoken to her in an aggressive and bullying manner.
51. A manager investigated Mrs X's complaint. She explained a DFG can only be awarded for essential works to meet the disabled person's needs. She said the grants officer had been trying to explain to Mrs X there was no essential need for a skylight because there was a window in the shower room. The officer's intention was to explain she could fund this as additional work at her own expense. The manager spoke to the grants officer and another person who attended the July visit. She said the grants officer had not intended to say anything to upset or offend Mrs X. She said an officer had already apologised to Mrs X. Mrs X had declined an offer to meet the grants officer to explain why she was upset by his comments. The manager repeated the Council's apology.
52. Mrs X says she is dissatisfied with the way the manager investigated her complaint about the grants officer. She says she defended the grants officer when he had spoken to her in a very abrupt and discourteous way.
53. I have read these officers' written communications with Mrs X and the tone of their letters is courteous and professional.

Analysis

54. The Council did not select the building contractor or compile the approved list of contractors for the HIA. It was not responsible for overseeing or supervising the works while they were underway. So it is not responsible for the quality of the work done by the contractors. The evidence I have seen shows Mr X selected the contractors after considering quotations provided by his agent, the HIA. The contract was between Mr X and the builders: the Council was not a party to it.
55. When the DFG works are completed, the Council had to inspect to ensure they were of a reasonable standard and complied with the grant specification. The inspection should take place before payment is released to the building contractor. The Council may withhold some of the grant if it is not satisfied and remedial works are necessary.

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56. The Council accepts some works were not completed to a satisfactory standard. So it retained 25% of the DFG to cover the cost of remedial works. By then Mrs X had lost faith in the contractors' competence and she did not want them to return. The Council sent her a schedule of works and asked her to get two quotations from new contractors. When Mrs X disputed the works listed in the schedule, the Council consulted the HIA and they agreed to ask an independent surveyor to inspect the works and draw up a definitive snagging list.
57. Mrs X has questioned the independence and impartiality of the surveyor. I have read his report and spoken to him. He confirmed he has never met the building contractors but he had previously inspected their work at other properties. Part of his role is to inspect properties when complaints are made about the standard of work by registered contractors. He found fault with the quality and finish of some of the contractors' work. He also recommended the builders were put on probation with the accreditation scheme. For these reasons I do not share Mrs X's view that he was not impartial or independent.
58. In April 2015 the Council received the independent surveyor's report. The grants officer prepared a new specification which she sent to Mrs X on 23 June with a request for two quotations. However she omitted some of the snagging items from the surveyor's report because she did not consider these defects were caused by the contractors during the DFG works. No further progress has been made since then. Mrs X disagreed with the decision to exclude some items from the schedule so she did not seek new quotations.
59. I consider the Council could have done more to resolve the dispute and finalise the schedule of remedial works. The Council and the HIA jointly commissioned the independent surveyor to inspect the property and come up with a definitive list of snagging works. If Council officers had doubts about some of his recommendations, they should have spoken to him when they received his report to clarify matters. If this had happened, it seems likely the dispute would have been resolved much sooner. The failure to review the schedule of works, and speak directly to the independent surveyor sooner, was fault.
60. If the Council had contacted the independent surveyor sooner, it seems likely an agreed schedule of remedial works would have been drawn up within two months of his inspection. So there has been an unreasonable delay of ten months since June 2015 in preparing an agreed schedule which would allow the remedial works to start. During this time Mr X has not been able to use the ground floor WC. That has affected his quality of life and caused him some inconvenience.
61. I considered Mrs X's complaints about the three Council officers who were involved in dealing with the grant application and her complaint. The Council has already apologised to Mrs X for any unintentional offence caused by the officer who visited her on 19 July. The Ombudsman cannot achieve any more for her now. I have seen no evidence that the other two Council officers she named behaved unprofessionally when they considered her complaint.

Final decision

62. I have completed the investigation and upheld part of Mrs X's complaint. I found fault by the Council because there was unreasonable delay in resolving the dispute about the items to be included in the schedule of remedial works. The delay caused injustice to Mr X because he has had to wait longer for some of the adaptations he needs. It also caused distress to Mrs X and her family.

