



Please reply to:

Contact: Gillian Hobbs
Service: Committee Services
Direct line: 01784 444243
E-mail: g.hobbs@spelthorne.gov.uk
Date: 5 March 2018

Notice of meeting

Overview and Scrutiny Committee

Date: Tuesday, 13 March 2018

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To: Members of the Overview and Scrutiny Committee

Councillors:

S.C. Mooney (Chairman)	T.J.M. Evans	D. Saliagopoulos
J.G. Kavanagh (Vice-Chairman)	K. Flurry	A. Sapunovas
J.R. Boughtflower	A.E. Friday	J.R. Sexton
S. Capes	A.L. Griffiths	R.A. Smith-Ainsley
R. Chandler	D. Patel	B.B. Spoor

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

AGENDA

Description	Lead	Timings	Page Number.
1. Apologies To receive any apologies for non-attendance.		7.00pm	
2. Minutes To confirm the minutes of the meeting held on 16 January 2018.			5 - 8
3. Disclosures of Interest To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.			
4. Call-in of Cabinet decisions No Cabinet decisions have been called in.			
5. Update on implementation of Homeless Reduction Act To receive a verbal update on progress with implementing the Homeless Reduction Act.	Ken Emerson	7.05 pm	
6. Update: Heathrow 3rd Runway, Flight Path Design Consultations and the Compton Route To note an update on Heathrow 3rd runway, Flight Path design consultations and the Compton Route. A representative from Heathrow Airspace Team will be in attendance at the meeting.	Ann Biggs/Tracey Willmott-French/Cllrs Barnard & Gething	7.10pm	9 - 14
7. Use of lay-bys by large goods (LGVs) and other vehicles To note a report on the use of lay-bys by large goods (LGVs) and other vehicles and the responsibilities of different agencies in regard to lay-bys in Spelthorne Borough.	Jackie Taylor / Cllr Gething	7.50pm	15 - 20
8. Planning Enforcement in Spelthorne To note a report on Planning enforcement in Spelthorne and the financial and resource implications of an increased enforcement workload.	Esme Spinks / Cllr Barnard	8.10pm	21 - 68

Description	Lead	Timings	Page Number.
<p>9. Review of Code of Corporate Governance</p> <p>To consider the review of the Code of Corporate Governance and recommend approval of the updated Code to Cabinet and note the required amendments to the Annual Governance Statement.</p>	Michael Graham / Cllr Harvey	8.50pm	69 - 100
<p>10. Capital Monitoring Quarter 3</p> <p>To note the net capital spend figures to the end of December 2017.</p>	Laurence Woolven / Cllr Williams	9.10pm	101 - 106
<p>11. Revenue Monitoring Quarter 3</p> <p>To note the net revenue spend figures to the end of December 2017.</p>	Laurence Woolven / Cllr Williams	9.15pm	107 - 118
<p>12. Corporate Projects</p> <p>To note an update on the progress of the Council's key projects</p>	Sandy Muirhead / Cllr Mitchell	9.20pm	119 - 128
<p>13. Update on Leader's Task Group for Economic Development</p>	Cllr Patel	9.35pm	To Follow
<p>14. Cabinet Forward Plan</p> <p>A copy of the latest Forward Plan is attached.</p>	Chairman	9.50pm	129 - 132

If any members of the Committee have any issues they want to raise in relation to the Cabinet Forward Plan, please inform Terry Collier, Deputy Chief Executive, 24 hours in advance of the meeting with reasons for the request.

This page is intentionally left blank

**Minutes of the Overview and Scrutiny Committee
16 January 2018**

Present:

Councillors:

S.C. Mooney	A.E. Friday	J.R. Sexton
J.R. Boughtflower	J.G. Kavanagh	R.A. Smith-Ainsley
S. Capes	D. Patel	B.B. Spoor
R. Chandler	A. Sapunovas	

Apologies: Councillors T.J.M. Evans, K. Flurry, A.L. Griffiths and D. Saliagopoulos

8/18 Election of Chairman

It was proposed by Councillor A.E. Friday and seconded by Councillor J.G. Kavanagh and:

Resolved that Councillor S.C. Mooney be appointed Chairman of the Overview and Scrutiny Committee for the remainder of the Municipal Year 2017/2018.

9/18 Minutes

The minutes of the meeting held on 28 November 2017 were approved as a correct record.

10/18 Election of Vice-Chairman

It was proposed by Councillor S.C. Mooney and seconded by Councillor R.A. Smith-Ainsley and:

Resolved that Councillor J.G. Kavanagh be appointed Vice-Chairman of the Overview and Scrutiny Committee for the remainder of the Municipal Year 2017/2018.

11/18 Disclosures of Interest

There were none.

12/18 Call-in of Cabinet decisions

No Cabinet decisions had been called-in.

13/18 Management of the river Thames

Maria Herlihy, Operations Manager and James Liney, Asset Performance Team Leader with the Environment Agency (EA) gave a presentation

(attached to these minutes) on their management of the River Thames and flood risk.

The additional information provided included:

- bathymetric surveys and shoal removal – EA identify 5-10 areas of most benefit for removal of silt. This is an ongoing programme.
- dredging – can be useful in some locations but only one option open to EA. Takes place where it is a cost effective and sustainable option.
- The EA has an annual maintenance programme for the locks and weirs.
- temporary flood defences are employed on a risk based assessment
- deployment plans for temporary flood defences will be tested over coming months. EA would like to engage with the Council and local communities on the location for test to take place.

In response to questions from members, Ms Herlihy and Mr Liney responded:

- the EA is in a better, stronger position than in 2014 to deal with future floods due to the temporary flood defence deployment plans, improved forecasting systems and resources located at the EA Sunbury depot.
- the EA has learned from the experience in 2014, how to better communicate information to residents.
- deployment plans have been computer modelled on different scenarios to ensure their use does not make the situation worse for other communities further down river.

They agreed to provide further information to the Committee following the meeting on:

- How can residents can sign up for flood warnings
- the location for the temporary flood defences deployment pilot
- progress being made with local plans that local communities were asked to prepare after the 2014 floods
- advice for residents on how to deal with groundwater flooding
- reasons why it was not cost effective/practical to plan a temporary flood defence for Sunbury

Finally they encouraged members to attend the planned information sessions on progress with the River Thames Scheme.

Resolved to note the presentation by the Environment Agency on management of the River Thames and thank Maria Herlihy and James Liney for attending.

14/18 Business rates avoidance and evasion

The Temporary Customer Services Operational Manager and the Internal Audit Manager presented the report on business rates - avoidance and evasion. They explained that due to resource challenges they were only able to investigate a limited number of cases. They highlighted the partnership with Reigate and Banstead Borough Council to procure a counter fraud resource, which supported and supplemented the existing investigatory resource at

Spelthorne focussing on Housing and Business rates, and had resulted in a positive outcome for the Council in terms of the amount of monies we had been able to recover.

The Chairman commended the fraud partnership as a good initiative which the Council should take opportunities to make greater use of.

Resolved to note the report on business rates.

15/18 The Council's property investment strategy

The Portfolio Holder for Finance, Councillor Howard Williams and the Chief Finance Officer jointly gave a presentation to the Committee on the Council's approach to risk management with respect to its commercial property acquisitions (attached to these minutes).

They explained: the drivers behind the Council's investment activity - reduced central government funding and budget pressures; a summary of the acquisitions made; the Council's approach to acquisitions through policies / strategies - Strategic Property Investment Parameters statement, Treasury Management Strategy, borrowing strategy; and the process undertaken before an acquisition was made, including evaluation of tenants, modelling exit strategies and using external advisors.

They responded to questions from members of the Committee.

Resolved to note the presentation on the Council's risk management approach to its property investment strategy.

16/18 Treasury Management half-yearly report

The Deputy Chief Accountant presented the Treasury Management half-yearly report on treasury performance for the first six months of the financial year to the end of September 2017. The Council had invested and borrowed substantial sums of money and was therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The report covered the council's treasury activity and the associated monitoring and control of risks.

Resolved to note the treasury position achieved during the first six months of 2017/18 and the financial environment in global markets.

17/18 Update on Leader's Task Group for Economic Development

Councillor Patel, the Chairman of the Economic Development Engagement Group highlighted progress with the work of the Group:

- Membership had been widened to achieve more input from the business community to include representatives from Surrey Chamber of Commerce and the chairman of Spelthorne Business Forum
- Surrey County Council will be looking to improve the traffic light system in Staines

- We are launching a competition with schools and photography groups to provide pictures for the website to promote the Borough.

Resolved to note the update on the Leader's Task Group for Economic Development.

18/18 Cabinet Forward Plan

The Committee noted the Cabinet Forward Plan.

19/18 Work Programme

The Committee considered its work programme for the remainder of the Municipal year.

Resolved to note the work programme for the remainder of 2017/18.

Overview and Scrutiny Committee

13 March 2018



Title	Update: Heathrow 3 rd Runway, Flight Path Design Consultations and the Compton Route		
Purpose of the report	To note		
Report Author	Tracey Willmott-French, Senior Environmental Health Manager Ann Biggs, Strategic Planning Manager		
Cabinet Member	Councillor Gething and Councillor Barnard	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	No recommendations		
Reason for Recommendation	Not applicable		

1. Key issues

- 1.1 **Airports National Policy Statement** - In October 2016, the Government announced its preferred option to increase airport capacity in the south-east as being the creation of a north-west runway at Heathrow Airport. Before planning consent can be given for the new runway, the Government must develop and adopt an Airports National Policy Statement (NPS) setting out the need for additional airport capacity in the south-east of England and explaining why this can be delivered by a north-west runway at Heathrow.
- 1.2 The Government consulted on the NPS in February 2017, which was revised and consulted upon again in October 2017. The next step in the NPS process will be its parliamentary scrutiny through the Transport Select Committee (TSC), which comprises MPs from across the different political parties. The oral hearings are already underway with three having taken place at the time of writing. Spelthorne provided a written submission to the TSC, focusing on sustainable transport issues and the light rail scheme. If adopted, the NPS will set out the tests that must be met by any application to expand Heathrow.
- 1.3 **Development Consent Order** - Heathrow Airport Limited (HAL) is responsible for obtaining the Development Consent Order (DCO) which will contain most of the consents and powers HAL needed to build and operate the third runway.
- 1.4 The preparation of the DCO application will involve two periods of public consultation before being handed over to the Planning Inspectorate (PINS) for consideration. PINS will carry out a period of independent examination before passing their recommendation over to the Secretary of State for Transport to make the final decision.

- 1.5 As part of the DCO process HAL is required to consult with the public and stakeholders to inform their plans, and are planning to do so in two stages:-
- S1 - HAL is currently consulting on what an expanded Heathrow Airport might look like, how it might operate and how they could mitigate the impacts. This includes options on runway length/location, terminal capacity, aircraft parking/taxi-ways, highway infrastructure, land use, and construction.
 - S2 - the second stage of consultation will present HAL's proposed DCO application, which will include preliminary environmental information on the proposed application.
- 1.6 **Airspace Design** - The introduction of a third runway at Heathrow means that consideration must be given to the location of flight paths, and how and when planes fly these. Responsibility for redesigning the flight path falls to HAL. The airspace design process is regulated and overseen by the Civil Aviation Authority (CAA). Information on this process is given within the CAA's newly published guidance document 'Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements, CAP1616.
- 1.6 As part of the Airspace Design process HAL is required to consult with the public and stakeholders at various stages of the airspace design process. HAL is currently consulting on six design principals, which also includes a 6.5 hour night flight ban.
- 1.7 In designing its expansion of Heathrow HAL will need to demonstrate that they have met all requirements set out in the NPS. The draft NPS includes requirements such as:
- a) Avoid significant adverse impacts on health and quality of life from noise
 - b) Mitigate and minimise adverse impacts on health and quality of life from noise;
 - c) Where possible, contribute to improvements to health and quality of life
- 1.8 An indication of the timings of these three aspects associated with the expansion of Heathrow is given in **appendix 1**.
- 1.9 **Spelthorne Borough Council's response** – An SBC officer working group has been established (Heathrow Expansion Working Group (HEWG)) to consider and respond to the content of the various consultations being forward by HAL. This group ensures a coordinated response across the various departments and areas of expertise within the Council. A councillor is soon to be appointed to Chair the HEWG group.
- 1.10 Spelthorne Council is also a member of the Heathrow Strategic Planning Group (HSPG) which comprises authorities most affected by the airport expansion. HAL is also a key member of the group, together with officers from the Department for Transport, Transport for London and Local Enterprise Partnerships who enjoy 'observer status'. The group's remit is to work with HAL on their proposals, providing local information and evidence and helping to shape their strategy. Through HSPG, various sub groups have been established by HAL on specific work areas associated with planning and the environment, including land use, local roads, noise, air quality, and green infrastructure, for the purpose of informing the development of HAL's plan for the expansion of Heathrow. Spelthorne officers from Strategic Planning and Environmental Health teams have attended and participated in the main HSPG meetings and the sub groups. A Leaders' Board has now been established as part of HSPG in order to give the

group greater buy-in at local level and engage the political leadership of the authorities. Most recently, HSPG gave oral evidence at the Transport Select Committee on the NPS. The work with HSPG could extend in future to developing a Joint Spatial Planning Framework in the form of a sub-regional plan to consider wider, strategic issues arising from the airport expansion such as homes, healthcare, wider employment opportunities and community infrastructure.

- 1.11 Officers of the Heathrow Expansion Working Group and councillors have attended the local Heathrow Expansion exhibitions organised by HAL and several of the Stanwell community meetings.
- 1.12 Spelthorne has acknowledged the case for a third runway at Heathrow Airport and has been supportive of expansion proposals to date, subject to appropriate consideration of and mitigation for negative impacts arising. Spelthorne has also emphasised, and continues to emphasise through its responses, that its support is dependent on securing the best possible outcome for its residents, particularly those most directly affected in the Stanwell and Stanwell Moor communities.
- 1.13 **The Compton Route** – Research by consultants has found there is an increase in air traffic using the Compton Route from 65 flights per day to 89 flights per day¹. There has been an increase in the number of heavy aircraft (e.g. 747s and A340s) using the route, with many now going to ultra-long-haul destinations; so are very heavy with fuel; these planes are now lower over areas near the airport² and therefore noisier. Long haul and heavy aircraft now account for over $\frac{3}{4}$ of the total aircraft using the route.
- 1.14 There has been an increase in the proportion of flights using the northern edge of the noise preferential route (NPR³) rather than across the 3km swathe; and therefore closer to areas like Ashford. The main reason is the route involves a 180 degree turn which modern fleets find difficult to follow. Additionally, traffic departing on the route need to be tactically managed by NATS air traffic controllers to avoid the arriving aircraft from the holding stacks to the south.
- 1.15 While HAL is able to fine aircraft that do not stick to the NPR, this is not happening mainly due to the difficulty heavy and some medium aircraft having in taking the turn. HAL has reported⁴ it will be working with NATS and members of the Heathrow Community Noise Forum to review the procedures used on the Compton route.

2. Timetable for implementation

- 2.1 As indicated in **Appendix 1**

Background papers: None

Appendices:

Appendix 1:- Heathrow Expansion Outline Programme Timetable for consents and consultations

¹ Between 2007 and 2015

² Approximately 200ft in the average and minimum heights

³ A 3km wide corridor designed to minimise disturbance for those living near the airport

⁴ Reported in February 2016

This page is intentionally left blank

Outline Programme Timetable

National Policy Statement (Government)	Development Consent (Heathrow)	Airspace Change (Heathrow)
Feb - May 2017 Consultation One		
Oct - Dec 2017 Consultation Two		
Autumn/Winter 2017/18 Parliamentary scrutiny	Jan – March 2018 Consultation One	Jan – March 2018 Stage One Consultation (on Design Principles)
Summer 2018 Parliamentary vote on NPS		
	2019 Consultation Two	2019 Stage Two Consultation (on Design Envelopes)
	2020 Submission	
	2020 - 2021 Examination	
	2021 Decision	
	2021 Construction starts	2021 Stage Three Consultation (on Flight Path Options)
		2022 Submission
		2022 – 2023 Decision

This page is intentionally left blank

Overview and Scrutiny Committee

13 March 2018



Title	Use of lay-bys by large goods (LGVs) and other vehicles		
Purpose of the report	To note		
Report Author	Jackie Taylor Group Head Neighbourhood Services		
Cabinet Member	Councillor Nick Gething	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	There are none		
Reason for Recommendation	The report is an information item		

1. Key issues

- 1.1 Lay-bys are intended as a short stopping location for LGV drivers and other motorists to either comply with TACO regulations or take a short break to relieve tiredness, they are managed by various agencies to different standards and frequencies of cleansing and general maintenance.
- 1.2 There have in the past been issues by one haulier who was using the lay-bys to park containers but this practice has now ceased and the majority of lay-bys now appear to be used for their intended purpose.
- 1.3 Issues reported to Spelthorne by SBC staff, residents and visitors are either dealt with by Neighbourhood Services, if it falls within our area of responsibility, or reported through to customer services at either Surrey County Council or Highways England/Connect Plus.
- 1.4 There are 12 main lay-bys in the borough 6 of which are used daily by large goods vehicles (LGVs) and other traffic, 3 on the A308 & 3 on the A30. Many years ago there was another 1 lay by on A308 towards the crooked billet roundabout. This lay-by was removed and reinstated as verge by SCC due to complaints by residents living in the adjacent housing area. Other lay-bys fall within the boundaries of industrial estates, are off the main roads and create very few complaints.
- 1.5 The main lay-bys are on the:
 1. Staines Road West (Sunbury cross to Fordbridge roundabout)
 2. A 308 (Fordbridge roundabout to crooked billet)
 3. A30 (Fordbridge roundabout to junction 13, M25)

Management & maintenance of these lay-bys falls to Spelthorne Borough Council (**SBC**), Surrey County Council (**SCC**) and the Highways England/Connect plus (**HE/CP**)

1.6 The following table shows the frequencies (where known) and responsibilities of the various agencies along the 3 sections of road.

	Litter on verges	Litter bins	Fly tipping on grass verges & footways	Grass cutting	hedges	General maintenance
Staines road west	SBC Daily in lay-bys, other areas vary-daily & weekly	SBC Emptied 7 days a week	SBC Within 7 days	SBC (agency agreement with SCC) 6 cuts per year under traffic control Chapter 8 regulation	SCC when required	SCC when required
A308	SBC Daily in lay-bys, other areas vary-daily, weekly, 6 times a year under traffic control	SBC Emptied 7 days a week	SBC Within 7 days or under traffic control Chapter 8 regulation	SBC (agency agreement with SCC) 6 cuts per year under traffic control Chapter 8 regulation	SCC when required	SCC when required
A30	HE /CP frequency unknown	HE/CP frequency unknown	HE/CP frequency unknown	HE/CP frequency unknown	HE/CP frequency unknown	HE/CP frequency unknown

1.8 Complaints that fall within the responsibility of Spelthorne are dealt with according to issue. Litter within the lay-by will be dealt with daily at the same time as the litter bins are emptied or the following day if reported after 12 noon. Litter on footways will be dealt with within 48 hours. Litter on stretches of high speed road such as the A308 where there is no footway will only be dealt with when traffic management has been put into place due to the legal requirements of working within Chapter 8 of the road traffic management regulations, this requires lane closures to maximise safety of operatives.

Fly tipping will be dealt with within 7 days depending on the location & severity.

Abandoned vehicles will be dealt with under our abandoned vehicle policy although there have been occasions where large trailers full of tyres have

been abandoned in lay-bys and these have taken much longer to remove due to complications with the condition of the trailer and its fly tipped contents.

- 1.9 The majority of complaints that are passed to Surrey County Council relate to rubbish & fly tipping in the ditches along the A308 and tree & hedge maintenance. During periods of extreme weather SBC assist SCC with tree issues to ensure that traffic can continue to flow along these busy routes.
- 2.0 The majority of complaints that are passed on to Highways England/Connect Plus relate to litter, fly tipping, litter bins, defecation in the lay-bys believed to be by lorry drivers and grass cutting. We do not assist with any of these issues on the A30 as none of these functions fall within the responsibility of either Spelthorne Borough Council or Surrey County Council.
- 2.1 Spelthorne Borough Council manage cutting of the grassed areas along the Staines Road West and A308 as part of a 4 year agency agreement with Surrey County Council. The cost for providing the high standards achieved are subsidised by Spelthorne Borough Council. The subsidy for 17/18 was £80k and for 18/19, due to the SCC funding reduction will be £120k
- 2.2 The management of litter & bins along the Staines Road West & A308 falls to Spelthorne Borough Council under the Environmental Protection Act 1990.
- 2.3 There are no public rest facilities available to any drivers along most stretches other than at larger fuel stations.

2. Options analysis and proposal

- 2.1 There are no options available to us as other agencies like Spelthorne work within their own policies, guidelines and budgets to manage their responsibilities and customer expectations within these areas.

3. Financial implications

- 3.1 There are no financial implications for Spelthorne Borough Council as management of areas that fall within our area of responsibility are financed within existing budgets.

4. Other considerations

- 4.1 We could consider promoting areas of responsibility on social media, concentrating on creating a page on our web site with current reporting procedures, contact details and agency responsibilities.
- 4.2 Surrey Police are not able to attend the Committee meeting but have submitted comments which are attached to this report. (Appendix 1)
- 4.3 At the time of writing this report we are awaiting an update from Highways England to advise if they are able to attend the Committee meeting in relation to this issue.

Background papers: There are none

Appendix 1 – Comments from Surrey Police

This page is intentionally left blank

Surrey Police comments on HGV's in Lay-bys

There are no restrictions in place in any of the lay-bys within Spelthorne and the only enforcement available at night time would be under Regulation 24 of The Road Vehicle Lighting Regulations 1989. This states that vehicles parked between sunset and sunrise in lay-bys on roads where the speed limit is over 30mph must have front and rear lamps and includes unattached trailers.