Agreed action

63. The Council has now completed the revised schedule of works. It includes all the items in the independent surveyor's snagging list. Mrs X now has the schedule which means she can get quotations from new contractors.
64. When Mrs X submits the new quotations, the Council has agreed it will consider them promptly so Mrs X can appoint a new contractor to start remedial works at the earliest possible date.
65. The Council will apologise to Mrs X and pay £750 to recognise the impact the delayed provision of a suitable ground floor WC had on Mr X.

Parts of the complaint that I did not investigate

66. I did not investigate action taken by the Home Improvement Agency (HIA). The HIA is an independent body and it was not carrying out functions on behalf of the Council. It is part of a large registered provider of social housing. The Ombudsman has no power to investigate a complaint about action taken by employees of the HIA.
67. The Occupational Therapist who assessed Mr X's need for adaptations, and made recommendations to Spelthorne Borough Council about the works, is employed by the social services authority - Surrey County Council. Mrs X did not complain to the Ombudsman about Surrey County Council. The Ombudsman would expect her to have pursued a complaint in the first instance through Surrey County Council's adult social care complaints procedure.
68. Mr X employed the building contractors. They were not acting as the Council's agents or contractors. So I have not investigated Mrs X's complaints that they were negligent, damaged her property, disposed of items or did not reimburse her for the electricity they used. Mrs X may wish to take up any unresolved issues with the contractors or their insurers.

Investigator's decision on behalf of the Ombudsman

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

Meeting held on 22 November 2017

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main items of business considered by the Cabinet at its meeting on 22 November 2017.

1. Recommendations from the Local Plan Working Party

1.1 We considered the recommendations of the Local Plan Working Party from its meeting held on 30 October 2017.

1.2 We agreed that:

1. the Local Development Scheme; the Authority Monitoring Report 2017; the Spelthorne Functional Economic Area report; and the Sustainability Appraisal Scoping Report, be approved for publication;
2. Cllr Colin Barnard as the Cabinet Member for Planning and Economic Development sign the Memorandum of Understanding between Spelthorne Borough Council and Slough Borough Council on behalf of the Council; and
3. the Green Belt Assessment be approved for public consultation and for officers to consider next steps and report back to the Local Plan Working Party following consultation.

2. Recommendation from Overview and Scrutiny Committee

2.1 We considered the recommendation from the Overview and Scrutiny Committee on measures to deal with anti-social behaviour in Staines Town Centre and a report from the Group Head of Neighbourhood Services which outlined the background to the formation of the Joint Enforcement Team (JET) and explained its role.

2.2 We agreed:

1. to ask the Chief Executive to write to the Chief Constable, copying the Police and Crime Commissioner, about the Council's concerns and request the necessary level of visible police presence in Staines-upon-Thames town centre on a Sunday afternoon to deter incidents of anti-social behaviour; and
2. not to accept the recommendation of the Overview and Scrutiny Committee for the following reasons:
 - it was not the role of JET to deal with criminal offences;
 - the recent change in the policing model and police officers moving out of Knowle Green did not have a detrimental effect on the ability of the JET to integrate with the Police; and

- the expansion of the JET would create additional and on-going staffing and operational costs for the Council at a time when it needs to find savings across services.

3. Recommendation of the Audit Committee on Corporate Risk Management

- 3.1 We considered the recommendation from the Audit Committee on the Corporate Risk Register and approved it as submitted.

Councillor Ian Harvey

Leader of the Council

14 December 2017

Report of the Chairman on the work of the Overview and Scrutiny Committee

This report gives an overview of the issues considered at the 28 November 2017 meeting.

1. Outcome of recommendation to Cabinet

- 1.1 The Committee noted the Cabinet response to the Committee's recommendation for measures to deal with anti-social behaviour in Staines-upon-Thames on Sundays. Members requested clarification of the powers the Joint Enforcement Team had devolved to them by the police. Members voiced an interest in accepting the invitation from the police made at the Committee's September meeting, to accompany them on patrols in Staines town centre.