As there are no restrictions on the length of time a vehicle can park in a lay-by, the only action the police could take would be to consider trailers parked up for “unreasonably” prolonged periods, to be causing an obstruction. However, trying to enforce obstruction offences would be really testing the Courts as it would not be in the true meaning of the law and would probably be seen as an abuse of process. The remedy would be to impose restrictions in the same way that Hounslow Borough Council did some years ago, against police traffic professionals’ advice, as he predicted it would push HGV’s into Spelthorne.

Insp. Alan Sproston

This page is intentionally left blank

Overview and Scrutiny Committee

13 March 2018



Title	Planning Enforcement in Spelthorne.		
Purpose of the report	To note		
Report Author	Esmé Spinks, Planning Development Manager		
Cabinet Member	Councillor Colin Barnard	Confidential	No
Recommendations	<ol style="list-style-type: none"> 1. To note the contents of the report. 2. To consider whether the Overview and Scrutiny Committee wish to review in detail any aspects of the planning enforcement service. 3. To note the financial and resource implications of an increased enforcement workload. 		
Reason for Recommendation	Not applicable.		

1. Background

- 1.1 Cllr Mooney (Chair of the Overview and Scrutiny Committee) has requested that a report be submitted which sets out the work and performance of the Planning Enforcement service. It was requested that the report explains why some enforcement cases take a long time to resolve and also to highlight the successes of the service.

2. Key issues

The attached report and appendices set out an overview of the way planning enforcement is provided. The key issues are:

- There is a need to continue to prioritise our resources so we can deal with those matters which have the greatest impact effectively and efficiently
- There are presently two full time equivalent permanent members of staff (three officers) required to deal with an increased workload and increasingly complex issues. This has an impact on the workload of the planning officers. Additional resources are required to manage this.
- Whilst work is largely reactive in nature, we do respond proactively (planning contravention notices, s215 notices) and decisively (injunctions, prosecutions, direct action) where we need to, although resources do limit our proactive approach.

- There are no issues in terms of performance; we have an excellent appeals record.

3. Options analysis and proposal

- 3.1 The priorities and workload cannot be delivered within existing resources. Additional resources are required.

4. Financial implications

- 4.1 There is the need for a new Principal Planning Enforcement Officer post to manage the enforcement team and the upgrade of an existing enforcement officer post to a new senior enforcement officer post. The budget for these posts have been agreed as part of a growth bid (at Cabinet on 21 February 2018).

5. Other considerations

- 5.1 Planning Enforcement is a legal process which means it often takes a lot longer to achieve than councillors or the general public would wish.

6. Risks and how they will be mitigated

- 6.1 Risks are covered in the Local Enforcement Plan. This prioritises the caseload to ensure that those with the highest risk (in terms of permanent effect, impact on the environment or amenity) have the highest priority, so we can deal with these quickly and mitigate the impact.

7. Timetable for implementation

- 7.1 Recruitment for the new staff will take place in March/April 2018.

Background papers:

Planning Enforcement report

Appendices:

1. Local Enforcement Plan (Planning)
2. Planning Enforcement FAQs
3. Flow chart of the enforcement process at Spelthorne
4. Planning Enforcement Appeal Decisions for Appeals Lodged April 2015 to April 2017

PLANNING ENFORCEMENT IN SPELTHORNE

1.0 Planning Enforcement

1.1 Planning Enforcement is about ensuring compliance with planning legislation and involves the processing of complaints relating to unauthorised work to land and buildings and the resolution of those issues in an acceptable way.

1.2 Planning permission is needed for the erection of many types of buildings and for the making of a material change in use of land or buildings. Permission is also required to erect many forms of advertisements and there are controls to protect Listed Buildings and preserved trees. Unauthorised development in the main therefore covers the following:

- The erection of buildings or the making of a material change of use without the necessary planning permission
- The carrying out of development which varies from the planning permission (and shown on the approved plans)
- Carrying out development without complying with conditions or a subsequent breach of those conditions which apply in perpetuity.
- The display of advertisements without advertisement consent
- Felling of, and works to, trees included in a Tree Preservation Order or to trees of a certain size in a Conservation Area.
- Demolition of Listed Buildings and of certain buildings in Conservation Areas, and works to Listed Buildings which affect their historic status, without the necessary consent.

1.3 The following are not breaches of planning control and therefore no action can be pursued by the enforcement officers:

- Operating a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity (planning permission not required)
- Matters relating to roads, footpaths, bridleways (refer to Surrey County Council)
- Parking of commercial vehicles in residential areas (planning permission not required. Refer to Police if blocking a private access)
- Clearing land of undergrowth, bushes and trees provided they are not subject to planning protection (planning permission not required)
- Dangerous structures (refer to building control)
- Poor build quality and workmanship (civil matter)
- Noise related issues (refer to Environmental Health via Council website)
- Grievances with the planning system (a complaint may be made to the Planning Development Manager who will investigate)
- Boundary disputes (civil matter - refer to mediation or solicitors)
- Deeds and covenants (civil matter – refer to solicitors)
- Party Wall etc. Act (civil matter – refer to solicitors)

- Informative placed on planning decisions (this is advisory only)
- Failure to consult during the planning application process (a complaint may be made to the Planning Development Manager who will investigate)

1.4 It should be noted that Surrey County Council is the planning authority for minerals and waste matters and is, therefore, also the responsible authority concerning any enforcement activities for these functions. When any complaints are received concerning possible enforcement issues relating to minerals and waste matters, we are required to refer them to Surrey County Council to deal with. These concern the extraction of minerals (sand, gravel, clay, chalk, oil and gas), the disposal, storage and processing of waste and the raising of land levels through the deposit of waste materials. However, the County enforcement team comprises just four officers to deal with these matters across Surrey which could make it difficult in terms of monitoring and dealing with non-compliance.

Time Limits for Enforcement

1.5 There are some time limits on the ability to take enforcement action which are set out below.

A four year limit - this applies to 'unauthorised operational development' (the carrying out of building, engineering, mining or other operations in, on, over or under land) and to a change of use to a single dwelling house. After four years following the breach of planning control, the development becomes lawful and no enforcement action can be taken.

A ten year limit - this applies to all other development including changes of use (other than to a single dwelling house) and breaches of condition. After ten years, the development becomes lawful and no enforcement action can be taken.

1.6 In these circumstances, an applicant may apply for a Certificate of Lawful development. If the evidence proves the time period, then a certificate will be granted, following consultation with the Legal department. This has the same effect as issuing a planning permission.

1.7 Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. In such cases a planning enforcement order may be sought from the Magistrates Court. Enforcement orders enable an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired, subject to certain requirements. This occurred with the infamous "castle" in Reigate but we have not had any examples in Spelthorne.

2.0 Enforcement Action

- 2.1 There are a number of options available for the local planning authority to deal with possible breaches of planning control in a proportionate way which are listed below. These are summarised in the Planning Practice Guidance (PPG) and include the choice, in appropriate circumstances, of taking no action.

No formal action – Enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. We will avoid taking enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in its assessment, the local planning authority considers that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

Retrospective planning application – We will invite a retrospective application where we consider it is the appropriate way forward to regularise the situation. The fact that it is retrospective will not fetter our discretion prior to the determination of any application for planning permission. These applications are considered in the normal way.

Planning contravention notice – These are used to obtain accurate information about an alleged breach of planning control. They allow the LPA to require any information they want for enforcement purposes about any operations being carried out; any use of; or any activities being carried out on the land, and can be used to invite its recipient to respond constructively to the local planning authority about how any suspected breach of planning control may be satisfactorily remedied.

Enforcement Notice – these are issued where the local planning authority is satisfied that it appears there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations. There is a right of appeal against an enforcement notice. It is an offence not to comply with an enforcement notice, once the period for compliance has elapsed, and there is no outstanding appeal.

Planning Enforcement Order – As referred to above, this is where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.

Stop Notice - A stop notice can prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, ahead of the deadline for compliance in that enforcement

notice. It cannot be served without an enforcement notice. There is no right of appeal but if the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable in certain circumstances.

Temporary Stop Notice - A temporary stop notice requires that an activity which is a breach of planning control should stop immediately. It does not have to wait for an enforcement notice to be issued and the effect of the temporary stop notice is immediate. It expires after 28 days and can only be issued once.

Breach of Condition Notice – This requires its recipient to secure compliance with the terms of a planning condition. There is no right of appeal.

Injunction – where it is expedient for any actual or apprehended breach of planning control to be restrained, the LPA can apply to the High Court or County Court for an injunction to restrain a breach of planning control.

Rights of entry – LPAs and Justices of the Peace (JPs) can authorise named officers to enter land specifically for the effective enforcement of planning control. Where entry is refused or is reasonably likely to be refused, or there is a need for urgency, then it is possible for a JP to issue a warrant to allow entry

Enforcement and protected trees - Anyone who contravenes a Tree Preservation Order (TPO) by damaging or carrying out work on a tree protected by a TPO without getting permission from the local planning authority is guilty of an offence and may be fined. There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of a TPO

3.0 The Council's approach towards dealing with complaints

- 3.1 We have two full time equivalent Planning Enforcement Officers at Spelthorne; one full time officer and two part time officers with each working half a week. They are based within the Planning Development Management Team under the day to day management of the Planning Development Manager. These officers investigate the majority of complaints but planning officers do become involved in this area of work when they need to provide planning advice on complaints received and evidence to support an appeal against the serving of an enforcement notice. In addition to this we rely on the services of the Council's Legal team particularly when non-compliance with an Enforcement Notice requires prosecution in the Courts or some other form of action (e.g. an injunction).
- 3.2 National Government's policy and guidance on planning enforcement is set out in the National Planning Policy Framework (NPPF) and the PPG). The NPPF advises that:

“effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”.

The NPPF recognises that effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained

3.3 The NPPF encourages local authorities to publish a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. An enforcement plan is important because it:

- “allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process”.

3.4 The Council’s approach towards unauthorised development is set out in our Local Enforcement Plan which was adopted by the Cabinet on 24 September 2013. A copy of this plan is attached at Appendix 1. There has been little change in the enforcement legislation since this time but nevertheless, due to the passage of time, the Plan is currently being updated. There is also a list of frequently asked questions (FAQs) prepared by planning officers which is attached as appendix 2. Both of these documents are available to inspect on the Council’s website.

3.5 A flow chart of the enforcement process detailing the way we work at Spelthorne is attached as Appendix 3. The chart demonstrates (in the blue coloured boxes) how the enquirer is kept informed by the enforcement officers at the various stages in the planning enforcement process.

4.0 The workload

4.1 The workload of the enforcement team can be divided into two areas. The first, which takes up the vast majority of officer’s time, is the dealing with complaints about alleged unauthorised work, and the resolving of those issues in a satisfactory way. The second area is the proactive monitoring of development to ensure it is carried out strictly in accordance with the planning permission given. The amount of time spent on reactive and proactive work is determined by the resources we have available. At the meeting of Council on 22 February, the budget for 2018/19 was agreed which included a growth bid and this will facilitate the creation of an enlarged and dedicated enforcement team.

Reactive - complaints

- 4.2 Last year the Planning Enforcement Officers investigated over 400 complaints relating to alleged unauthorised work. With each of these cases there may be a number of complainants that will need to be responded to. Following the initial investigation, a number of these cases are not pursued because it will be established that there has been no breach of planning control usually because:
- Planning permission has been given for the work
 - The work does not need planning permission
 - The work is “permitted development”
 - The breach is immune from enforcement action and has become lawful because of the length of time it has been in existence.
- 4.3 In addition, there are cases where the breach is minor and a decision is taken that it is not expedient to take enforcement action (e.g. a fence which is 2.3m high, 0.3m over the permitted development allowance).
- 4.4 Where the Council’s permission is required, some cases will be resolved because the owner will stop the unauthorised work and remove the structures. In other cases, the owner will agree to submit a planning application which may be subsequently approved.
- 4.5 In those cases where the breach of planning control cannot be resolved through agreement, a legal notice will be served (there are a variety of Enforcement Notices that are applicable to different types of breaches.) In many instances the owner will decide to appeal against the serving of the Notice and that appeal will be considered by the Planning Inspectorate and will be heard at a Public Inquiry, a hearing, or by the exchange of statements (written representations).
- 4.6 In those cases where the appeal is dismissed, and the Enforcement notice comes in to effect, the Council’s Enforcement Officer will need to ensure it is complied with within the timescales set out in the Notice. In a limited number of cases compliance with Enforcement Notices need to be secured through the Courts and occasionally it is necessary to obtain an injunction through the courts. These are lengthy and time-consuming processes both for the Enforcement Officer and also the Councils solicitor seeking prosecution.
- 4.7 The following table seeks to quantify some of those key stages in the process outlined above and compares the workload to previous years.

Planning Enforcement Work (Financial Year – 1 April – 31 March)

	2013/14	2014/15	2015/16	2016/17
Complaints Received	268	217	295	407
Enforcement Notices Served	9	15	22	12
Stop Notices Served	0	0	1	1

	2013/14	2014/15	2015/16	2016/17
Temporary Stop Notices Served	0	4	3	4
Planning Contravention Notices Served	1	1	5	3
Breach of Condition Notices Served	3	1	1	0
Enforcement Notice Appeals Lodged	8	7	14	6
Appeals Dismissed	1	1	10	5*
Appeals Allowed	2	0	0	2
Appeals – Modified	1	0	0	0
Prosecutions	0	0	3	6
Injunctions	0	0	1	2
S215 Notices	0	0	0	1
High Hedge Notices	0	0	1	0
Objections to Operator’s Licence Applications	0	0	1	4

* One split decision

- 4.8 From the data above, it is demonstrated that there has been a sharp increase in the number of complaints received, particularly in the last two years. In addition, there has been an increase in the number of enforcement appeals over the same period with which we have had a high success rate, with 11 appeals dismissed and two split decisions issued. It is also clear that we have been engaging more in prosecutions and injunctions for sites where enforcement notices have been ignored. We are also serving more Planning Contravention Notices and indeed since April 2017, we have served seven and they will be used with increasing frequency in the future. In addition, we have been increasing objections made to applications for Operator’s Licences and have represented one case at appeal. Furthermore, an internal officer group has recently been established; “Every Ward at its Best”, chaired by the Council’s Head of Corporate Governance. This is a multidisciplinary group which looks at improving the appearance of sites across the borough. We aim to use s215 notices more regularly and in appropriate cases to approve the appearance of sites.
- 4.9 The table below gives an indication of the level of activity of Spelthorne compared with the other Surrey districts. The statistics are for the year ending June 2017 but the number of complaints relates for the calendar year of 2016.

Enforcement Statistics – Surrey Districts - Year ending June 2017

<u>Local Authority</u>	<u>No. of Enforcement Officers (fte)</u>	<u>Complaints 2016</u>	<u>Complaints per officer (fte)</u>	<u>Enforcement Notices issued</u>	<u>Stop Notices</u>	<u>Temporary Stop Notices issued</u>	<u>Breach of Condition</u>	<u>Planning Contravention Notices Served</u>	<u>Enf. Injunctions granted by H Ct.</u>
Elmbridge	4	465	116	5			3	3	
Epsom & Ewell	1.6	240	150	10			1	1	
Guildford	5	454	91	9	1	2	1	11	
Mole Valley	3	325	108	9	1		2		
Reigate	3	525	175	18		1	3	6	
Runnymede	3	290	97	6	2	2		5	1
Spelthorne	2	402	201	8		4		3	1
Surrey Heath	1+corporate enforcement	160	c.126	5	1			1	1
Tandridge	4	300 - 350	75 - 87	10			1	2	
Waverley	6	337	56	9		1	3	18	
Woking	2	164	82	5			1		

It is clear that Spelthorne has a much higher enforcement case load per officer compared with the other Surrey districts. Whilst the number of Planning Contravention notices are relatively low, we have been more proactive in using them and as referred to above, in the year to December 2017, a total of seven PCNs were served.

Proactive – monitoring

- 4.10 In addition to investigating complaints about unauthorised work we also seek to proactively monitor key planning permissions to ensure development is built in accordance with the approved plans and complies with the conditions attached to the permission. Each year we determine over 1400 applications and a large majority of these are subject to a number of conditions (in large residential schemes it is usual for the permission to contain some 30+ conditions). It is not possible for planning officers to monitor the construction of all of these developments at the same time as processing current planning applications. In cases which have been known to be particularly sensitive during the processing of the planning application, we will check the setting out of the development and liaise with Building Control in the cases where they

are dealing and are informed when schemes start. The setting out of commercial development and new residential development (i.e. houses and flats but excluding domestic extensions) is physically checked on the site by Building Control although this is not possible if the building regulation applications are being undertaken by an independent inspector. The compliance with any pre-commencement conditions is checked by planning officers (such as the need for a contaminated land assessment before construction starts).

5.0 Current Enforcement Cases

5.1 A list of the current enforcement cases is sent out on a monthly basis to all councillors. The list details the previous, current and future actions and is issued to advise councillors on a confidential basis. The list also provides a message which councillors are able to convey to residents. Some of these cases appear on the list for several years and this is a consequence of the length of time the enforcement process takes, even for sites where the issues seem to be relatively straight forward. It should be noted that those who breach planning rules have a number of legally valid routes they are able to pursue and they often exhaust them all in order to slow down complying with enforcement action. If a breach occurs sometimes considerable time is spent gathering robust evidence in order to build a strong case. Without this evidence, there is a greater risk of failure at appeal or in the courts. If a breach occurs which in planning terms is totally unacceptable, we would not request a planning application. However, the owner/occupier is at liberty to submit one and we cannot refuse to entertain repeat applications unless they are identical to an application which has been dismissed on appeal in the last two years. If an application is submitted, this results in in-built delays whilst the application is processed, refused planning permission and appealed against and court action is pursued. During this time, we are unable to pursue compliance. The examples below demonstrate how exasperating the enforcement process can be.

2A School Road, Ashford

5.2 In early 2007 the owner unlawfully constructed an outbuilding for residential purposes on land adjacent to his property at 2a School Road, Ashford. A planning application was refused, an enforcement notice was served and the appeal was dismissed. The owner subsequently made further appeals through the Civil Courts including the High Court. All of the appeals were refused. There were two further applications in 2011, which were refused and the appeals were dismissed in 2013. Further civil action continued and concluded with an Injunction made in 2015. This gave the defendant until 4pm on the 30 March 2016 to comply with the Injunctive Order, which reinforced the requirements of the original enforcement notice. This was not complied with and the owner was in Contempt of Court. The owner was advised by the Council that as he had failed to comply with the Court Order and failed to comply with the Enforcement Notice, the Council now intended to demolish the unauthorised outbuilding. Such demolition works would not commence before 1 October 2016. The owner made an application to the Court to vary the

injunction order and Spelthorne Council applied to have the owner committed for failing to comply with the order. This was heard on 26 April 2017. The owner's application was dismissed and Spelthorne Council's application was granted as the breach of the injunction had been proved. The owner was given four months to demolish the building (until the end of August 2017). The owner did demolish the building 10 years and one day after the enforcement notice was served following the threat of direct action by the Council. However, he did not remove the concrete slab, foundations and services. Following a further court hearing and the threat of direct action by the Council, the enforcement notice was fully complied. The planning enforcement officer was required to attend court on 12 occasions in the last two years and most occasions took a full working day each and the whole process took over ten years to conclude.

Sheep Walk, Shepperton

- 5.3 The site known as land to the west of Sheep Walk in Shepperton has a long and complex planning enforcement history dating back to 2012. There are three issues in question.
- The first relates to a relatively large area of land known as land to the west of Sheep Walk where there has been action against the stationing of mobile homes/caravans;
 - The second concerns an area adjacent to the road on former Highways England land. This site is known as "Hamilton's Pitch" and there has been recent action against the stationing of mobile homes/caravans which relocated from the first site; and
 - The third relates to the unauthorised scraping back of surface material and erection of gate and posts.
- 5.4 In 2012, an enforcement notice was served on the first site requiring the removal of the mobile homes, caravans and paraphernalia which was followed in the following year by an injunction. The appellants stayed on the land in contempt of the injunction (and therefore contempt of court). The Council took them to court at the end of 2015 where they were found guilty of contempt, they were sentenced in 2016 and received a fine of £2500 each, suspended for 12 months. If the land was cleared by 09 May 2016 the fines would be withdrawn (they did this). The judge stated that a further contempt of the injunction would make them liable to be committed to prison. After 2.5 years of non-compliance of the injunction and the threat of imprisonment, the applicant moved their mobile homes and associated equipment off their land.
- 5.5 The owners relocated to the second site known as Hamilton's Pitch which is owned by Highways England. In 2017, a further injunction was sought and obtained for this land. Despite this, a planning application was received last year for the retention of the existing caravans, hardstanding and paraphernalia. This was appealed against and heard at a Hearing in January 2018. The appeal outcome is awaited and meanwhile the occupants are still living on this land in breach of the injunction.
- 5.6 The third issue concerning the surface material, gate and posts was the subject of enforcement notices in April and May 2016. This was appealed against and

the appeals were dismissed in March 2017. The unauthorised structures are still in situ and the Council is proceeding with further action against these breaches.

Kestrel, Horton Road, Stanwell

- 5.7 This site concerned the unauthorised change of use from residential to a mixed use of residential and private members club together with associated structures and a hardstanding. The complaint was first received at the end of 2012. An enforcement notice was issued in mid-2013 and a subsequent appeal was submitted at the end of the same year. This appeal was heard via a public inquiry in June and September 2014 and dismissed October 2014. The applicants applied to the High Court against the Inspectors decision in 2015 and this was refused at the end of 2015. However, in April 2016 they lodged an appeal in the Court of Appeal. This was heard in July 2016 in favour of the Council permission to appeal to the Supreme Court was refused. Nevertheless, the applicant attempted to submit an appeal to the Supreme Court and the Court of Appeal's decision to refuse this was upheld. The current compliance date for the enforcement notice was 25 July 2017. Officers had to seek a warrant to inspect the premises. As the enforcement notice had not been complied with, an injunction was obtained. However, in February 2018 the premises closed and the majority of the unauthorised structures were removed. At present the Council is prosecuting against the failure to comply with the enforcement notice. At the time of writing this report, this matter is on-going.

Bretts Site, Littleton Lane

- 5.8 Whilst not the subject of an enforcement notice, the current minerals site has been the subject of recent investigation involving our planning enforcement officer. The minerals activity comes within the control of Surrey County Council as the minerals authority rather than Spelthorne Bough Council. The site has a particularly complex planning history and it would appear that several buildings have been erected on the site over the years which are used for industrial and storage purposes unconnected with the minerals activity. Many of these buildings are exempt from planning control due to the length of time they have existed whilst Surrey County Council was responsible for monitoring the minerals activities on the site. Meetings have recently taken place with local residents, the planning portfolio holder, county councillor and planning and enforcement officers. A considerable amount of our Planning enforcement officer's time has already been spent on establishing the planning history on this site in order to establish the way forward and at the time of writing, this matter is on-going.

6.0 Recent Successes

6.1 Recent enforcement successes have included the following:

2A School Road, Ashford

6.2 This is referred to above as an example of a protracted enforcement case. However, after over 10 years following the serving of the enforcement notice and numerous appeals and court hearings, the enforcement notice has been complied with. This is a good example of officer perseverance in pursuing enforcement action against an individual who deliberately and consistently attempted to flout the planning process. The Council has been awarded costs by the court. To date, £17,500 has been received and a further £8,000 is due in installments.

Maxwell Road, Ashford

6.3 In 2014, a planning application for a single storey dwelling with associated parking and amenity space to the side of 7 Maxwell Road was refused planning permission. Following this refusal, the owner began to build what was purported to be an outbuilding ancillary to the main dwelling which was claimed to be permitted development. The building was the same size and in the same location as the dwelling which had been refused and had the appearance of a house. A temporary stop notice was served in 2015 followed by an enforcement notice requiring the removal of the structure. The enforcement notice was appealed against and the appeal was dismissed at the end of 2015. The building was demolished the day prior to the compliance date, however the land was not cleared as required, the owner was summonsed to Court for the failure to fully comply with the Enforcement Notice, was found guilty, fined, and Spelthorne were awarded and has received costs of £735. The following year it was observed that a residential caravan had been sited on the land. A further enforcement notice was served and the caravan was removed.

6.4 The enforcement case on this site relating to the bungalow was a calculated bid to by-pass the planning system and build a house by stealth.

Land to the rear of The Bugle, Upper Halliford Road

6.5 At the end of 2012, an enforcement notice was issued requiring the removal; of caravans to the rear of the former public house. Following an appeal, the notice was upheld in July 2013. However, despite requests for compliance, the pub licensee was very obstructive and the caravans remained. The planning enforcement officer advised the licensee on two separate occasions that the Council would instigate direct action and seek to remove the illegal caravans from the site. In October 2015, the bailiffs entered the site on behalf of the LPA with police protection, and removed the unauthorised caravans from the site. The cost to the Council was £9,000. It is extremely unlikely that these costs will be recovered. The site has been clear of caravans since this time. This direct action is another success story for the LPA. Since this time, the Council has

purchased this site.

Planning Appeals

- 6.6 A table of the appeal decisions on enforcement notices for appeals lodged between April 2015 and March 2017 is enclosed as appendix 4. We have had a very high success rate. Out of a total of 17 appeals, 15 were dismissed, (including which one was a split decision) and only 2 were allowed; one was only for a temporary period. This represents a success rate of over 88%, an excellent achievement and demonstrates that we are choosing to take action against the unauthorised uses which are causing harm to the amenity of the local area.

7.0 Updates to the service

- 7.1 Since the beginning of 2013 the Enforcement Officers have been drafting and issuing their own Enforcement Notices which are authorised by a senior officer to minimise the delay in the serving of notices although with the more complex notices, the legal officers assist with the drafting. The enforcement officers have also attended training courses covering various enforcement matters. The officers have themselves provided enforcement training to Councillors in 2015 and 2017 and from the feedback provided from the Members who attended, this has been well received. We continue to e mail a monthly list to all Members which sets out, in ward order, the details of those unresolved cases which are subject to Enforcement Notices.
- 7.2 As demonstrated above, in the last two years, we have used stop notices, injunctions, prosecutions and direct action with the more serious breaches of planning control or where enforcement notices per se have not secured compliance. However, these actions have resource implications for our planning enforcement officers and our legal officers. Each time an officer is required to attend court, it invariably takes place at Guildford County or Crown Court and usually takes all day plus preparation time for the case. Time has been wasted when the defendant has not appeared and a new date has to be set. In addition, there are the legal costs associated with counsel representing the Council at court and costs associated with direct action, as in the case of The Bugle site. Whilst the Council has been successful in recouping costs, for example at 2A School Road, other sites have proved less successful, for example where there have been cases of zero assets. Notwithstanding this, we still take decisive action where the harm has significant adverse impact on the locality and action can be justified regardless of whether we can recoup the costs.
- 7.3 The enforcement work also has an impact on the planning officers' workloads. The enforcement officers are managed directly by the Planning Development Manager who has overall responsibility for enforcement and signs off all cases. Other planning officers deal with retrospective planning applications and applications for Certificates of Lawfulness. Planning staff provide planning advice to the enforcement officers and the issues are

invariably complex. They also assist with the enforcement appeals including giving evidence at hearings and public inquiries

8.0 Resource Implications

- 8.1 On 21 February 2018 Cabinet considered a number of growth bids – one of which covered an additional resource for planning enforcement. Our team has some very complex matters as well as injunctions and court appearances. These take up a very significant amount of time, and we are not sufficiently resourced to respond to matters as quickly as residents and councillors expect. We are very reactive. However, we cannot be more proactive in targeting sites which need to be tidied up (section 215 notices). This impacts on how the borough looks at the moment we simply react to neighbour complaints.
- 8.2 A significant proportion of the Planning Development Manager's time is spent dealing with the planning aspects (e.g. would planning give retrospective approval, should we go straight to stop notice) which takes her away from managing the whole team. That post holder needs to be able to focus more closely on performance to ensure that we are not at risk of intervention from Central Government (designation). Planning Officers are also called on to give advice, taking them away from dealing with large scale applications and managing their teams. Recently one officer has been out of 'circulation' for nearly two weeks due to all the preparation required for an enforcement hearing. The growth bid that was agreed by Council on 22 February will facilitate the creation of an enlarged and dedicated enforcement team.
- 8.3 We will look to continue to improve the service in the future.

List of Appendices

1. Local Enforcement Plan, adopted 24/09/2013
2. List of frequently asked questions on Enforcement
3. A flow chart of the enforcement process at Spelthorne.
4. Planning Enforcement Appeal Decisions for Appeals Lodged April 2015 to April 2017

LOCAL ENFORCEMENT PLAN (PLANNING)

The Council's policy towards dealing with unauthorised development

Planning and Housing Strategy
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB



Local Enforcement Plan (Planning)

Planning Enforcement – The Council’s policy towards dealing with unauthorised development

Introduction

This document aims to assist you get the best out of the Enforcement Service. It sets out the main service areas and explains how Spelthorne Borough Council carries out its enforcement activities. In order to give the best possible service, it is vital that the Council gives clear guidance on what we can do and what we cannot do, and how we balance demands on our services against the resources available to us.

From the information provided below, we hope that you will be able to measure our performance and decide if we have met our own demanding standards. Should you not be satisfied with our performance to date, we hope that Council officers can rectify any relevant problem you have experienced, or explain why we cannot meet your expectations.

The Council have also published a separate list of frequently asked questions which cover other matters areas related to Planning Enforcement. This can be viewed on our web site.

What you can expect from the Council

We will consider the full range of powers when conducting investigations (including appropriate negotiations and retrospective planning applications) and where appropriate take immediate action.

We will minimise the costs of compliance by ensuring that any action we require is proportionate to the risks.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

Generally we will prosecute individuals or organisations who do not comply with any formal notice served on them, and when appropriate will take direct action, having regard to degree of harm and public safety.

We will carry out our duties in a fair, equitable and consistent manner.

We will consider each individual matter on its merits. There will be a consistent approach to enforcement action against breaches of similar nature and circumstance.

Information and advice will be provided in plain language on the rules that we apply and we will publish this as widely as possible.

We believe that prevention is better than cure and that we should work with customers to advise and assist with compliance.

Officers will provide a courteous, prompt and efficient service and letters will provide a contact point and telephone number for customers to contact when seeking advice and information.

Officers will not tolerate abusive language or behaviour either in person or in correspondence.

Definition of unauthorised development

Planning permission is needed for the erection of many types of buildings and for the making of a material change in use of land or buildings. Permission is also required to erect many forms of advertisements and there are controls to protect Listed Buildings and trees with a Tree Preservation Order. Unauthorised development in the main therefore constitutes the following

- The erection of buildings or the making of a material change of use without the necessary planning permission
- The carrying out of development at variance to that given in the planning permission (and shown on the approved plans)
- The carrying out of development not in accordance with the conditions on the permission or subsequent breach of those conditions which do not relate to the initial construction of the development
- The display of advertisements without advertisement consent
- Felling of, and works to, trees included in a Tree Preservation Order or trees of a certain size in a Conservation Area.
- Demolition of Listed Buildings and of certain buildings in Conservation Areas, and works to Listed Buildings which affect their historic status, without the necessary consent.

The Council's approach to unauthorised development

Enforcing against unauthorised development is a discretionary power and the Council is not legally bound to act. The Council however consider it is essential that where unauthorised development occurs which has harmful consequences either to the environment or to people living nearby that swift action is taken to prevent it continuing.

The nature of the harm which arises from the unauthorised development will be the primary factor which influences the course of action the Council will take to deal with the issue. The Council will also prioritise addressing those cases which cause most harm. The purpose of planning enforcement is not punitive but to enforce and resolve breaches in planning control and unauthorised development which cause harm to public amenity and the environment.

Some unauthorised development occurs intentionally and on some occasions the person carrying out the work is not aware that it needs permission, or does not comply with the terms of any consent given. The Council will respond sympathetically to those situations where a breach of planning control has genuinely occurred unintentionally (particularly in relation to household development) but will take the necessary steps to resolve any harm arising from the work.

In all, but the most serious of cases, the Council will seek to first resolve the matter through discussion with the owner/person carrying out the work. The Council will seek to avoid any formal legal action coming “as a bolt out of the blue”. Where this approach fails the Council’s general approach will in the case of development significant harm (see categories 1 and 2 below), to serve a Temporary Stop notice. This has the effect of stopping the construction of the development, or the activity continuing for a temporary period of 28 days. This will give the owner the opportunity to resolve the issue. It may however be necessary to serve an Enforcement Notice after that period expires.

The Council will generally seek to prosecute those people who have felled or damaged a preserved tree , or demolished or damaged a listed building .

The Council wish to support activities which contribute to economic growth and will have regard to the impact of any enforcement action on businesses. In particular the Council will ensure that the periods of compliance in any Notice are sufficiently long enough to minimise any disruption to the business and if possible avoid any permanent loss of employment.

Priorities

To make the most effective use of resources, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list.

Category 1: Serious harm – this includes:

- Unauthorised demolition of Listed Buildings, ancient monuments and demolition of locally Listed Buildings.
- Felling or lopping of a preserved tree or tree in a Conservation Area.
- Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
- Development or breach of conditions likely to cause serious harm/danger to people or amenity
- Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation

Category 2: Significant and widespread harm to local amenity:

- Unauthorised development causing significant or widespread harm.
- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

Category 3 – Other – these may include:

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use
- High hedges
- 1. Unauthorised pitching of caravans
- 2. Businesses being operated from home
- 3. Development not in accordance with the plans during the build process

Individual cases may be re-prioritised as the investigation progresses and as new evidence comes to light.

To ensure that an adequate overall service is provided, the allocation of resources will be periodically reviewed. The quality of evidence and support provided by complainants can also have a significant bearing on the outcome of an investigation and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

Investigation of suspected breaches of planning control

Receipt of complaint

To start a planning enforcement investigation, please contact us by:

- email at planningdm@spelthorne.gov.uk
- filling out the standard form on our web site
- over the phone on (01784) 451499
- by letter to Planning Enforcement, Spelthorne Borough Council, Council Offices, Knowle Green, Staines Upon Thames, Surrey, KT18 1XB
- or in person at the Council Offices, opening hours are 08:45 – 17:00 Monday to Thursday, 08:45 – 16:45 Friday

When a complaint is received it is recorded on our database so it is important that we have the following information:

- name and contact details of complainant
- full address of the alleged breach of planning control
- nature of the breach and the harm it may be causing

All enforcement complaints are logged onto our computer system with a unique reference number so that each complaint can be monitored and the complainant updated on progress.

To avoid the unnecessary use of resources, anonymous reports of suspected breaches of planning control will not normally be pursued unless other evidence suggests that the breach is causing serious harm to the environment or the amenities of residents. Confidentiality of a complaint's identity will be safeguarded unless it is necessary for the complainant to give evidence at an appeal.

We will:

Acknowledge receipt of any complaint within five working days

Provide an initial response within 10 working days on the actions we are taking

Time frame for a site visit

A site visit will be required to establish whether or not a breach of planning control has occurred and there will need to be some research around the case prior to the site visit.

The initial site visit (where necessary) will be conducted within the following timescales. There will be exceptions to this, particularly in very urgent matters.

- High priority cases – within two working days
- Medium priority cases – within five working days
- Low priority cases – within ten working days

We will aim to meet these timescales in all cases investigated to ensure cases progress without undue delay from the outset.

These targets allow officers to carry out research before visiting a site. If carrying out the initial site visit within these time frames is problematic on a specific case the officer will notify the complainant. On completion of the initial site visit, the findings will be assessed and a view taken as to how the investigation will proceed. This may include taking legal advice about the case.

If no breach of planning control is established

A significant number of investigations are closed as there is no breach of planning control established. For example:

- there is no evidence of the allegation
- development has taken place but planning permission is not required, usually because it is permitted development
- it already has planning permission

Where this is the case the complainant will be notified either verbally or in writing within 10 working days of the initial site visit that no further action will be taken. We will also provide an explanation why.

Where further investigation is required

There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place. Examples of these can include:

- business operated from home. This will often depend on the level of intensity and this may not be immediately apparent from the initial site visit
- alleged breaches of working hours conditions. If the operator denies the activity further investigations will be required

- building works are taking place but the owner claims it is to repair a previously existing structure.

The officer will need to establish what, if anything, previously existed. In these cases the complainant will be notified within 10 working days of the initial site visit that further investigation is required. Further investigation may involve additional site visits, documentary research, seeking advice from other services or agencies, or the owner or other persons responsible for the land or building. In some cases, we may ask the complainant for further details. If they are unwilling to help, we may not be able to take further action due to insufficient evidence.

We will also consider serving a Planning Contravention Notice to obtain information relating to the suspected breach. Drafting such a notice correctly can take time. Equally a person on whom it is served has 21 days to respond. Therefore it may be several weeks until the appropriate evidence can be collected.

Where there is a breach of planning control

When we receive a complaint, the case officer will check to see if there is a breach of planning control and that legislation allows us to take action. Each case is judged on its individual merits. In some cases whilst a breach of planning control has been identified it is not possible for the Council to take action against it because it has been occurring, or in existence, for a long period of time and is immune from Enforcement action. In most cases it is not possible to take action against buildings and structures which have been erected without consent if they have been in existence for more than four years. Similarly, a change of use of a building or land without permission, or the breach of a planning condition imposed on a permission, will be immune from enforcement action if it has occurred for more than 10 years.

Negotiation

Where it is considered that the breach of planning control is unacceptable, officers will initially attempt to negotiate a solution without going straight to formal action, unless the breach is causing very significant harm. Negotiations may involve scaling down or stopping an unauthorised use or activity, or changing or removing the unauthorised development.

In carrying out negotiations officers will look at the specific circumstances of the case (e.g. where there is an unauthorised business activity officers will consider whether relocation is possible and if so will seek to put a reasonable timescale in place).

Where initial attempts at negotiation fail, formal action will be considered on a case by case basis. We will also consider whether it is appropriate to serve a temporary stop notice to prevent the breach becoming worse.

Where we are unable to negotiate an acceptable solution within a reasonable timescale, or it is clear at the outset that the breach is not capable of being resolved through negotiation, we will proceed with formal enforcement action where it is expedient to do so.

In most cases relating to the loss of, or damage to, preserved trees and listed buildings there will usually be little need to negotiate and the Council will take whatever action is considered necessary through the Courts.

Not expedient to pursue formal action

There are some cases where it would not be 'expedient' or worthwhile for the Council to take enforcement action. Expediency is a test of whether the unauthorised activities are causing serious harm. The planning enforcement officer investigating the case will consider this and seek advice as appropriate. The outcome of this consideration will generally inform the course of the investigation. Taking formal enforcement action is only one option with other courses open to the Council. Some examples of where it may not be expedient to take action are as follows:

- It may be the case that whilst a technical breach of planning control has been found the breach is so minor that it has no or very little impact on amenity. Such a breach would be considered 'de-minimus' in planning terms and no formal action would be taken in this respect.
- In some case it may not be expedient to take action because the work carried out is only marginally larger than that allowed under permitted development and that increase causes no harm. An example of this might be a fence which has been erected and is only a few centimetres above the normal allowance of 2m (where it does not front a road),
- There may also be cases where building work or a change of use has taken place but it is clear following an assessment, that retrospective planning permission is likely to be granted. The Council's approach to when a retrospective application is encouraged and how that application is dealt with is set out in the next section of this document.

It is clearly unsatisfactory for anyone to carry out development without first getting planning permission. However, an enforcement notice should not be issued solely to regularise development which is acceptable in planning terms, but for which permission has not been sought. In these cases the Council will ask for an application.

It is generally regarded as unreasonable for a Council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the building works/use.

Where officers conclude that it is not expedient to take action the case will be closed (with a reasoned justification).

As a Council we also need to ensure that any action is proportionate to the breach. We investigate many technical breaches of planning control (e.g. a fence or a rear extension slightly higher than permitted development). In these cases it would clearly not be reasonable to require the removal of an entire building or fence where a slightly lower structure could be put up without permission.

We will work with owners to resolve the situation but ultimately it is highly unlikely that formal action could be warranted in the case of a technical breach.

Retrospective planning applications

In some cases, an unauthorised development may be acceptable by the imposition of conditions on a planning permission or consent. For example, a change of use to a restaurant may be acceptable in principle but give rise to concerns about late opening hours. In such a case rather than take formal action against the use, it would be appropriate to request a retrospective application. If that application was found to be acceptable having assessed the detail and taken into account the views of consultees. We could grant permission subject to a condition restricting hours of use.

A retrospective application is processed in the normal way. This allows third parties to be formally consulted and make their views known. In addition to all those adjoining the site, the Council will notify anyone who originally complained about the unauthorised work. The fact that the development has been carried out in part or full has no bearing on the decision the Council makes on the application.

The Council will specify a time period in which a retrospective application needs to be submitted. The period given will vary from case to case but will reflect the complexity in preparing such a submission. Periods of 28 or 56 days are often given. If no application is submitted the Council will consider the expediency of taking further action having regard to the harm which arises from the breach (and lack of conditions imposed on a planning permission to control it). It may become necessary to serve an Enforcement Notice.

If the development is unlikely to receive permission the Council will not encourage the submission of a retrospective application although there remains a right to make such an application. Unless the Council has served an enforcement notice prior to the submission of the retrospective application (which relates to those matters sought permission in the application) the Council is duty bound to consider it.

The Council will, generally, refuse to process retrospective applications which are submitted after the serving of an enforcement notice unless by entertaining the application is likely to enable the proposal to be amended to overcome the reason for the serving of the notice.

Material and non-material amendments to planning permissions

The Council expect development to be completed strictly in accordance with the approved plans which form part of the planning permission. Following the grant of permission applicants often wish to make variations. This sometimes occurs because of problems during the construction process, or a change in the client's wishes. The Council's approval is required for any changes from the approved plans and this should be sought before work is carried out. Sometimes, however, changes occur without the Council's prior approval.

Where these alterations are materially different from the permission a new application for the whole development will be required.

Where the scale and nature of the alterations results in a development that is not substantially different from the one that has been approved, a "minor material

amendment application” will be invited. This in effect seeks permission for the changes proposed rather than the whole scheme again. The Council will consult adjoining properties in the consideration of these types of application and take into account any representations submitted.

Where the changes proposed are extremely minor (such as the omission of a window or reduction in the size of an extension) the Council will request a “non-material amendment”. This is also subject to a fee, but will usually be considered by exchange of letter and without notification to neighbouring properties.

Monitoring of Planning Permissions

It is not practical or proportionate to monitor all planning permissions granted by the Council, and all development carried out as permitted development. Most of the development occurring in the Borough is in built up areas close to adjoining properties. Indeed the majority of alleged breaches of planning control are reported by people living close to the development. Most of the Council’s planning enforcement officers time is spent dealing with resolving these reported breaches.