2. Homeless Reduction Act

- 2.1 The Committee noted a report on preparations being made in the Housing Team in time for the implementation of the Homeless Reduction Act on 3 April 2018. The Committee was mindful that further essential work continues to be done in preparation for this new legislation and agreed to review progress and cost impact at its March 2018 meeting.

3. Procurement and small and medium sized businesses

- 3.1 The Committee noted a report on actions being taken and options being considered to increase awareness of procurement opportunities with local businesses.

4. Budget Issues 2017/18 to 2019/20

- 4.1 The Committee received a presentation from the Chief Finance Officer outlining the context of the budget for 2018/19 and the Council's medium term financial strategy. The Committee congratulated the Leader, Cabinet and Chief Executive on the positive results achieved from the Council's asset acquisition strategy. The Committee agreed to include an item at a future meeting on reviewing the Council's approach to risk management with respect to property acquisitions.

5. Financial Reports

- 5.1 The Committee received and noted the financial monitoring reports for the first six months of the financial year to the end of September 2017. The Committee asked for a short written update on the Laleham Park project.

6. Leader's Task Group for Economic Development

- 6.1 The Committee deferred consideration of an update on the Leader's Task Group as neither the Leader nor the Chairman of the Task Group were able to attend the meeting to respond to questions from the Committee.

7. Appointment of members to Task and Finish Group

- 7.1 The Committee appointed Councillors Barratt, Friday and Saliagopoulos to serve on the Task and Finish Group which was set up at the September meeting to further review the effectiveness of the multi-agency response to anti-social behaviour, improving community engagement and increasing footfall in Staines town centre on Sundays.

8. Committee Work Programme 2017-2018

The Committee noted the work programme for the remainder of the municipal year which included the addition of a review of preparations for the implementation of the Homeless Reduction Act and a review of the Council's risk management strategy as regards its property acquisitions.

Councillor Colin Davis

Chairman of Overview and Scrutiny Committee

14 December 2017

Report of the Chairman on the work of the Planning Committee

1. The Planning Committee has met on two occasions since the previous report was prepared for the Council meeting. This report gives an overview of the items considered by the Committee at its meeting on 15 November 2017. A separate report will be circulated at Council on the key items considered by the Committee at its meeting on 13 December 2017.

Planning Committee – 15 November 2017

2. The November meeting dealt with two planning applications and an urgent enforcement item. Public speaking took place on both applications, with four people taking the opportunity to address the Committee. The items considered by the Committee are set out below.
3. This first application related to former Brooklands College, Church Road, Ashford (17/01274/FUL). The application proposed the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and five storeys to accommodate 357 dwellings, the provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works. The Planning Committee approved the application, subject to it being referred to the Secretary of State and a Section 106 agreement.
4. This second application related to Sankby, Leacroft, Staines-upon-Thames, (17/01320/FUL). The application sought the creation of a new roof with two rear dormers to create habitable accommodation at second floor, erection of 2. two storey gabled front extensions, single storey rear extension and subdivision of the property to create 2. five bedroom semi-detached dwellings with associated parking and amenity space. This application was called in by Councillor Sinead Mooney, who spoke against the proposal. The Planning Committee approved the application subject to conditions.
6. The urgent item related to Pentire, Stable 2, Fordbridge Road, Sunbury on Thames and concerned an outbuilding which was being used as a separate residential dwelling without planning permission. I agreed to take the item as an urgent matter as it involved the potential loss of a home and the enforcement action was subject to time limits. It was considered that the use had not taken place for more than 4 years and was contrary to Green Belt and Flood Plain policy.

The Planning Committee agreed to serve an enforcement notice requiring the cessation of the residential use of the land and building as a separate residential unit, the removal of all fixtures and fittings and all ancillary residential structures. The time period for compliance was agreed at 6 months

Councillor Richard Smith-Ainsley

Chairman of Planning Committee

14 December 2017

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