However, the Council do monitor proactively the larger scale and the more sensitive schemes in the Borough. Working in liaison with building control, and following notification of commencement of work, critical dimensions in the setting out of new buildings are checked. Compliance with pre commencement conditions is also checked. In addition, planning officers will, as resources allow, check sensitive development at key stages of construction and on completion of the development.

In addition to this, solicitors acting for prospective purchasers of land, regularly seek confirmation from the Council that the work has been completed in accordance with the planning permission/permitted development allowance.

Taking formal enforcement action

Enforcement notice

Councils are able to serve an enforcement notice where development or a change of use has taken place without permission, and it is considered expedient to do so. We have to serve enforcement notices on the owner, occupier and any other person with an interest in the land.

An enforcement notice has to set out what we expect to happen (for example demolishing a building or stopping a car repair workshop) in order to:

- make sure a development complies with the terms of any planning permission which has been granted
- stop the use of the land or restore it to the condition it was in before the breach took place
- ensure that a development does not have an adverse impact on amenity

The notice will specify a timescale for the works to be carried out. A notice comes into effect a minimum of 28 days after it is served. There is a statutory right of appeal against the notice during this period to the Planning Inspectorate. Once the Planning

Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.

There are seven grounds of appeal against an enforcement notice. Any appeal may include one or all of these grounds:

- (a) that planning permission ought to be granted
- (b) that the development or change of use has not taken place
- (c) that the development or change of use does not need permission
- (d) that the development or change of use is immune from action (e.g. been in place or operating too long)
- (e) that the enforcement notice(s) were not served correctly
- (f) that the works/action to be carried out are excessive
- (g) that not enough time has been allowed for the works/action to be carried out

Given these rights of appeal it is important that all relevant matters are taken into account before serving an enforcement notice. This includes being clear about:

- What the specific breach is (e.g. building is too high, in the wrong place, agricultural building being used for industrial purposes)
- What we expect to be done to set it right (e.g. reduced height, demolish and re-build, stop the use)
- How long we give for the works/actions to be done (e.g. three months, 12 months).

If the breach of planning control relates to a listed building, or unauthorised demolition within a conservation area, we will consider the expediency of serving a listed building enforcement notice or a conservation area enforcement notice. Where appropriate, commence a prosecution in the Courts.

All enforcement notices are placed on the Council's enforcement register which is available to view on the Council's website .

Planning contravention notice (PCN)

This is often served prior to going down the enforcement notice. It can be served on the owner or occupier of the land in question or a person who is carrying out operations or using the land. The PCN gives those people 21 days to provide the information which the Council has asked for. If they do not give the information they can be prosecuted (maximum fine of £1,000). To knowingly provide false information on a PCN can result in a fine of up to £5,000.

Other requisition for information notices

The Council can also require anyone who receives a requisition for information notice to supply in writing details of their interest in a property and details of anyone else having an interest in the property. A reply must be supplied within 14 days. A person who fails to comply with the requirements of a notice or makes a false statement in a reply is guilty of an offence punishable by a fine of up to £5,000.

The Council also can require those individuals to state in writing the nature of their interest in a property and to state in writing the name and address of any other person known to them as having an interest in the property, such as a freeholder,

mortgagee, lessee or otherwise. Failure to return the form or to provide a miss statement is an offence punishable by a fine up to £1,000.

Breach of condition notice (BCN)

This is served where a planning condition has not been complied with. We have to take into account the type of condition which has been breached (e.g. windows are not obscure glazed or contaminated land conditions has not been complied with) and what we expect to be done to set it right. Once issued the notice does not take effect for 28 days.

There is no appeal against a BCN and therefore can be more expedient than issuing an enforcement notice. The failure to comply with the notice is dealt with by a prosecution in the Magistrates Court (maximum fine of £2,500). The BCN is ideal for matters where the steps to be taken are relatively simple and can be readily achieved.

Any BCN has to set out what we expect to be done to comply with the condition and when it needs to be done by.

Stop notice

The Council must consider the use of stop notices carefully as they carry with them significant statutory compensation provisions.

A stop notice must be served at the same time or after the service of an enforcement notice. We will consider serving a stop notice where urgent action is necessary to stop a relevant activity before the end date of the related enforcement notice.

The stop notice must refer to the enforcement notice, specify the activity or activities that have to stop and set the date when it comes into effect. Failure to comply with the notice is an offence (maximum fine on summary conviction is £20,000).

Temporary stop notice (TSN)

A TSN can be issued without an enforcement notice, and is designed to halt breaches of planning control for a period of up to 28 days. This comes into immediate effect and is used to stop work and to see if issues can be resolved within a limited timescale. These are most often served where a development has started but conditions on the planning information requiring further action before commencement have not been complied with (e.g. a contaminated land investigation and mitigation measures has not been agreed).

Whilst TSNs also carry some compensation provisions these are significantly lower than with a stop notice and therefore the risk to the Council is reduced.

Section 215 notice

In cases where the amenity of an area is adversely affected by the condition of land or buildings, we will consider serving what is called a Section 215 Notice (untidy land). This will set out what we expect to happen (e.g. remove building materials/shrubs/board up windows), when it needs to be done by and the date the notice takes effect.

A Section 215 notice takes effect after 28 days service during which time an appeal can be made in the Magistrates Court.

Time limits for taking formal action

The Council cannot serve a notice after four years where the breach of planning control involves building operations. For example:

- extensions to dwellings
- new buildings and laying hardstanding
- or the change of use of any building to a single dwelling.

Other unauthorised changes of use and breaches of conditions are subject to a 10 year time limit (e.g. use of an agricultural building for industrial warehousing).

The Council are not able to take action on anything above the four or ten years, and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) and if the evidence is clear they can 'regularise' the situation. However it should be noted that even if a use is lawful it does not mean that the Council would have granted planning permission if this has been applied for before the development/change of use had taken place.

Serving an enforcement notice in respect of a particular development 'stops the clock' in relation to these four and ten year time limits. Therefore where the Council feel a breach may be close to the four or ten year time limit it may seek to take urgent enforcement action to prevent such a development or use becoming lawful.

The Localism Act has introduced a new enforcement power in relation to time limits. This allows Councils the possibility to take action against concealed breaches of planning control even after the usual time limit for enforcement has expired.

Failure to comply with formal notices

Where a notice has been served and has not been complied with there are three main options available to the Council.

Prosecution

We will consider prosecution proceedings against any person who has not done the works expected of them and where the end date has passed. This may be in relation to any of the following Notices:

- enforcement notice
- listed building enforcement notice
- conservation area enforcement notice
- breach of condition notice
- section 215 notice
- stop notice

Cases involving unauthorised works carried out to a Listed Building and unauthorised demolition in a Conservation Area also constitutes an offence in their own rights. We

will consider whether it would be expedient to prosecute for these works rather than issuing a notice on a case by case basis.

Before commencing any legal proceedings we need to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

Direct action

Where any works/actions required by an enforcement notice or section 215 notice have not been completed within the time period (other than stopping the use of a piece of land), we will consider whether it is expedient to:

- enter the land and undertake the works (e.g. demolish the building); and
- recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

In most cases the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action

Injunction

Where an enforcement notice has not been complied with and, because of the special circumstances of the case, either direct action or prosecution would not be an effective remedy, we will consider applying to the Court for an Injunction.

An injunction can also be applied for where there is clear evidence that a breach of planning control is anticipated but has not actually occurred. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing or likely to cause exceptional harm (e.g. materials for hard standing being put on a site and services being laid).

Advertisements

The display of advertisements without consent is an offence. As such we can prosecute without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so will normally result in further action being taken without further correspondence.

We are also able to remove or obliterate posters and placards. We will consider using these powers as appropriate.

The recent Localism Act has introduced several new provisions in respect of dealing with advertisements. These are Removal Notices, Action Notices and the powers to remedy the defacement of property. Each provision includes rights of appeal to the Magistrates Court.

Removal notices

The Council can seek removal of any structure used to display an advertisement. Where the notice is not complied with we may remove the structure and recover the cost of doing so.

Action notices

Where there is a persistent problem with unauthorised advertisements an Action Notice can be issued specifying measures to prevent or reduce the frequency of the display of advertisements. Again where the notice is not complied with we may remove the structure and recover the cost of doing so.

Power to remedy defacement of premises

Where a sign is readily visible from somewhere the public have access, and is considered to be damaging the amenity of the area or is offensive, a Notice may be issued requiring the removal or obliteration of the sign. As with the above provisions failure to comply with the notice will allow us to undertake the works in default and recover costs (except where it is on a flat or house or within the curtilage of a house)

Trees

Legislation protects trees which are the subject of Tree Preservation Orders (TPOs) or are within a Conservation Area from felling or other works without permission. As with advertisements such works are an offence and we can prosecute without a notice. However, such action would not remedy the harm caused.

We can also issue a replacement notice. This will require an appropriate replacement tree to be planted where a tree covered by a TPO has been removed.

High hedges

From the 1 June 2005 councils have had the power to deal with disputes over high hedges where all reasonable steps to resolve the issue have been taken by the relevant parties. In cases where we find in favour of the complainant we will ensure, through enforcement action if necessary, that any specified schedule of remedial works is carried out.

Complaints about the Planning Enforcement Service

Sometimes things do not proceed as planned. If you feel that there is unreasonable delay with an enforcement investigation, or you believe there is an error in the way an investigation is being carried out, you should contact the Assistant Head of Planning (contact details are given below). He will investigate the matter, review the circumstances and advise you within ten working days about what action will be taken. If a matter requires further investigation, you will be advised of this at the time.

If you are still dissatisfied with the service, then it is open to you to make a formal complaint. Please remember that the complaints procedure does not apply to matters that are directly related to a Council or Panel decision. You can, of course, contact your local Councillor at any time.

If you remain dissatisfied, you may write to the Local Government Ombudsman and information on how to do this will be given to you by the Head of Corporate Governance. The Ombudsman will not normally deal with a complaint unless it has first been through the Council's own complaint procedures and will deal only with matters relating to the conduct of the investigation.

This page is intentionally left blank

Planning enforcement FAQs

The following questions and answers are intended to explain how the Council uses its planning enforcement powers to protect amenity and ensure the right development takes place in an acceptable way.

Planning permission is needed for many types of development and changes in use of land or buildings. Permission is also required to erect many forms of advertisements and there are controls to protect Listed Buildings and preserved trees. When development or work takes place without permission, or not in line with a planning permission or condition placed on it, the Council has various legal powers to take what is called 'enforcement' action to remedy the problem.

The Council attaches particular importance to planning enforcement to ensure that the amenity of all residents and businesses is properly protected.

We also have an online Planning Enforcement Register containing details of enforcement notices the Council has served.

Included in the following is information about when and what sort of planning enforcement action can be taken and how you can tell us about something you think is wrong.

[Q1: What does Planning Enforcement cover?](#)

[Q2: Is it illegal to build something without planning permission?](#)

[Q3: What is not covered by Planning Enforcement?](#)

[Q4: How do I report unauthorised development?](#)

[Q5: What happens when an enforcement complaint is received?](#)

[Q6: What type of action can the Council take?](#)

[Q7: How quickly will a complaint be dealt with and then resolved?](#)

[Q8: How do you prioritise planning enforcement work?](#)

[Q9: Will I be kept up-to-date with progress on a complaint?](#)

[Q10: What happens if an enforcement notice is not complied with?](#)

[Q11: What can the Council do about untidy land?](#)

[Q12: What is a Retrospective Application?](#)

[Q13: How do I report someone using his or her own home to run a business?](#)

[Q14: How do I report a development which is not being carried out in accordance with the approved plans?](#)

[Q15: How do I report work being carried out which I don't think has Planning permission?](#)

[Q16: What happens if a Planning Enforcement complaint is made against my property?](#)

[Q17: What happens if an enforcement notice is served on me?](#)

[Q18: Can those who make a complaint do so confidentially?](#)

[Q19: Can I appeal against the Council's Planning Enforcement decision?](#)

[Q20: Hedges - can the Council take action where high hedges are causing a problem?](#)

[Q21: Where can I find more information?](#)

Q1: What does Planning Enforcement cover?

Planning Enforcement involves ensuring that planning permissions and any conditions imposed are complied with.

It also includes situations where something requiring planning permission or related consents has taken place without permission being obtained, for example:

- construction of buildings or works, eg wall or fence
- change of use of buildings or land
- display of advertisements
- works to protected trees and hedgerows
- work to buildings listed as being of special architectural or historic interest
- demolition of certain buildings in a Conservation Area
- the Council also has statutory powers to require land that is in a poor condition and has an unacceptable impact on public amenity to be tidied up

Q2: Is it illegal to build something without planning permission?

Whilst building something without planning permission is not normally a 'criminal' offence, failure to comply with some notices to rectify a problem can be. However, unauthorised work to a 'listed' building, preserved tree or erecting advertisements without consent is a criminal offence.

Q3: What is not covered by Planning Enforcement?

Planning Enforcement cannot deal with some issues and you will need to seek your own legal advice

- neighbour disputes
- land boundary or ownership disputes
- deeds of covenant issues
- works to party walls
- use of/development on highways or pavements (Please contact: Surrey County Council Highways Department)

Some things can be dealt with by the Council through other powers relating to the Building Regulations (eg structural issues relating to building work) or Environmental Health (eg noise issues). Our Neighbourhood Services section deals with flyposting of adverts and 'A' boards which are placed on pavements or attached to other structures on the highway.

Q4: How do I report unauthorised development?

Please contact the Council by e-mail, using our on-line form, telephoning Customer Services or writing to Planning Enforcement at the Council Offices

The following information should be included:

- the exact location of the site, or address of the property in question - including which part of a site
- exactly what has or is happening and when
- what harm it is causing you or your neighbours
- when the problem started, eg date building work or use of a site started

The more information you can give us the quicker we can resolve the problem.

Q5: What happens when an enforcement complaint is received?

The Council receives over 300 planning enforcement related queries every year and needs to deal with them in a consistent and fair manner, giving the greatest priority to the most serious and/or urgent cases.

When we receive a complaint/query we will check the following:

- does it need planning permission?
- does it have planning permission?
- are any conditions that were imposed with a permission not being met?
- has a planning application relating to the problem already been submitted to the Council and is still to be decided?

The Council also has to check how long ago a development or change of use took place as there are time limits on when action can be taken. Generally changes of use are immune from action after 10 years and development after four years, although there are some qualifications. The Government is, however, seeking to introduce legislation to allow retrospective action at any time where works have been deliberately concealed to gain immunity.

When a matter needs to be investigated further we will prioritise the problem - see question 8.

The Planning Enforcement flowchart summarises the key questions and actions that the Council has to consider.

Q6: What type of action can the Council take?

The Council has to decide whether it is expedient to take action and will not pursue cases which are trivial and involve a very minor technical infringement where no actual harm has or could arise. Nor will it take action simply to regularise a development. We will act reasonably and seek to deal with matters in a manner proportionate to what has happened and which represents an effective use of public money.

In all cases we will need to establish the facts; this research can take some time, particularly where several site visits or surveys over a period of time are required.

Wherever possible and appropriate we will seek to resolve matters by negotiation as this may often be quicker and more cost effective for all concerned. However, we do have statutory powers to serve the following notices and action can be taken through the Courts when they are not complied with:

Planning Contravention Notices (PCNs): These are used to seek information and help us decide what has happened and what to do about it. There are penalties for failing to provide the information requested.

Breach of Condition Notices (BCNs): These are used where a condition of a planning permission is not being followed. Failure to comply with a BCN is a criminal offence.

Enforcement Notices: These can require unauthorised uses to cease, or unauthorised building works to be altered or removed. The notice must give a reasonable period for compliance. Failure to comply with an Enforcement Notice is a criminal offence. There is a right of appeal against an Enforcement Notice.

Stop Notices and Temporary Stop Notices: If the unauthorised development is causing a very severe problem, and we consider that the unauthorised development or use should be stopped immediately, we can serve a Temporary Stop Notice which stops all work for 28 days while issues are resolved, or a Stop Notice together with an Enforcement Notice. Failure to comply with a Stop Notice is a criminal offence.

Section 215 Notices: This is a power available under the Planning Act 1990 and can be used when the condition of land is adversely affecting the amenity of the area. The Notice can require that the land is cleared of rubbish and overgrown vegetation. It can also require the appearance of a dilapidated building to be improved.

Injunctions and other Court actions: Action can be taken through the Courts for 'criminal offences' which include unauthorised work to Listed Buildings and preserved trees or erecting advertisements. Injunctions are Court Orders preventing unauthorised development from taking place. If they are not complied with the Courts can impose severe penalties.

As a last resort the Council can take direct action to remedy a breach of planning control, such as removal of an unauthorised structure by its own contractors and recovering the costs by a 'land charge' on the property.

Q7: How quickly will a complaint be dealt with and then resolved?

We aim to respond to any complaint as quickly as we can, however, the time required to resolve an issue will vary considerably - from those where a quick discussion leads to an immediate stop, to an activity where formal notices have to be served

Complex cases can for example involve detailed research, including surveys of a site over several weeks, possible submission of retrospective planning applications and decisions on them, issuing of notices, appeals and further action to enforce compliance through the Courts.

We will aim to:

- acknowledge receipt of any complaint within five working days and provide an initial response within 10 working days on the actions we are taking
- update you on significant stages in dealing with a case, eg submission of a retrospective planning application or serving an enforcement notice
- let you know when a case is finally resolved

Q8: How do you prioritise planning enforcement work?

We prioritise planning enforcement work according to how serious it is

It categorised as follows:

Category 1: Serious harm - this includes:

- unauthorised demolition of Listed Buildings, ancient monuments and demolition of locally Listed Buildings
- felling or lopping of a preserved tree or tree in a Conservation Area
- development or breach of conditions likely to cause serious harm/danger to people or amenity
- unauthorised work in a conservation area likely to lead to permanent harm
- where development has started and is subject to planning conditions. relating to either contamination, archaeology, nature conservation or trees which are required to be agreed before commencement
- development which is unsafe

Category 2: Significant and widespread harm to local amenity:

- unauthorised development causing significant or widespread harm
- breaches of planning conditions causing serious nuisance to adjoining residents
- breaches of advert control causing a serious impact on amenity

Category 3: Matters causing demonstrable harm or where quick action is expedient:

- breaches of planning control or conditions where the time limit for enforcement action is less than six months
- breaches likely to be resolved quickly by negotiation

Category 4 - Other - these may include: Breaches of a technical nature and not in significant conflict with planning policy:

- breaches which are temporary and unlikely to result in any long term harm
- advertisements not included above
- breaches of other planning conditions
- other changes of use
- high hedges
- unauthorised pitching of caravans

Q9: Will I be kept up-to-date with progress on a complaint?

Please see question 7 and the Planning Enforcement flowchart for details of when we will contact you, however, you are welcome to contact the enforcement officers at any time to check on the progress of a complaint - preferably by email as they are often out on site.

Q10: What happens if an enforcement notice is not complied with?

The Council may prosecute offenders who do not comply with an Enforcement Notice.

Those involved will be advised that the period for compliance has lapsed and they will be invited to state their intentions. If no agreement can be reached, they will be advised that non-compliance constitutes a criminal offence for which, if proven guilty through the courts, a fine of up to £20,000 can be imposed.

Q11: What can the Council do about untidy land?

Owners of untidy land or unkempt buildings which cause significant harm to amenity can be served with a notice under Section 215 of the Town and Country Planning Act 1990 which requires the problem to be resolved.

Q12: What is a Retrospective Application?

A retrospective application is a planning application which has been made after something has already been built or a change of use has started.

Appropriate publicity and consultation will be carried out on such applications, and interested parties given an opportunity to comment before a decision is made.

Q13: How do I report someone using his or her own home to run a business?

Where a business use, eg use of a bedroom as an office, is relatively low key and incidental to the residential use of the property planning permission is not required.

However, where the activity is significant it may not be appropriate and we will take action.

To let us know about a business activity which is causing a problem you can e-mail, use our online form, send a letter to Planning Enforcement at the Council Offices or call our Customer Services.

Q14: How do I report a development which is not being carried out in accordance with the approved plans?

You can e-mail, use our on-line form, send a letter to Planning Enforcement at the Council Offices or call our Customer Services.

Q15: How do I report work being carried out which I don't think has Planning permission?

Planning Permission may not necessarily have been required.

You can check if there is a planning permission by accessing our 'Planning Application Online' or call Customer Services who will check for you.

To let us know about a business activity which is causing a problem you can email, use our online form, send a letter to Planning Enforcement at the Council Offices or call our Customer Services.

Q16: What happens if a Planning Enforcement complaint is made against my property?

Officers investigating a report will usually contact you in person to establish the facts

The Council has a legal right to enter your land to investigate any reported breach. Once we have established the facts, if it is clear a breach of control has occurred we will write to you formally and ask you to remedy the breach voluntarily in an agreed timescale.

If you fail to remedy the problem voluntarily the Council will take enforcement action and will again inform you of this in writing. At each stage of formal enforcement action the Council may, if appropriate, seek to offer you the option of voluntarily resolving the problem, which will help to avoid time-consuming and often costly appeals or prosecution proceedings.

Q17: What happens if an enforcement notice is served on me?

If you are issued with an Enforcement Notice you will be given the details of the breach, the reason for the action, the steps required to overcome the problem, and the time period for compliance.

The notice will remain 'registered' against the land/property and not the person upon whom it is served.

Q18: Can those who make a complaint do so confidentially?

Under the Data Protection Act, the identity of the complainant is always kept confidential and will not be disclosed, however, if a case goes to court there are circumstances where these details may need to be revealed.

Q19: Can I appeal against the Council's Planning Enforcement decision?

Any person who has an enforcement 'notice' served on them has the right of appeal to the Planning Inspectorate - further information is available on the Planning Portal website

The Planning Inspectorate is an independent body based in Bristol. Their main work is the processing of planning and enforcement appeals and other varied casework, including listed building consent appeals and advertisement appeals. An Inspector from the Planning Inspectorate will look into the case and decide whether the enforcement notice should be quashed or upheld.

If the notice is quashed (not agreed by the Inspector) then the Council can take no further action. The Inspector may, in some circumstances, grant planning permission for the activity that was the subject of the notice. If the notice is upheld, then the person must carry out the requirements of the notice, or risk prosecution. Sometimes the Inspector will vary the enforcement notice, for example to allow a longer time to comply with the notice.

If a person does exercise their right of appeal, then the enforcement notice does not take effect whilst the appeal is being considered. During this time, which may be several months, the Council cannot prosecute for failure to comply with the requirements of the notice.

Any person who has a Section 215 Notice served on them has a right of appeal to the Magistrate's Court, on certain grounds.

There is no right of appeal against a Breach of Condition Notice and you will risk prosecution if you do not comply with it. The reason for this is that there is a right of appeal against the original imposition of a condition on a planning application.

For further advice on appeals you are advised to contact a solicitor or a planning agent.

The contravention of an injunction is contempt of court and the court can levy an unlimited fine or impose a custodial sentence.

Q20: Can the Council take action where high hedges are causing a problem?

The Government has given local authorities powers to deal with high hedges where they adversely affect someone's reasonable enjoyment of their property. However, government guidance makes clear that local authorities should only seek to act as a last resort where there is clear evidence that a complainant has tried and exhausted all other ways or resolving the hedge dispute over a reasonable period of time.

This will include evidence of at least three exchanges of correspondence and a solicitor's letter. Further guidance is available on the Communities and Local Government website. The Council recommends that a mediation service may be more appropriate than statutory powers, eg Mediation North Surrey.

Q21: Where can I find more information?

More information on Planning Enforcement is available on the [Gov.UK](https://www.gov.uk) website, you are also welcome to discuss any matters with the Council.

Contacts

- **Customer Services**

Email: customer.services@spelthorne.gov.uk

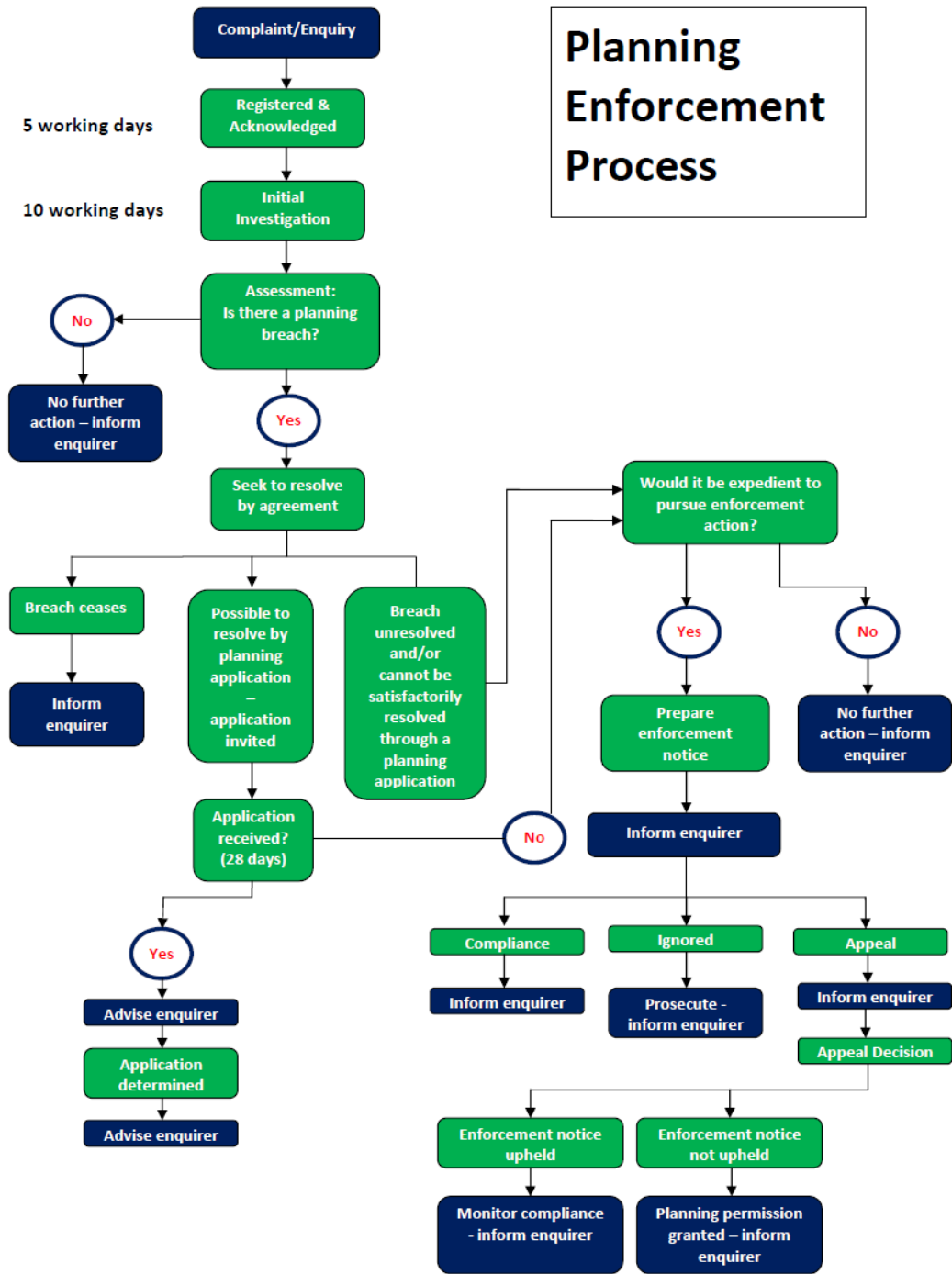
Telephone: 01784 451499

Full details for Customer Services

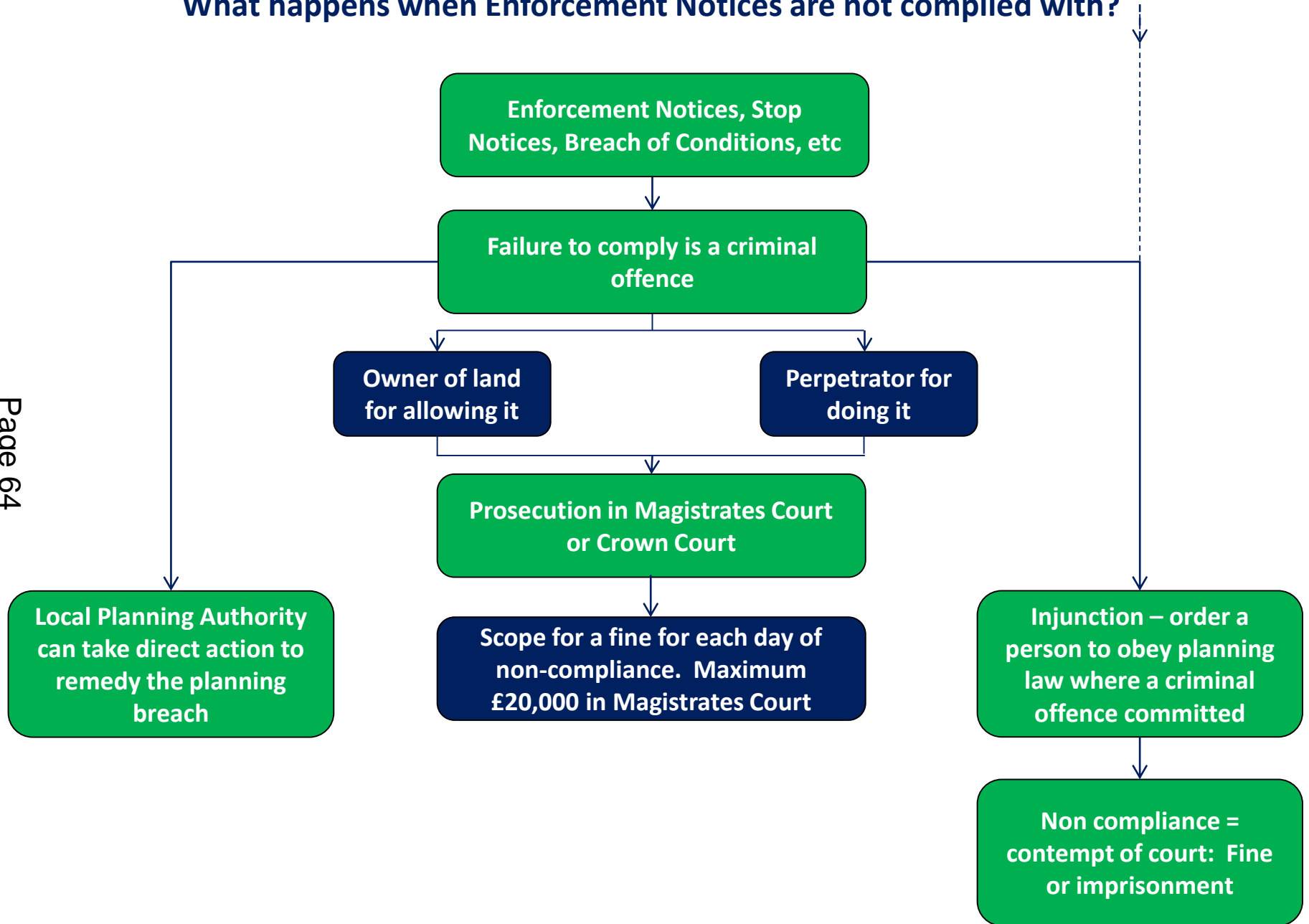
External links

- [My Spelthorne - Enforcements](#)

Planning Enforcement Process





What happens when Enforcement Notices are not complied with?



Planning Enforcement Appeal Decisions for Appeals Lodged April 2015 to April 2017

APPENDIX 4

Appeal Allowed	
Appeal Dismissed	

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
17/00016/HEAR	124 Hawthorn Way Shepperton	Appeal against serving of an Enforcement Notice for the unauthorised erection of a rear extension including balcony.	Hearing	APP/Z3635/C/17/3166804	06.03.2017	06.07.2017	SPLIT - Appeal Part Allowed/Part Dismissed
17/00009/ENF	22 Thames Meadow Shepperton TW17 8LT	Appeal against serving of an Enforcement Notice for the making of a material change of use of the land and mooring to a mixed use comprising (1) the continuous mooring of a boat for the purpose of permanent residential accommodation (2) the stationing of a caravan on the land for the purpose of human habitation, and (3) storage purposes including but not limited to the storage of motor vehicles, building materials and other paraphernalia.	Written Representation	APP/Z3635/C/16/3162163	26.01.2017	23.10.2017	DISMIS - Appeal Dismissed
17/00001/ENF	The Boatyard Clarks Wharf Thames Street Sunbury On Thames TW16 5QG	Appeal against serving of an Enforcement Notice for the unauthorised development of boat/car store on the land without the benefit of planning permission.	Written Representation	APP/Z3635/C/16/3158151	04.01.2017	14.06.2017	ALLOW - Appeal Allowed
16/00021/WR	Bramble Farm, Land West Of Sheep Walk Sheep Walk Shepperton	Appeal against serving of an Enforcement Notice for Unauthorised development on the land, in particular a metal framework, metal fence panels and gate constructed on previously erected and enforced against metal posts.	Written Representations	APP/Z3635/C/16/3151919	25.07.2016	21.03.2017	DISMIS - Appeal Dismissed
16/00020/WR	Open Field At Junction Of Chertsey Road And Sheep Walk Shepperton	Appeal against serving of an Enforcement Notice for Unauthorised development on the land, in particular (a) Two large metal posts concreted into the ground close to the boundary with Sheep Walk, these were large RSJ type posts of a height, strength and distance apart to form and support a gate. (b) Surface material being scraped back for a distance of approx 200 metres to a width of approx 5 metres, resulting in a wide flat surface commensurate with a prepared route for a roadway (c) the resultant vegetation, soils and other debris were piled to the sides of the scraped area.	Written Representation	APP/Z3635/C/16/3151913	14.07.2016	21.03.2017	DISMIS - Appeal Dismissed
16/00019/ENF	The Paddocks Rear Of 237 - 245 Hithermoor	Appeal against serving of an Enforcement Notice for The unauthorised siting of a static mobile home for residential purposes.	Hearing	APP/Z3635/C/16/3151477	17.06.2016	27.09.2017	ALLOW - Appeal Allowed

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
	Road Stanwell Moor Staines-upon- Thames TW19 6AZ						
16/00014/ENF	7 Bruce Avenue Shepperton TW17 9DP	Appeal against serving of an Enforcement Notice for the unauthorised siting of a large shipping container situated at the front of the property.	Written Representation	APP/Z3635/C/16/3144265	05.05.2016	01.09.2016	DISMIS - Appeal Dismissed
15/00053/ENF	72 Charles Road Laleham Staines-upon- Thames TW18 1JX	Appeal against serving of an Enforcement Notice for Unauthorised use of an outbuilding in the rear garden of the dwellinghouse for primary living accommodation	Written Representation	APP/Z3635/C/15/3140643	18.12.2015	21.09.2016	DISMIS - Appeal Dismissed
15/00049/ENF	Satsun Park Road Shepperton TW17 9LL	Appeal against serving of an Enforcement Notice for Erection of rear and side extension following demolition of toilet and shower building and use of the building as a permanent residential dwelling.	Written Representation	APP/Z3635/C/15/3136493	19.11.2015	23.08.2016	DISMIS - Appeal Dismissed
15/00043/ENF	Beulah Riverside Shepperton	Appeal against serving of an Enforcement Notice for the change of use of the barn style garages from garage purposes into two residential units without planning permission.	Written Representation	APP/Z3635/C/15/3136614	05.11.2015	15.07.2016	SPLIT - Appeal Part Allowed/Part Dismissed
15/00039/ENF	33 School Road Ashford TW15 2BT	Appeal against serving of an enforcement notice for unauthorised use of an outbuilding in the rear garden to the west of the dwellinghouse for primary residential purposes.	Written Representation	APP/Z3635/C/15/3135684	14.10.2015	30.03.2016	DISMIS - Appeal Dismissed
15/00030/ENF	40 Oaks Road Stanwell Staines-upon- Thames TW19 7LG	Appeal against serving of an Enforcement Notice for Hip to gable roof alterations and dormer not built to approved plans	Written Representation	APP/Z3535/C/15/3133209	10.09.2015	31.03.2016	DISMIS - Appeal Dismissed
15/00029/ENF	15 Sunbury Court Island Sunbury On Thames TW16 5PP	Appeal against serving of an enforcement notice for the erection of a single storey outbuilding and the construction of associated raised decking surrounding this outbuilding. Retrospective planning permission 15/00277/HOU was refused on 11 June 2015.	Written Representation	APP/Z3635/C/15/3131286	03.09.2015	11.04.2016	DISMIS - Appeal Dismissed
15/00025/ENF	15 Sunbury Court Island Sunbury On Thames TW16 5PP	Appeal against serving of an Enforcement Notice for the raising of an outbuilding (which had approved planning permission 08/00518/FUL to be at ground level) and the construction of associated raised decking surrounding this outbuilding.	Written Representation	APP/Z3635/C/15/3131028	14.08.2015	11.04.2016	SPLIT A and C dismissed B and D allowed
15/00018/HEAR	46 Thames Meadow Shepperton TW17 8LT	Appeal against serving of an Enforcement Notice for Erection of a first floor, rear facing dormer without planning permission.	Written Representation	APP/Z3635/C/15/3017906	23.06.2015	02.02.2016	DISMIS - Appeal Dismissed
15/00015/HEAR	7 Maxwell Road Ashford	Appeal against serving of an Enforcement Notice for the erection of a detached building in the side garden to the north of the dwellinghouse without planning permission.	Hearing	APP/Z3635/C/15/3008291	16.04.2015	03.11.2015	DISMIS - Appeal Dismissed

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
	TW15 1RL						
15/00011/ENF	Haroldene Towpath Shepperton	Appeal against serving of an Enforcement Notice for the carrying out on the land of building, engineering, mining or other operations at variance to planning permission 14/00878/FUL.	Written Representation	APP/Z3635/C/15/3005234	08.04.2015	18.11.2015	DISMIS - Appeal Dismissed

This page is intentionally left blank

Overview and Scrutiny Committee

13 March 2018



Title	Review of Code of Corporate Governance		
Purpose of the report	To note		
Report Author	Michael Graham, Monitoring Officer		
Cabinet Member	Councillor Ian Harvey	Confidential	No
Corporate Priority	Not applicable		
Recommendations	The Overview and Scrutiny Committee is asked to recommend approval of the updated Code of Corporate Governance to Cabinet and note the required amendments to the Annual Governance Statement.		
Reason for Recommendation	Not applicable		

1. Key issues

- 1.1 The Chartered Institute of Public Finance & Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) have updated the Delivering Good Governance in Local Government framework. This framework defines the principles that should underpin the Council's governance structure. The new framework is broadly the same but the key principles have substantially changed.
- 1.2 As a result of the changes we are required to:
 - Review our existing arrangements.
 - Develop an updated local code of corporate governance to reflect the new principles.
 - Report publically on compliance with the local code and monitor its effectiveness
- 1.3 Local authorities are required to formally adopt the new framework and, in doing this, the Council's Code of Corporate Governance has been reworded to reflect the key changes in the guidance.
- 1.4 The Code will support the production of the Annual Governance Statement (AGS) reported to the July Audit Committee, which helps to demonstrate how the Council's values, constitution and policies align to the new principles of governance.

2. Options analysis and proposal

- 2.1 The Council is required to adopt the framework and use the principles to update the Code of Corporate Governance. The Code of Corporate Governance explains the definition of corporate governance and the main benefits. It lists the key principles and the evidence that will support how the requirements of each principle will be met.
- 2.2 As well as underpinning our rules and procedures, the new code must also reflect the Council's values and behaviours. The updated Code of Corporate Governance is attached as **Appendices 1 and 2**. The changes to the principles are explained below;

	Previous Principles		New Principles
1	Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area (Now C)	A	Behave with integrity demonstrating strong commitment to ethical value and respecting the rule of law.
2	Members and Officers working together to achieve a common purpose with clearly defined functions and roles (Now E)	B	Ensure openness and comprehensive stakeholder engagement
3	Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour (Now A)	C	Define outcomes in terms of sustainable economic, social, and environmental benefits
4	Taking informed and transparent decisions which are subject to effective scrutiny and managing risk (Now F)	D	Determining the interventions necessary to optimise the achievement of the intended outcome. (New)
5	Developing the capacity and capability of members and officers to be effective (Now E)	E	Manage the entity's capacity, including the capability of its leadership and the individuals within.
6	Developing the capacity and capability of members and officers to be effective (Now E)	F	Managing risks and performance through robust internal control and strong public financial management.
		G	Implementing good practices in transparency, reporting, and audit to deliver effective accountability.(New)

- 2.3 When the AGS is compiled it will need to reflect these changes and show how the Council can evidence that it complies with these through an assurance process .We also need to have a detailed action plan in place to show how and when any significant governance issues will be dealt with.

3. Financial implications

- 3.1 There are no implications for the purpose of this report. The Annual Governance Statement forms part of the Statement of Accounts that is audited by our external auditors and then approved by the Council and published.

4. Other considerations

- 4.1 This report contributes to the statutory and audit requirements and supports the development of an effective and efficient council.
- 4.2 Regulation 6 of the Accounts and Audit Regulations 2015 requires an authority to conduct a review at least once a year of the effectiveness of its systems of internal control and include a statement reporting on the review with any published statement of accounts.
- 4.3 The Accounts and Audit Regulations 2015 stipulate that the AGS must be prepared in accordance with proper practices in relation to the accounts. Therefore the statement shall be provided in accordance with “Delivering Good Governance in Local Government Framework (2016)”.

5. Timetable for implementation

- 5.1 Subject to the Committee agreeing to recommend the Code of Corporate Governance for approval, Cabinet will make its decision to adopt the updated Code at its meeting on 21 March 2018.

Background papers: Delivering Good Governance in Local Government Framework (2016)

Appendices:

Appendix 1 – Part 5 (g) Local Code of Corporate Governance

Appendix 2 – How we meet the principles of Good Corporate Governance

This page is intentionally left blank

LOCAL CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

1.1 Spelthorne Borough Council recognises the need to ensure that its affairs are managed in a way which achieves the highest standards of corporate governance. Corporate governance in this context means the systems, processes and values by which the Council ensures that it is doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable way.

1.2 On the basis that effective leadership is the foundation for effective corporate governance the Council commits:

- ⇒ To engage in effective partnerships and provide leadership for and with the community
- ⇒ To ensure the delivery of high quality local services whether directly or in partnership or by commissioning
- ⇒ To perform a stewardship role which protects the interests of local people and makes best use of resources
- ⇒ To develop citizenship, local democracy and communities

2. THE PRINCIPLES OF CORPORATE GOVERNANCE

2.1 The Council recognizes that its commitments for corporate governance need to be reflected in its working arrangements. The framework for corporate governance published by CIPFA (Chartered Institute of Public Finance) and SOLACE (Society of Local Authority Chief Executives) suggests, and the Council accepts, that the following core principles should be applied to its activities:

- ⇒ Behave with integrity demonstrating strong commitment to ethical value and respecting the rule of law.
- ⇒ Ensure openness and comprehensive stakeholder engagement
- ⇒ Define outcomes in terms of sustainable economic, social, and environmental benefits
- ⇒ Determining the interventions necessary to optimise the achievement of the intended outcome

- ⇒ Manage the entity's capacity, including the capability of its leadership and the individuals within
- ⇒ Managing risks and performance through robust internal control and strong public financial management
- ⇒ Implementing good practices in transparency, reporting, and audit to deliver effective accountability

The detail of what is covered by each principle and the Council's approach to each is set out in the **Appendix**.

3. ARRANGEMENTS FOR CORPORATE GOVERNANCE

- 3.1 The Council has established structures, procedures, processes and a system of controls to ensure that the necessary standards of corporate governance are achieved and maintained. It first reviewed these against the framework for corporate governance published by CIPFA (Chartered Institute of Public Finance) and SOLACE (Society of Local Authority Chief Executives) in April 2002. Since then it has reported on a regular basis to the Overview and Scrutiny Committee. In 2018 the Council reviewed its arrangements for corporate governance taking into account the revised framework published by CIPFA and SOLACE in the 2016 addendum– "Delivering Good Governance in Local Government".
- 3.2 Most of the arrangements are set out in the Council's constitution and supporting policies and documentation. However, the Council recognises that these arrangements must be kept up-to-date and need to be kept under review to ensure that they remain appropriate and are improved where possible. Without proper monitoring, the effectiveness of the Council's arrangements could be compromised so the Council will ensure that systems are in place to monitor compliance with the agreed processes and procedures including the Annual Governance Statement and the Review of the Effectiveness of the System of Internal Audit.
- 3.3 Various staff members have responsibility for different areas of the Council's corporate governance arrangements. The majority of these responsibilities are established in the Council's constitution. These responsibilities will change over time as the Constitution develops and management structures change. However, overall responsibility for ensuring that the Council's Corporate Governance arrangements are followed and that they remain adequate, lies with the Chief Finance Officer.
- 3.4 Councillors will need to be assured that the activities of the Council are properly controlled and the Chief Finance Officer will be responsible for providing the Cabinet with an annual report on compliance with the arrangements and any actions required to improve these.

3.5 In addition, the Audit Manager and Head of Corporate Governance will review the Council's arrangements against the Code and the standards laid down in the CIPFA/SOLACE framework and will advise the Overview and Scrutiny Committee as necessary on the adequacy and effectiveness of the Code and the extent of compliance.

This page is intentionally left blank

How Spelthorne Borough Council intends to meet the Principles of Good Corporate Governance

This Appendix sets out how Spelthorne Council aims to work to the principles of good Corporate Governance.

What is Corporate Governance?

Corporate Governance is about the systems, processes and values by which Councils operate and by which they engage with, and are held accountable to, their communities and stakeholders.

Spelthorne Borough Council is committed to the principles of effective corporate governance and has therefore adopted a Code of Corporate Governance which follows the latest guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), entitled "Delivering Good Governance in Local Government (2016)".

The guidance defines the seven core principles, each supported by subprinciples that should underpin the governance framework of a local authority.

- A - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rules of law.
- B - Ensuring openness and comprehensive stakeholder engagement.
- C - Defining outcomes in terms of sustainable economic, social and environmental benefits.
- D - Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.
- F - Managing risks and performance through robust internal control and strong public financial management.
- G - Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.

What are the benefits of having a Code of Corporate Governance?

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for citizens and service users. It enables the Council to pursue its vision effectively as well as underpinning that vision with mechanisms for control and the management of risk.

The Council has a robust governance framework in place. The documents and arrangements which comprise the framework demonstrate that the Council continually seeks to ensure it is and remains, well governed, through integration of its processes and structures with the core principles of the CIPFA/SOLACE framework into all aspects of the Council's conduct and operation.

The Monitoring Officer is responsible for ensuring the Code is reviewed regularly, and the outcome of the review, along with any required amendments is reported to the Overview and Scrutiny Committee for approval.

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Summary:

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Behaving with integrity</p>	<p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</p> <p>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</p> <p>Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</p> <p>Demonstrating, communicating and embedding the standard operating principles or values through</p>	<p>Maintain shared values between the Council and its officers. These are defined in the Constitution and reflect public expectations about the conduct and behaviour of individuals.</p> <p>Use shared values as a guide for decision making and as a basis for developing positive and trusting relationships within the Council. We demonstrate this by adherence to the Constitution.</p> <p>Have adopted formal codes of conduct defining standards of personal behaviour for Members and Officers</p> <p>Maintain a Committee to support the Members' Code of Conduct Committee to raise awareness and take the lead in ensuring high standards of conduct are embedded within the Council's culture.</p>	<ul style="list-style-type: none"> • The Constitution which includes: <ul style="list-style-type: none"> ○ Financial procedure Rules ○ Contract Standing Orders ○ Anti-Fraud and Corruption Policy ○ Anti-Bribery Policy ○ Rules relating to members external interests (Register of Interests) • Human Resources Policies • Staff Induction Procedures

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.		
Demonstrating strong commitment to ethical values	<p>Seeking to establish, monitor and maintain the organisation's ethical standards and performance</p> <p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</p> <p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</p>	<p>Have put in place arrangements to ensure that Members and officers of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. We have put in place appropriate processes to ensure that these arrangements are workable including declaration of interests and anticorruption policies.</p> <p>Ensure that systems and processes for financial administration and control together with protection of the Council's resources and assets comply with ethical standards; and are subject to monitoring of their effectiveness.</p>	<ul style="list-style-type: none"> • Members' Induction Procedures • Member's Code of Conduct • Staff Code of Conduct • Scheme of Delegation to officers • Information Security Policy
Respecting the rule of law	<p>Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</p> <p>Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p>	<p>Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making if appropriate.</p> <p>Officers will actively recognise the limits of lawful activity placed on them but also strive to utilise their powers to the full benefit of their communities.</p> <p>Officers will observe all specific legislative requirements placed upon the Council as well as</p>	<ul style="list-style-type: none"> • Money Laundering Policy • Whistle-blowing Policy • Rules relating to members external interests (Standing Orders) • Annual Governance Statement

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders</p> <p>Dealing with breaches of legal and regulatory provisions effectively</p> <p>Ensuring corruption and misuse of power are dealt with effectively</p>	<p>the requirements of general law, and in particular integrate the key principles of administrative law – rationality, legality and natural justice into the procedures and decision making.</p> <p>Have put in place effective systems to protect the rights of staff. We ensure that policies for whistleblowing which are accessible to staff and those contracting with the Council, and arrangements for the support of whistle blowers, are in place.</p> <p>Publish an Annual Governance Statement, signed by the Leader and the Chief Executive, and reviewed through the Audit Committee to review the effectiveness of the Council's governance framework</p>	<ul style="list-style-type: none"> • External inspections of accounts • Internal Audit Annual Plan • Assurance Framework supporting the Annual Governance Statement • Equal Opportunities Policy • Registers of Gifts and Hospitality • Legal (Monitoring Officer) Role • Corporate Complaints Procedure • MCC Committee (supporting Members' observation of their Code of Conduct) • Overview and Scrutiny functions

Principle B - Ensuring openness and comprehensive stakeholder engagement.

Summary:

Local government is run for the public good; organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Openness	<p>Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</p> <p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</p> <p>Using formal and informal consultation and engagement to determine the most</p>	<p>Ensure that the Council's priorities within the Corporate Plan and targets are developed in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.</p> <p>Maintain a culture of accountability so that Members and Officers understand to whom they are accountable and for what.</p> <p>Strive to engage with stakeholders on an individual and collective basis to demonstrate that we deliver services and outcomes that meet the needs and expectations of the public. These arrangements will recognise that different sections of the community have different priorities and establish robust processes for dealing with these competing demands.</p>	<ul style="list-style-type: none"> • Corporate Plan • Consultation strategy • Constitution • Scheme of Delegation to officers • Budget reports • Corporate Risk Register and risks identified in committee reports

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	appropriate and effective interventions/courses of action		
Engaging comprehensively with institutional stakeholders	<p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p> <p>Ensuring that partnerships are based on trust, a shared commitment to change and a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>Publish reports giving information on the Council's strategies, plans and financial statements as well as information about outcomes, achievements.</p> <p>Ensure that the Council as a whole is open and accessible to the community, service users and staff and we are committed to openness and transparency in all dealings.</p> <p>Publish all committee reports under Part 1 – open for inspection the public - unless there is a legitimate need to preserve confidentiality on the basis of the statutory tests.</p>	<ul style="list-style-type: none"> • Statement of Accounts • Cabinet Forward Plan • Council Website • Formal consultation arrangements and staff surveys • Community and voluntary sector representation on Partnership Boards • Freedom of Information publication scheme • Overview and Scrutiny functions • Community Safety • External Auditor provides an annual organisational assessment of the Council's performance through the Value for Money conclusion
Engaging stakeholders effectively,	Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve	As above	As above

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>including individual citizens and service users</p>	<p>communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</p> <p>Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p> <p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</p> <p>Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</p> <p>Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</p> <p>Taking account of the impact of decisions on future generations of tax payers and service users</p>		

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits.

Summary:

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Defining outcomes	<p>Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions</p> <p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</p> <p>Delivering defined outcomes on a sustainable basis within the resources that will be available</p> <p>Identifying and managing risks to the achievement of outcomes</p> <p>Managing service users' expectations effectively with regard to determining priorities and making</p>	<p>Make a clear statement of the Council's purpose and use it as a basis for corporate and service planning.</p> <p>Publish annual reports to communicate the Council's activities and achievements, its financial position and performance.</p> <p>Ensure that those making decisions are provided with financial and non-financial information that is fit for the purpose relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>Identify and monitor service performance indicators which demonstrate how the quality of service for users is to be measured.</p>	<ul style="list-style-type: none"> • Corporate Plan • Budget Reports • Audit Reports • Statement of Accounts • External Auditors letter & reports • External Audit Inspections • Performance management framework • Project Management arrangements

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	the best use of the resources available Sustainable economic, social and environmental benefits		
Defining sustainable economic, social and environmental benefits	<p>Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</p> <p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints</p> <p>Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</p> <p>Ensuring fair access to services</p>	<p>Maintain a prudential financial framework, balance commitments with available resources; and monitor income and expenditure levels to ensure this balance is achieved.</p> <p>Ensure compliance with the CIPFA codes regarding a Prudential Framework for Capital Finance and Treasury Management.</p>	<ul style="list-style-type: none"> • Project Management arrangements • Treasury Management strategy • Regular budget reporting • Internal and external audit

Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes.

Summary:

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Determining interventions	<p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided</p> <p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</p>	<p>Make a clear statement of the Council's purpose and use it as a basis for corporate and service planning.</p> <p>Clear process for decision making.</p> <p>Have risk management arrangements in place including mitigating actions to support the achievement of the Council's intended outcomes.</p> <p>Ensure that there are effective arrangements in place to monitor service delivery.</p>	<ul style="list-style-type: none"> • Corporate Plan • Risk Management Framework • Service Plans • Service Risk Registers • Performance Management Reports to Committees and to the Leadership Team • Business Continuity Plans
Planning interventions	Establishing and implementing robust planning and control cycles	Put in place effective arrangements to deal with a failure in service delivery and explore	<ul style="list-style-type: none"> • Emergency & Resilience Plans

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>that cover strategic and operational plans, priorities and targets</p> <p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered</p> <p>Considering and monitoring risks facing each partner when working collaboratively, including shared risks</p> <p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances</p> <p>Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured</p> <p>Ensuring capacity exists to generate the information required to review service quality regularly</p> <p>Preparing budgets in accordance with objectives, strategies and the medium term financial plan</p> <p>Informing medium and long term resource planning by drawing up realistic estimates of revenue and</p>	<p>options for improving service delivery and outcomes for our residents.</p> <p>Have prepared contingency arrangements including disaster recovery plans and business continuity plans to ensure resilience in delivering services, for example during adverse weather conditions.</p> <p>Provide senior managers and Members with timely financial and performance information.</p> <p>Ensure that budget calculations are robust.</p> <p>Align financial and performance data to provide an overall understanding of performance.</p>	<ul style="list-style-type: none"> • Feedback from consultation exercises • Monitoring of all KPI's and key projects. • Budget monitoring arrangements. • Project monitoring and action taken to support the implementation of key projects. • Process for committee approvals and delegated approval

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	capital expenditure aimed at developing a sustainable funding strategy		
Optimising achievement of intended outcomes	<p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</p> <p>Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</p> <p>Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</p> <p>Ensuring the achievement of 'social value' through service planning and commissioning</p>	As above	As above

Principle E - Developing the Council’s capacity, including the capability of its leadership and the individuals within it.

Summary:

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Developing the Council’s capacity	<p>Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness</p> <p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently</p> <p>Recognising the benefits of partnerships and collaborative working where added value can be achieved</p> <p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</p>	<p>Through the Constitution set out a clear statement of the respective roles and responsibilities of the Committees and individual Members.</p> <p>Set out a clear statement of the respective roles and responsibilities of the Council’s senior officers.</p> <p>Have developed protocols to ensure effective communication between Council Members and officers in their respective roles.</p>	<ul style="list-style-type: none"> • Constitution • Annual Pay Policy Statement • Members' Allowance Scheme • Scheme of Delegation

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Developing the capability of the Council's leadership and other individuals</p>	<p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</p> <p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</p> <p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</p> <p>Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:</p>	<p>Conduct for Elected Members are adhered to.</p> <p>Assess the skills required by Members including the understanding of financial systems.</p> <p>Assess the skills required by officers through the appraisal process and address any training gaps, to enable roles to be carried out effectively.</p> <p>Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.</p> <p>Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council.</p> <p>Provide the Chief Finance Officer with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Provide operational divisions with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Monitor all key corporate projects</p>	<ul style="list-style-type: none"> • Personal Development Plans • Appraisals • Member Induction & Development Programme • ICT Digital Strategy • Organisational Development Plan? • Project management arrangements • Corporate Projects Register

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>— ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</p> <p>— ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</p> <p>— ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</p> <p>Ensuring that there are structures in place to encourage public participation</p> <p>Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <p>Holding staff to account through regular performance reviews which</p>		

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>take account of training or development needs</p> <p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</p>		

Principle F - Managing risks and performance through robust internal control and strong public financial management.

Summary:

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability. It is also essential that a culture and structure for scrutiny is in place as a key part of decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Managing risk	<p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</p> <p>Ensuring that responsibilities for managing individual risks are clearly allocated</p>	<p>Maintain an effective Audit Committee which is independent of the executive and scrutiny functions.</p> <p>Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their job.</p>	<ul style="list-style-type: none"> • Risk Management Strategy • Regular Corporate Risk Management Reports • Service Risk Registers • Budget Reports
Managing performance	<p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</p> <p>Making decisions based on relevant, clear objective analysis and advice</p>	<p>Ensure our arrangements for financial and internal control and management of risk are formally addressed within the annual governance statement.</p>	<ul style="list-style-type: none"> • Annual Governance Report • Performance Management Framework and

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</p> <p>Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible</p> <p>Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</p>		<p>reporting cycle to all Committees</p>
Robust internal control	<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p> <p>Ensuring there is consistency between specification</p> <p>Aligning the risk management strategy and policies on internal control with achieving objectives</p>	<p>Ensure effective internal control arrangements exist for sound financial management systems and processes.</p> <p>Ensure that a there is a performance management framework and performance is report to relevant committee for improvement.</p>	<ul style="list-style-type: none"> • Internal Auditing standards • Annual Audit Plan • Internal Audit Reports • Internal Audit Manager's annual opinion of assurance • Corporate Projects Register

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Evaluating and monitoring risk management and internal control on a regular basis</p> <p>Ensuring effective counter fraud and anti-corruption arrangements are in place</p> <p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p> <p>Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> — provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment — that its recommendations are listened to and acted upon 		<ul style="list-style-type: none"> • Medium Term Financial Strategy. • Budget targets and monitoring reports to Committee
Managing data	Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data	Effective arrangements are in place for the safe collection, storage and sharing of data including processes to safeguard personal data.	<ul style="list-style-type: none"> • IT Security & Acceptable Use Policy • Data Protection Policies • Retention and Disposal Policies

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</p> <p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</p>		
Strong public financial management	<p>Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</p> <p>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</p>	<p>Enable the Chief Finance Officer can bring influence to bear on all material decisions and provide advice on the levels of reserves and balances to be retained.</p>	<ul style="list-style-type: none"> • Annual Budget Speech

Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

Summary:

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Implementing good practice in transparency</p>	<p>Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</p> <p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</p>	<p>Comply with the local government transparency code and publish all required information in a timely manner.</p>	<ul style="list-style-type: none"> • Council’s Committee Wepages
<p>Implementing good practices in reporting</p>	<p>Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</p> <p>Ensuring members and senior management own the results reported</p>	<p>Have established a medium term financial planning process in order to deliver a financial strategy ensuring sustainable finances, a robust annual budget process ensuring financial balance and an adequate monitoring process; all of which are subject to regular review.</p>	<ul style="list-style-type: none"> • Medium Term Financial Strategy • Towards a Sustainable Future Strategy

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)</p>		
<p>Assurance and effective accountability</p>	<p>Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate</p> <p>Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</p> <p>Ensuring that recommendations for corrective action made by external audit are acted upon</p> <p>Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon</p>	<p>Put in place effective transparent and accessible arrangements for dealing with complaints.</p> <p>Maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall.</p> <p>Maintain an effective Audit Committee.</p> <p>Ensure an effective internal audit function is resourced and maintained.</p> <p>Take corrective action from internal and external audit reports.</p> <p>Maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.</p> <p>Publish all committee reports under Part 1 open to inspection by the public – unless there is a legitimate need to preserve</p>	<ul style="list-style-type: none"> • Corporate Complaints Procedure • Audit Committee • Constitution • Mod.Gov • Whistle-blowing Policy • Monthly budget and quarterly monitoring Reports • Annual Pay Policy Statement • Compliance with Transparency Agenda • Partnership Risk Register • Internal audit plan and the monitoring of the implementation of audit recommendations

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</p> <p>Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</p> <p>Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met</p>	<p>confidentiality on the basis of the statutory tests.</p> <p>Ensure when working in partnership, arrangements for accountability are clear and the need for wider accountability has been recognised and met.</p>	<p>Head of internal audit's annual opinion of assurance</p>

Overview and Scrutiny Committee

13 March 2018



Title	Capital Monitoring Report		
Purpose of the report	To note		
Report Author	Laurence Woolven (Chief Accountant)		
Cabinet Member	Councillor Howard Williams	Confidential	No
Corporate Priority	Financial Sustainability		
Recommendations	Overview and Scrutiny Committee to note the current level of spend.		
Reason for Recommendation	Not applicable		

1. Expenditure to date and Estimated Outturn

- 1.1 Attached as Appendix A & B is the actual spend to date on capital covering the period April to December 2017.
- 1.2 For the period ending December 2017, capital expenditure including commitments was £92.3m, which represents 18.25% of the revised budget.
- 1.3 The projected outturn shows that we are anticipating to spend £294m which represents 58.3% of the revised budget of £505.9m.

Councillor Barnard - Planning and Economic Development

- 1.4 It is expected that £215k will be spent on redevelopment works at Churchill Hall and Bugle in 2017/18, the remaining £966k will need to be carried forward to be spent in respect of redeveloping these and other sites.
- 1.5 To date expenditure in this area is £39k (3.3% of budget).

Councillor Harvey - Leader

- 1.6 It is expected that the £200m of 17/18 original budget and the £94.5m carry forward will be spent on a number of acquired assets by the end of the financial year. The Council has successfully acquired 3 Roundwood Avenue, World Business Centre 4 and 12 Hammersmith Grove.
- 1.7 The additional £200m recently added to this scheme is expected to be carried forward to 2018/19.

- 1.8 There may be a total of £200,000 spend relating to carrying out the master plan study relating to accommodation. The expected underspend on the £7m budget will need to be rolled forward to next year.
- 1.9 The £260k Windfall Ward grants programme is currently expected to be £38k below budget.
- 1.10 To date expenditure in this area is £91.4m (18.2% of budget).

Councillor Mitchell – Corporate Management

- 1.11 There is a £34k spend on the Council Chamber Audio project for which there was no budget.
- 1.12 There are underspends forecast against Agile Working (£27k), Scanner Roll Out (£31k), Sharepoint redesign (£90k) and Corporate EDMS Project (£93k). These are required to be carried forward as they will be required for Project Lima.
- 1.13 All other projects are expected to be completed in this financial year. It should be noted that expenditure to date on this area is £346k out of a budget of £663k including carry forwards (52.2%).

Councillor Francis - Housing

- 1.14 The level of activity relating to disability facilities is higher than expected but this is offset by increased funding from DCLG and A2 Dominion.

Councillor Gething – Environment and Compliance

- 1.15 There is a £11k overspend on refuse/recycling vehicles now that the bids are in, this is offset by forecast underspends on Laleham Park (£200k), Bridge St Parking Machines (20k), Solar panels (£25k) and Air Quality (£24.5k). The majority of these underspends will need to be rolled forward to 2018/19.
- 1.16 Small Scale Area Regeneration is forecast to be £606k underspent, Edinburgh Drive Parade has been completed with 3 more parades still to be upgraded as waiting for S278 agreement. Surrey County Council funding has ceased for future projects of this type.
- 1.17 To date £715k has been spent (41.5% of budget).

2. Financial implications

- 2.1 Any underspend on the approved Capital Programme enables the authority to invest the monies to gain additional investment income or can be used to fund additional schemes.

3. Timetable for implementation

- 3.1 Bi monthly monitoring reports are prepared for Management team and incorporate revised actual figures.

Background papers: None

Appendices: A&B

Appendix A

CAPITAL MONITORING REPORT AT 31 DECEMBER 2017

Portfolio Member	ORIGINAL BUDGET	CARRY FORWARDS	SUPPLEMENTARY ESTIMATE	REVISED BUDGET	ACTUALS YTD	COMMITMENTS	MANAGERS PROJECTED OUTTURN	MANAGERS PROJECTION TO REVISED BUDGET
Cllr Francis - Housing	184,300	15,000	287,700	487,000	(147,800)	54,100	481,386	(5,614)
Cllr Gething - Environment & Compliance	1,157,700	64,600	500,000	1,722,300	715,278	113,500	949,900	(772,400)
Cllr Barnard - Planning and Economic Development	1,236,600	56,200	-	1,292,800	34,330	-	285,600	(1,007,200)
Cllr Harvey - Leader	207,257,000	94,500,000	200,000,000	501,757,000	91,380,479	882	291,422,000	(210,335,000)
Cllr Mitchell - Corporate Management	441,000	221,800	-	662,800	345,691	27,556	460,000	(202,800)
	210,276,600	94,857,600	200,787,700	505,921,900	92,327,977	196,037	293,598,886	(212,323,014)

CAPITAL MONITORING REPORT AT 31 DECEMBER 2017

Portfolio Member / Service Head	Cost Centre	Description	Original Budget	Carry Forwards	Supplementary Estimate	Revised Budget	Actuals YTD	Commitments	Managers Projected Outturn	Managers Projection to Revised Budget	Comments
<u>Housing Investment Programme</u>											
<u>Cllr Francis - Housing</u>											
D Ashman & K Sinclair	40203	Disabled Facilities Mandatory	644,300	-	287,700	932,000	536,604	45,455	1,121,000	189,000	Higher expenditure expected to be funded through additional funding expected from Department for Communities & Local Government (DCLG) and A2 Dominion.
D Ashman & K Sinclair	40204	Disabled Facilities Discretion	29,600	-	-	29,600	98	-	29,600	-	Expenditure expected in the latter part of the financial year
		Less Specified Capital Grant	(644,300)	-	-	(644,300)	(707,366)	-	(838,914)	(194,614)	
		Net Cost of Disabled Facilities Grants	29,600	-	287,700	317,300	(170,665)	45,455	311,686	(5,614)	
D Ashman & K Sinclair	40209	Home Improvement Agency grant	81,000	-	-	81,000	-	-	81,000	-	Expenditure expected in the latter part of the financial year
		HIA Funding	(26,300)	-	-	(26,300)	-	-	(26,300)	-	
		Total	54,700	-	-	54,700	-	-	54,700	-	
Total For HIP			84,300	-	287,700	372,000	(170,665)	45,455	366,386	(5,614)	
<u>Other Capital Programme</u>											
<u>Cllr Francis - Housing</u>											
D Ashman & K Sinclair	42044	Community Bulding Grant Scheme	25,000	-	-	25,000	4,400	-	25,000	-	This scheme is highly unlikely to be continued due to Surrey County Council cuts which they announced recently. However, these funds are available for alternative capital projects administered via Grant Panel
		Total	25,000	-	-	25,000	4,400	-	25,000	-	
Sandy Muirhead	42013	Civica EDMS&Locata Integration	25,000	-	-	25,000	18,465	8,645	25,000	-	This project is ongoing and linked to Civica upgrade subject to agreeing terms & conditions with Civica (Deputy Group Head Housing is progressing this) and expected to be completed by end of this financial year.
Sandy Muirhead	42015	Landlord Guarantee Scheme	50,000	15,000	-	65,000	-	-	65,000	-	Now looking to link to Civica System & building finance link via Integra. Project is expected to be completed by end of this financial year subject to housing teams, Customer Services and Finance being able to meet deadlines especially around testing
		Total	75,000	15,000	-	90,000	18,465	8,645	90,000	-	
<u>Cllr Gething - Environment & Compliance</u>											
Jackie Taylor	41026	Laleham Park Upgrade	200,000	-	-	200,000	-	-	-	(200,000)	This project is underway with building proposals at pre planning stage and expected to be completed during 2018/19. Budget will be requested to be carried forward into next financial year
Jackie Taylor	41030	Hengrove Park	-	14,600	-	14,600	-	-	14,600	-	Project is under review to ascertain whether any enhancement work is still required in the park which is expected to be completed by end of this financial year
Jackie Taylor	41322	Bridge St Car Parking Machines	25,000	-	-	25,000	5,038	(0)	5,100	(19,900)	Machines have been installed and this project has been completed.
Jackie Taylor	41502	Refuse/Recycling Vehicles	225,000	-	-	225,000	236,240	-	236,300	11,300	This project has been completed
Jackie Taylor	41505	GroundsMaintenanceProject	-	-	500,000	500,000	422,480	79,604	500,000	-	Procurement is underway and project is expected to be completed by end of this financial year
Jackie Taylor	41506	Spelride Bus Replacement	-	-	-	-	(6,755)	-	-	-	Payment accrued in the previous year is expected to be made during this financial year
Jackie Taylor	41609	Replacement Multi Use Vehicle	80,000	-	-	80,000	-	-	80,000	-	Procurement is underway and the project is expected to be completed by end of this financial year
Jackie Taylor	41610	Miniature Railway Staines park	15,000	-	-	15,000	14,271	-	14,300	(700)	This project has been completed
Jackie Taylor	41620	Wheelie Bins	50,000	-	-	50,000	49,630	-	50,000	-	Bins will be ordered throughout the financial year depending on need as & when identified
Jackie Taylor	41624	InstallElecVehicleChargePoints	15,000	-	-	15,000	13,080	-	13,100	(1,900)	This project has been completed
Jackie Taylor	41625	TothillCarParkLightingUpgrade	30,400	-	-	30,400	-	-	30,400	-	The project is in progress and expected to be completed by end of this financial year.
Jackie Taylor	41626	GreenoDayCenLightingUpgrade	10,800	-	-	10,800	-	-	10,800	-	Work is in progress and this project is expected to be completed by end of this financial year

CAPITAL MONITORING REPORT AT 31 DECEMBER 2017

Portfolio Member / Service Head	Cost Centre	Description	Original Budget	Carry Forwards	Supplementary Estimate	Revised Budget	Actuals YTD	Commitments	Managers Projected Outturn	Managers Projection to Revised Budget	Comments
Jackie Taylor	41627	Solar PV For Staines Comm Cent	25,000	-	-	25,000	800	24,200	-	(25,000)	Currently all the quotes are being looked at and considered. This project may not be completed until 2018/19 and the funding may need to be requested to be carried forward
Jackie Taylor	41628	Parking Service Vans	20,000	-	-	20,000	21,452	-	21,500	1,500	This project is completed. Overspends against this will be funded through other lines of capital budget within Neighbourhood Services.
Jackie Taylor	42027	Domestic Home Energy	30,000	-	-	30,000	15,250	5,920	30,000	-	Project is underway and expected to be completed by end of this financial year
Total			726,200	14,600	500,000	1,240,800	771,486	109,725	1,006,100	(234,700)	
			42.1%								
Lee O'Neil	41314	Air Quality	24,500	-	-	24,500	-	-	-	(24,500)	The project is in progress with other priorities and expected to be completed by end of 2018/19. The balance of budget will be requested to be carried forward into next financial year
Total			24,500	-	-	24,500	-	-	-	(24,500)	
Cllr Barnard - Planning and Economic Development											
Heather Morgan	41007	Stanwell Skate Park	-	-	-	-	(1,249)	-	-	-	Retention payment is expected to be paid in this financial year
Heather Morgan	41015	Runnymede Estates	55,600	-	-	55,600	-	-	55,600	-	Capitalised Planned Maintenance expenditure to be moved here at the end of the financial year
Heather Morgan	41622	Affordable Housing Opportunity	1,181,000	-	-	1,181,000	39,105		215,000	(966,000)	Expenditure to date relates to redevelopment of Churchill Hall and Bugle, the unspent balance needs to be carried forward to 2018/19 to fund these and other projects as continue to look for the other opportunities and keep in touch with Registered Social landlords Partners
Heather Morgan	42017	Memorial Gardens					(2,256)			-	There are some retention payments are still due to Runnymede Borough Council
Heather Morgan	42033	Greeno Centre Car Park					(1,270)				Retention payment is still to be paid by end of this financial year.
Heather Morgan	42036	Towpath Car Park		56,200		56,200			15,000	(41,200)	Work relating to clearing the site and installing fencing around is expected to undertaken in this financial year
Total			1,236,600	56,200	-	1,292,800	34,330	-	285,600	(1,007,200)	
Cllr Harvey - Leader											
D Ashman & K Sinclair	42045	Ward Grants	260,000	-	-	260,000	149,637	-	222,000	(38,000)	Applications are being processed. Possible further allocations before the end of this financial year. So far a total of £38k has not been committed.
Heather Morgan	42038	Acquisition of Assets	200,000,000	94,500,000	200,000,000	494,500,000	91,230,842	882	291,000,000	(203,500,000)	Expenditure has been incurred on acquiring two new sites i.e. 3 Roundwood Avenue and World Business Centre 4. More expenditure is expected on acquiring further sites i.e.12 Hammersmith Grove during this financial year.
Heather Morgan	42011	Replace Council Accommodation	6,997,000	-	-	6,997,000	-	-	200,000	(6,797,000)	Now planned under Project Lima to reduce the space occupied by staff to free up space to let. There may be expenditure expected to carry out master plan study relating to the entire accommodation including redevelopment plans for Leisure Centre.
Total			207,257,000	94,500,000	200,000,000	501,757,000	91,380,479	882	291,422,000	(210,335,000)	
Cllr Mitchell - Corporate Management											
Helen Dunn	43621	VDI		177,800		177,800	129,494	22,406	177,800		Work is currently in progress and expected to be completed by end of this financial year.
Helen Dunn	43003	New Software	20,000	-	-	20,000	24,321	5,000	30,000	10,000	Expenditure on various software enhancements throughout the financial year. Overspends against this will be funded through other lines of capital budget within ICT
Helen Dunn	43608	Other Hardware	30,000	-	-	30,000	6,820	-	20,000	(10,000)	Expenditure on various hardware enhancements throughout the financial year
Helen Dunn	43622	ICT Network	150,000	-	-	150,000	143,008	150	150,000	-	Project is in progress and expected to be completed by end of this financial year
Helen Dunn	43623	Peripheral Devices	3,500	-	-	3,500	724	-	3,500	-	Replacement tablet is required. The project is expected to be completed by end of this financial year
Helen Dunn	43624	Council Chamber Audio	-	-	-	-	33,470	-	38,500	38,500	Project has already been approved by MAT to go ahead and the initial installation of equipment has been completed. There are some goosenecks and further replacement mics still required.
Total			203,500	177,800	-	381,300	337,836	27,556	419,800	38,500	

CAPITAL MONITORING REPORT AT 31 DECEMBER 2017

Portfolio Member / Service Head	Cost Centre	Description	Original Budget	Carry Forwards	Supplementary Estimate	Revised Budget	Actuals YTD	Commitments	Managers Projected Outturn	Managers Projection to Revised Budget	Comments
Sandy Muirhead	43503	Agile Working	28,200	19,000	-	47,200	7,855	-	20,200	(27,000)	The project is quite wide ranging in terms of moving towards more agile working and has been subsumed into Project Lima. This will cover the proposed office moves and any needs for staff including any changes in current working patterns and lessons learned from trials in Environmental Health. Plans are now moving ahead under the auspices of Project Lima to make better use of space in Knowle Green and this links to the agile working and technology used. This project is now progressing rapidly and therefore there will be significant expenditure between now and the end of this financial year. Balance of budget will be requested to be carried forward into next financial year.
Sandy Muirhead	43511	ScannersCorporateEDMS Roll out	31,000	5,000	-	36,000	-	-	5,000	(31,000)	This project will also be subsumed into Project Lima as it enables us to accurately assess the number and type of scanners required including needs for future and back scanning requirements. Initial assessments have been made but spends will be in tandem with Project lima and some work may carry over into the next financial year depending on timings of moves.
Sandy Muirhead	43512	Sharepoint redesign & Relaunch	70,000	20,000	-	90,000	-	-	-	(90,000)	This project is under review and will be integrated with other ICT projects and not expected to be completed in this financial year. The budget will be requested to be carried forward in the next financial year as this work with the go-ahead on project lima provides more opportunities for successful implementation.
Sandy Muirhead	43515	Corporate EDMS Project	108,300	-	-	108,300	-	-	15,000	(93,300)	Work on Phase II is being undertaken. Project is currently in progress linked to office moves and largely expected to be completed by end of this financial year subject to all services allocating resources to deal with archiveable documents. Any spends in this area does rely on proactive action by services to archive documents via back scanning. Balance of budget will be requested to be carried forward into next financial year.
Total			237,500	44,000	-	281,500	7,855	-	40,200	(241,300)	
CIlr Gething - Enviroment & Compliance											
Keith McGroary	41619	Small Scale Area Regeneration	620,000	-	-	620,000	14,131	275	14,200	(605,800)	Edinburgh Drive Parade has been completed, contracts have now been awarded for the final 3 parades. S278 licences are imminent. No more funding for future projects of this type is available as funding from Suurey County Council has ceased. The project is expected to be completed by end of this financial year.
Keith McGroary	41621	External Funding CCTV Enhancement	(310,000) 97,000	- 50,000	-	(310,000) 147,000	(71,840) 1,500	- 3,500	(71,900) 1,500	238,100 (145,500)	Contracts for the wireless CCTV conversion went out to tender in December 2017. This project is likely to be completed early in the next financial year. Balance of budget will be requested to be carried forward into next financial year.
Total			407,000	50,000	-	457,000	(56,208)	3,775	(56,200)	(513,200)	
Total For Other			210,192,300	94,857,600	200,500,000	505,549,900	92,498,642	150,583	293,232,500	(212,317,400) #	
Total Expenditure			211,257,200	94,857,600	200,787,700	506,902,500	93,107,183	196,037	294,536,000	(212,366,500)	
Total Funding			(980,600)	-	-	(980,600)	(779,206)	-	(937,114)	43,486	
GRAND TOTAL			210,276,600	94,857,600	200,787,700	505,921,900	92,327,977	196,037	293,598,886	(212,323,014)	

Overview and Scrutiny Committee

13 March 2018



Title	Revenue Monitoring Report		
Purpose of the report	To note		
Report Author	Laurence Woolven (Chief Accountant)		
Cabinet Member	Councillor Howard Williams	Confidential	No
Corporate Priority	Financial Sustainability		
Recommendations	To note the current level of spend		
Reason for Recommendation	Not applicable		

1. Key issues

1.1 To provide Overview and Scrutiny Committee with the net revenue spend figures to the end of December 2017.

- The forecast outturn at net expenditure level is shown below It shows a positive variance of £1.86M, a large proportion of this amount will be transferred to reserves in order to set up sinking funds, these will protect the Council against the risks of reduced income from its acquisitions:

	Budget £M	Forecast Outturn £M	Variance £M
Total Expenditure	60.00	59.04	(0.96)
Total Income	(59.98)	(61.28)	(1.30)
Salary budget saving <i>(actual vacancy savings are reflected in services expenditure outturn)</i>	(0.30)	0	0.30
Interest Earnings	0	0.08	0.08
Debt Interest Payable	0	0.05	0.05
Budget Adjustment	0.28	0.28	-
Revenue Carry forward	-	(0.03)	(0.03)
Net	-	(1.86)	(1.86)

2. Options analysis and proposal

- 2.1 Overview and Scrutiny Committee is asked to note the current net revenue spend and forecast position.

The following highlights variances where the variance is greater than 5% of the spend area. In addition, all variances of over £5K are noted.

Leader

Spend Area	Variance	Comment
Corporate Governance	Adverse £42k	Employee saving of £7k due to cessation of shared service with Reigate BC off set by £50k income budget not being achievable
Democratic Representation and Management	Adverse £7K	2% increase on basic allowances
Elections	Positive £6K	No further expenditure expected provided there is no by election
Land Charges	Adverse £15k	Property market not as buoyant as estimated, resulting in reduced levels of income being recovered
Legal	Positive £10k	Higher income due to more activity
Total	Adverse £48K	

Deputy Leader

Spend Area	Variance	Comment
Corporate Publicity	Adverse 27K	Incorrect recharge re web support for Runnymede reversed out in this financial year (19K) plus additional employee expenses (£8K)
Emergency Planning	Adverse £17K	Training costs for Prevent strategy work but funding received in 2016-17
Research & Consultation	Positive £13K	No planned public meetings in 2017/18
Total	Adverse £31K	

Corporate Management

Spend Area	Variance	Comment
HR	Adverse £28K	Overspends due to increased employees costs to cover extra workload
ICT	Positive £72K	Underspend on Network manager post being covered by Elmbridge partially offset by one off e-tendering costs for hosting and training fees
Committee Services	Positive £29K	Underspend due to retirement of Committees Manager and vacancy in Trainee Committee Manager post
Corporate Management	Positive £92K	Underspend mainly represents an estimate of retention allowance available to services that will not have been used by year end
Project Management	Positive £151K	Expected carry forward on Back scanning project
Total	Positive £316K	

Environment & Compliance

Spend Area	Variance	Comment
Depot	Adverse £14K	Insurance excess charges with no budget
DS Management and Support	Positive £6K	Shared savings (with Reigate & Banstead) are expected to be higher than budget
Refuse Collection	Positive £112K	Higher income expected due to more activity
Street Cleaning	Positive £29K	Savings expected due to vacant posts partially covered by temporary staff & overtime payments
Waste Recycling	Positive £345K	Recyclable waste payments are lower due to changes to recycling system Recyclable waste credits income is received in arrears from Surrey County Council. Income is expected to exceed the budget due to changes to the recycling credit system and higher School Recycling
Public Conveniences	Positive £20K	Savings expected against the business rates budget and due to the closure of public convenience
Parks Strategy	Positive £24K	Higher expenditure on windfall projects offset by additional grant

Car Parks	Adverse £213K	Car Park Fees from most of major car parks are expected to be lower against the budget by £99k due to less usage and Penalty Charge Notices (PCN's) will also fall below the budget by £55k due to compliance with Parking restrictions, results in less fixed PCN's being issued. This is partially offset by higher season tickets income during this financial year Business Rates above budget by £67k
Environmental Health Admin	Adverse £27K	Higher software costs and no recharge income as Disabled Facilities Grant (DFG) work now undertaken by Independent Living
Community Safety	Adverse £32K	No recharge Income contribution through Community Safety Partnership from this financial year onwards
Total	Positive £250K	

Housing

Spend Area	Variance	Comment
Housing Needs	Positive £14K	Vacant posts in year covered by secondments in the team
Homelessness	Positive £253K	B&B usage has been lower than anticipated. This area will be kept under close review as numbers could rise before year end.
Housing Benefits Admin	Positive £41K	Underspend expected due to current vacant part time posts
Housing Benefits Payments	Adverse £158K	Overpayments raised are less than budgeted, due to slow down of real time info from DWP
Total	Positive £150K	

Community Well Being

Spend Area	Variance	Comment
SPAN	Positive £18K	Additional income received for Surrey Telecare Equipment

Com Care Admin	Positive £74K	Capitalisation of salary posts for DFG work
Day Centres	Adverse £70K	Principally made up of: Higher electricity expenditure at Fordbridge Day Centre and higher food purchases at Staines Community Centre (£10K) High needs income lower than anticipated (£60K)
Spelthorne Leisure Centre	Positive £13K	Profit share increased due to RPI increase
Public Halls	Adverse £11K	Survey costs for Churchill Centre which cannot be capitalised £8K adverse variance Lease surrendered at Churchill Centre and lease reduced for St Martins Hall £3K adverse variance
Cemeteries	Positive £15K	Income expected to exceed budget as a result of higher activity
Total	Positive £39K	

Planning and Economic Development

Spend Area	Variance	Comment
Economic Development	Adverse £15K	Overspend due to Economic Development Manager in budget for 50% of salary split with Community Safety. This post is now 100% in Economic Development. Vacancies early in year will reduce the overspend
Asset Management Administration	Positive £1,541K	Development Surveyor vacant and delay in filling other posts has led to positive variance of £37K No spend on Elmsleigh lifts in 2017/18, carry forward requested Budget for the Bugle Public House site, to be funded from additional income generated in year Additional income from asset acquisitions in year. Positive variance of £1,340K
Planning Policy	Positive £22K	Two senior planning officer posts were vacant earlier in year (both now filled)
Planning Development Control	Adverse £238K	Use of overtime and temporary staff for increased workload Consultancy costs higher than budgeted Income below target due to no large planning applications

Staines Upon Thames	Positive £140K	Carry forward to be requested for Bridge Street & Tothill Car Park/Elmsleigh IV projects
Building Control	Positive £40K	Additional cost incurred as a result of structural engineering work due to increased volume of incoming work/applications. Adverse £10K Higher income expected due to more activity. Positive £50K
General Property Expenses	Positive £1K	Additional costs relating to works at Cedars Recreation ground. Adverse £17K Additional income received for licences. Positive £18K
Total	Positive £1,491K	

Finance

Spend Area	Variance	Comment
Chief Executive	Adverse £35K	Professional fees for CX recruitment
Audit	Positive £9K	Spend has been controlled to address issues arising from Surrey CC no longer providing Audit consultants. Consequently, consultants are now sourced through agencies, which is more expensive. The (£106k) actual YTD is due to a (£117k) accrual, for payment due to but not yet invoiced by Surrey CC for staff who have left Spelthorne
Accountancy	Adverse £75K	Cost of agency staff to cover posts and assist on final accounts process plus consultants fees paid to recruit for the vacant posts
Central Overheads	Positive £7k	Underspend estimated on costs budgeted for centrally such as for staff health costs.
Total	Adverse £94K	

Customer Services, Estates and Transport

Spend Area	Variance	Comment
Knowle Green	Positive £198K	Underspend due to Senior Facilities Manager vacancy. Positive £27K

		Business rates lower than budgeted. Positive £182K Reduction in rents, due to tenants vacating Knowle Green offices. Adverse £11K
Total	Positive £198K	

3. Financial implications

3.1 As set out within the report and appendices

4. Other considerations

4.1 There are none

5. Timetable for implementation

5.1 Bi – monthly reports are produced for Management team

Background papers: None

Appendices:

A and B

This page is intentionally left blank

APPENDIX A

2017/18 Net Revenue Budget Monitoring As at end of 31 DECEMBER 2017

	17/18	17/18	17/18	17/18
	Budget		Forecast	Variance
	Original	Revised	Outturn	to Revised
	£	£	£	£
Gross Expenditure	59,961,400	59,995,100	59,038,000	(957,100)
Less Benefits (offset by grant)				
Total Gross Expenditure excluding Benefits	59,961,400	59,995,100	59,038,000	(957,100)
Less Housing Benefit grant	(31,944,000)	(31,944,000)	(31,944,000)	-
Less Specific fees and charges income	(28,015,500)	(28,032,300)	(29,331,240)	(1,298,940)
Net Expenditure - broken down as below	1,900	18,800	(2,237,240)	(2,256,040)
Leader of the Council	1,131,000	1,131,000	1,180,000	49,000
Deputy Leader	550,600	559,300	590,900	31,600
Corporate Management	2,220,900	2,156,100	1,839,760	(316,340)
Housing	1,671,900	1,635,200	1,485,400	(149,800)
Finance and Customer Service	2,451,000	2,476,000	2,572,300	96,300
Planning and Economic Development	(15,354,700)	(15,289,900)	(16,782,500)	(1,492,600)
Environment and Compliance	5,166,800	5,166,800	4,922,700	(244,100)
Community Wellbeing	231,200	251,100	223,900	(27,200)
Transport	1,933,200	1,933,200	1,730,300	(202,900)
NET EXPENDITURE AT SERVICE LEVEL	1,900	18,800	(2,237,240)	(2,256,040)
Salary expenditure - vacancy monitoring	(300,000)	(300,000)	-	300,000
NET EXPENDITURE	(298,100)	(281,200)	(2,237,240)	(1,956,040)
NET EXPENDITURE	-298,100	-281,200	-2,237,240	(1,956,040)
Interest earnings	(900,000)	(900,000)	(820,000)	80,000
Debt Interest Payable	8,307,000	8,307,000	8,360,000	53,000
Minimum Revenue Provision	4,482,100	4,482,100	4,482,100	-
Refurbishments Reserve Contributions	700,000	700,000	700,000	-
BUDGET REQUIREMENT	12,291,000	12,307,900	10,484,860	(1,823,040)
Baseline NNDR Funding	(3,009,000)	(3,009,000)	(3,009,000)	-
Revenue Support grant	-	-	-	-
Transition Grant	(96,000)	(96,000)	(96,000)	-
New Homes Bonus	(1,530,900)	(1,530,900)	(1,530,900)	-
NET BUDGET REQUIREMENT	7,655,100	7,672,000	5,848,960	(1,823,040)
Collection Fund Surplus/(deficit)	(167,493)	(167,493)	(167,493)	-
CHARGE TO COLLECTION FUND	7,487,607	7,504,507	5,681,467	(1,823,040)
2016/17 Revenue carryforward			(33,700)	(33,700)
Net Position				(1,856,740)

Appendix B				
REVENUE MONITORING 2017/18				
EXPENDITURE AND INCOME SUMMARY 31 DECEMBER 2017				
Results to 31-Dec-17	Budget		Forecast	Variance
	Revised	YTD	Outturn	to Revised
	£	£	£	£
Leader of the Council				
Employees	827,100	618,700	825,000	(2,100)
Other Expenditure	577,400	446,400	627,100	49,700
Income	(273,500)	(205,100)	(272,100)	1,400
	1,131,000	860,000	1,180,000	49,000
Deputy Leader				
Employees	134,800	100,100	153,300	18,500
Other Expenditure	435,500	274,700	439,400	3,900
Income	(11,000)	(5,000)	(1,800)	9,200
	559,300	369,800	590,900	31,600
Corporate Management				
Employees	1,499,100	1,128,800	1,331,000	(168,100)
Other Expenditure	701,300	407,500	553,400	(147,900)
Income	(44,300)	(33,300)	(44,640)	(340)
	2,156,100	1,503,000	1,839,760	(316,340)
Housing				
Employees	1,408,400	1,046,800	1,350,900	(57,500)
Other Expenditure	33,954,400	25,437,300	33,643,000	(311,400)
Housing Benefit grant income	(31,944,000)	(24,005,200)	(31,944,000)	-
Income	(1,783,600)	(1,323,400)	(1,564,500)	219,100
	1,635,200	1,155,500	1,485,400	(149,800)
Finance and Customer Service				
Employees	2,302,800	1,719,500	2,356,100	53,300
Other Expenditure	186,100	143,400	229,100	43,000
Income	(12,900)	(9,600)	(12,900)	-
	2,476,000	1,853,300	2,572,300	96,300
Planning and Economic Development				
Employees	1,663,100	1,226,300	1,676,600	13,500
Other Expenditure	2,378,900	1,577,300	2,188,300	(190,600)
Income	(19,331,900)	(14,500,800)	(20,647,400)	(1,315,500)
	(15,289,900)	(11,697,200)	(16,782,500)	(1,492,600)
Environment and Compliance				
Employees	4,231,800	3,152,400	4,721,700	489,900
Other Expenditure	4,966,000	3,715,300	4,363,800	(602,200)
Income	(4,031,000)	(2,799,300)	(4,162,800)	(131,800)
	5,166,800	4,068,400	4,922,700	(244,100)
Community Wellbeing				
Employees	1,674,400	1,248,900	1,689,200	14,800
Other Expenditure	687,500	491,500	736,400	48,900
Income	(2,110,800)	(1,359,900)	(2,201,700)	(90,900)
	251,100	380,500	223,900	(27,200)
Transport				
Employees	938,300	696,800	860,500	(77,800)
Other Expenditure	1,428,200	1,024,400	1,293,200	(135,000)
Income	(433,300)	(92,900)	(423,400)	9,900
	1,933,200	1,628,300	1,730,300	(202,900)
NET EXPENDITURE AT SERVICE LEVEL	18,800	121,600	(2,237,240)	(2,256,040)
Total Employees	14,679,800	10,938,300	14,964,300	284,500
Total Other Expenditure	45,315,300	33,517,800	44,073,700	(1,241,600)
Housing Benefit grant income	(31,944,000)	(24,005,200)	(31,944,000)	0
Total Income	(28,032,300)	(20,329,300)	(29,331,240)	(1,298,940)
	18,800	121,600	(2,237,240)	(2,256,040)

REVENUE MONITORING 2017/18				
EXPENDITURE AND INCOME SUMMARY 31 DECEMBER 2017				
	Budget		Forecast	Variance
Results to	Revised	YTD	Outturn	to Revised
31-Dec-17	£	£	£	£
Total Expenditure	59,995,100	44,456,100	59,038,000	(957,100)
Total Income	(59,976,300)	(44,334,500)	(61,275,240)	(1,298,940)
Net	18,800	121,600	(2,237,240)	(2,256,040)

This page is intentionally left blank

Overview and Scrutiny Committee

13 March 2018



Title	Corporate Projects		
Purpose of the report	To note		
Report Author	Sandy Muirhead		
Cabinet Member	Councillor Tony Mitchell	Confidential	No
Corporate Priority	Financial Sustainability		
Recommendations	To note the report		
Reason for Recommendation	N/A		

1. Key issues

- 1.1 This report provides an update to Cabinet and the Overview and Scrutiny Committee on the progress of the Council's key projects.
- 1.2 A projects dashboard is used to track progress of projects and work streams across the organisation. For ease of reporting the dashboard is in line with the structure of the organisation (Commissioning and Transformation/ Community Well Being / Neighbourhood Services / Regeneration and Growth / Finance and Customer Relations/Miscellaneous) Please see attached Corporate dashboard (**Appendix 1**).
- 1.3 The councils' focus continues on property acquisitions and housing projects but there are also other significant organisational and service projects. In the dashboard the project to achieve compliance with the new General Data Protection Regulations is highlighted as high risk because of the need to cover a significant amount of work in terms of the 12 steps to compliance by 25 May 2018.
- 1.4 The project on "every ward at its best" is progressing and some interesting ideas have been submitted and it is hoped further ones will be submitted in areas not currently covered.
- 1.5 Project Lima which involves consolidation of office space at Knowle Green to free up space is progressing well. This also provides enabling support to ongoing projects such as the Electronic Document Management System and improved technology through the use of virtual desktop infrastructure.

2. Financial implications

- 2.1 Funding and approval for new projects needs to be carefully considered by all parties. Projects should not be initiated unless there is a clear business case and funding streams. Also resources in the form of officer support, need to be available to manage the project. These should be identified at the project planning stage. Business cases for projects should go through the corporate project team prior to going to MAT and Cabinet to help ensure projects meet the council's priorities and that sufficient resources are available to take the project forward.

3. Other considerations

- 3.1 Projects should take account of Equality and Diversity, and Sustainability, and GDPR which impacts on any projects involving personal data.

4. Timetable for implementation

- 4.1 Progress will continue to be reported to MAT, Cabinet and Overview and Scrutiny every quarter. The corporate project team will continue to meet and discuss individual projects in more detail, particularly those with a red or amber status. Highlight reports underpin the project reporting hierarchy and will continue to be produced monthly by each project manager.

Background papers: None

Appendices:

Appendix 1 –Corporate Project Dashboard

Project Status Dashboard

Commissioning and Transformation											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Project Lima	Plans provided for staff moves and timetable/costings analysis undertaken	Consolidation to maximise space and effectiveness of operation freeing space for renting and potential development			Briefed staff at staff meetings (twice), drop in sessions and 1.2.1's with teams and team representatives	Project management team, Runnymede partnership	Dec 2019	Siraj Choudhury	CTG/MAT	G	Reported directly to MAT.
Flagship											
VDI ~ Virtual Desktop Infrastructure	Progressing to schedule, with problems associated with Firewall, printing and Uniform having been resolved. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>		Risks: None identified. Issues: <i>Thintech</i> issue ~ logged with company. Use of Whiteboard to log issues. Elmbridge readiness	£250, 000* being sought for purchasing and installation of Virtual Desktop infrastructure (VDI) *This figure was originally a consideration when the Agile Working project was identifying this need.	Period of testing of system undertaken in different services to ensure the systems can run.	ICT Project Office External Suppliers	Dec 2019	Helen Dunn	Sandy Muirhead	G	Project Lima's delivery shall see the activity of this project increase substantially.
High											
GDPR Compliance – 12 Steps to Readiness	Behind milestones in many aspects. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	Compliance with data protection legislation. As the project has progressed more information has been obtained concerning services' management of personal data which has led to the discovery that there is more work to do than anticipated. On road to compliance but will not fully achieve this by 25 May 2018.	Risks: Non-compliance with data protection legislation. Personal information could be processed inappropriately resulting in breaches of the DP legislation, Information Commissioner fines and reputational damage. Loss of public confidence. Issues: Lack of focus on Information Governance (IG) across the Council over previous years. Resources are tight within service-lines which makes it difficult for many to take on the extra work required to improve IG. Increased risk from 25 May 2018 when GDPR becomes enforceable. GDPR is recognised as a step up from the Data	No budget allocated therefore N/A. If budget was available then would recommend service/dept. specific training from experts in each statutory area – e.g. employment law, etc. which would increase the speed at which the services can become compliant. Suggest that all staff working with personal data take every opportunity to attend any GDPR training/worksh ops offered, of which there are many, and some are without charge.	The IG Officer has delivered Introduction to GDPR sessions across the Council, is running workshops and having meetings to communicate information to staff.	All departments/staff who process personal data are involved. There are numerous flows of personal data into and out of the council across many services. Demonstrating compliance with the GDPR is only one of its manually intensive requirements which has a significant impact on all departments.	GDPR compliance date is 25th May 2018.	Clare Williams	Sandy Muirhead	R	Interim resource identified for 3 months to speed up collation of IARs which will then provide a better understanding of how much more work is required, as well as moving towards compliance with the GDPR requirement to document how we are complying.

Project Status Dashboard

			Protection Act (1998) even for organisations who are working at the best practices.								
EDMS – Electronic Data Management System	Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	Assist with compliance on GDPR	Compliance with GDPR	£150,000	Service areas	ICT Projects	December 2018	Sonia Hazlehurst	Sandy Muirhead	A	This is linked to the scanning project and Project Lima. GDPR process should assist in speeding up services dealing with data and scanning paperwork where appropriate and determining retention times
Agile Working	The original milestones for this project are out of date due to the scope, basis and purpose of the agile working project being revised. This was in light of the decision not to relocate Council staff to another site. There was a period during which the future location of staff was uncertain but Project Lima (office consolidation project) has provided clarity. Project Lima has redefined the Milestones for this project. Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	To deliver savings, income generation and facilitate service redesign as per the objectives of Project Lima.	Risks: Technology failure Staff take up Logistical delays (building refurbishment and furniture delivery/installation). Issues:	£50,000	Communication shall resume given that Project Lima has allowed for the hold on this project to be removed. Service areas MAT Group Heads Councillors	ICT Facilities Project Team	Completion date to be reviewed as a result of Project Lima	Sonia Hazlehurst	Sandy Muirhead	G	There has been progress on this project and it has helped to launch the principles of Project Lima. This project is intrinsically linked to Project Lima. The drive for agile working (e.g. hot-desking, remote working, homeworking) corporately will be explored and potentially resumed once Project Lima is complete.
Medium											
Service											
Network Refresh	Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	Provision of service.	Identified: Risks x 3 Issues x 1	May require a Supplementary Bid due to the £/\$ exchange rate.	MAT and All Staff communications being managed by E-mails and regular updates.	ICT Legal Procurement Communications EBC - External	31 st March 2018	Helen Dunn	Sandy Muirhead	G	

Page 122

Project Status Dashboard

Community Well Being											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Flagship											
Homelessness Reduction Act Implementation	The project is progressing well against the identified Milestones with the expectation that this shall continue going forward as the HRA legislation comes into force on 01 st April 2018. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/> -----	Compliance with HRA legislation.	Risks: Delivery of the external company - <i>Locata</i> – delivering to schedule. Resource shortage. Processes and procedures not put in place in time. Remedial actions are in place to mitigate all of the above. Issues:	£60,000 Government funding (over 2 years) shall cover the implementation costs. Cabinet have approved spend to cover recruitment of additional Staff.	Ongoing communications with respective parties.	Housing ICT External Suppliers Project Office	April 2018	Siraj Choudhury	Deborah Ashman	G	
High											
Medium											
Universal Credit Roll-Out	----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/> -----						To begin Summer 2018	Stuart Wilkins	Deborah Ashman or Karen Sinclair		
Service											
Search Moves Partnership & Update Allocations Policy	----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/> -----						April 2018	Jayne Brownlow	Karen Sinclair		Information to follow.
Civica Housing Module	Continuing to target:- • Training scheduled/completed w/c 19/02/18 • Development work continuing with UAT to follow over Spring / Early Summer 2018. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/> -----	Automation of many current tasks and processes.	Risks: Delivery of other active Housing projects. Issues:	£25,000	Ongoing communication with relevant internal and external parties	Housing ICT External	Late Summer 2018	Jayne Brownlow	Deborah Ashman / Karen Sinclair	G	Process flows have been documented. Delivery schedule is dependent upon other Housing projects being progressed over the course of Spring '18.
Housing B&B and Rent Management System	the Civica Housing Module delivered and being tested s ocan then test the amended Integra compatible processes and mechanisms. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/> -----	Removes much/all of the current manual intervention when managing accounts.	Risks: Readiness of the Civica / LG2 Housing Module to provide UAT opportunities to determine adequacy of revised Finance/Housing Processes and procedures. Issues: Until tested there remains an uncertainty that the solution may be totally 'fit for purpose'.	No external spend.	Ongoing communication with relevant internal parties.	Housing ICT Finance	Summer 2018	Michael Pegado	Sandy Muirhead	G	ICT and Finance have reviewed and revised the current processes so as to amend the manual requirements whilst also providing automated feeds

Page 123

Project Status Dashboard

Neighbourhood Services -none at this time BAU											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Flagship											
High											
Medium											

Red

Project Status Dashboard

Regeneration and Growth –NB for priority projects- project summaries produced on weekly basis											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Churchill Hall Redevelopment	Construction started	3 2 bed properties	Potential adverse weather delays	£760k		Assets Planning	January 2019	Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
Bugle Returns Redevelopment	Construction started 29.1.18	Flats	Potential adverse weather delays	£2.1m		Assets Planning	January 2019	Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
Benwell House Redevelopment	Planning obtained for conversion to flats. Planning permission sought for further development into roof	Flats for rent to generate income	Funding	£9.5M £13.6budget		Assets planning		Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
White House Redevelopment	To demolish the White House and develop proposals for residential accommodation	Housing for those most in need	Funding Potential operating partner	TBC Purchase price £1.25M		Assets Housing CTG Planning	TBC once firm proposals available	Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
Waterfront Redevelopment	Development of Bridge Street and Hanover House site Options at early stages – detailed proposals to be developed	Enhancement of Staines-upon-Thames waterfront	Planning Funding	Plans in		Assets planning	TBC	Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
Ashford Multi-Storey Car Park	Seeking demolition and proposals for redevelopment	Redevelopment of a relatively underused asset				Assets planning	TBC	Richard Mortimer	Heather Morgan	G	Reported directly to MAT on a weekly basis
Leisure Centre	Development of new leisure centre to replace current aging facility. Feasibility study due for completion March 2018. Preparations ongoing for next stage in terms of design and planning permissions.	Health and wellbeing of residents and better facilities	Funding Location	TBC		Leisure Procurement Assets Planning	March 2019	Nick Cummings	Lee O'Neil	G	Reported directly to MAT on a weekly basis. Feasibility study undertaken/ . Seeking to appoint a design team
Flagship											
Supporting Spelthorne Secondary Shopping Areas	Major delay in delivery schedule due to works licences being processed as per SCC procedures and timeframes. Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	Improvement to appearance, usage and layout of SBC shopping areas.	Risks: Time to acquire 'Road Works' licences from SCC ~ post approval of the S278 applications... Issues: SCC handling of the S278 application processes.	Agreed original Budget: £350,000 (Capital) plus £350,000 SCC 'Match Funding').	Regular and ongoing communication is being conducted with parties including:- Councillors, Businesses, Residents and Surrey County Council.	Economic Development. Project Services. Legal. Runnymede Project Department. External contractors.	Original July 2017 date has been revised to July 2018	Alfred Osawe (Runnymede)	Keith McGroary	R	Work at one (Edinburgh Drive) of the four identified sites has been delivered. The three remaining sites are still awaiting SCC to process the S278 applications ~ which were submitted to them many months ago. Legal Services have been involved so as to attempt a progress a more speed conclusion.
High											
Heathrow Launch Pad (Incubator)	Delay in two Key Milestones due to location and associated cost considerations. Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	Support and development for new businesses in the Borough promoting income generation.	Risks: Changes of location ~ will disrupt Business Case and delivery timelines. Short term availability of preferred location. Issues: Unforeseen and increased costs of a larger stand-alone site.	Setup costs of £48,700. Ongoing annual cost of £27,000. It is anticipated that revenue generation processes shall manage monthly running costs.	Ongoing and regular communication with 'Business Support Partners'	Economic Development. Project Office. Asset and Facility Management. Legal Services. Procurement. Communications.	October 2018	Ruth Lambert	Keith McGroary	A	Late considerations to the preferred location have impacted on the immediate timeline.
Medium											
Service											
Enterprise / paper-lite in Development Management	7 of the 19 Milestones have been successfully met. Privacy Impact Assessment: <input checked="" type="checkbox"/> Equality and Diversity: <input checked="" type="checkbox"/>	As part of the EDMS deliverable and associated benefits	None identified	No external spend		ICT Planning	December 2018	Esmé Spinks	Gillian Richardson	G	Delivery plan also makes consideration for training of Staff.

Friday, 02 March 2018

Page: 5 of 8

E:\moderngov\Data\AgendaItemDocs\0\2\5\AI00003520\5c4i2pxb.docx

Project Status Dashboard


Finance and Customer Relations											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Flagship											
High											
Medium											
Service											


Project Status Dashboard


Miscellaneous											
Project Name and Category	Progress against Milestones	Benefits identified and anticipated delivery on target	Risks and Issues	Budget	Stakeholder Engagement	Resources	Anticipated completion date	Project Manager	Project Sponsor	RAG status	Comments. If Red or Amber state how you are able to address the issues
Priority Flagship											
Flagship											
High											
Every Ward at its Best	Progress as per schedule. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> ----- Equality and Diversity: <input checked="" type="checkbox"/> -----	Improvements to local community/environment. Potential improvement to economic development. Perceptual gains. Identification of ongoing options.	Risks: Scope creep Expectations 'v' reality (scope and budget) On-going and future lack of Councillor buy-in / support Issues: Immediate lack of Councillor buy-in / support 'Political' complications between Wards Operational issues attempting resolution as part of this project	£25,000 (for contingencies and incidentals).	Communications plan to be devised so as to appropriately reach: Staff Councillors Residents Resident Groups.	MAT Communications Asset Management Project Office People and Partnerships Environmental Health Planning JET Community Safety Customer Services Legal Councillors	February 2019	Michael Graham	Daniel Mouawad	G	
Medium											
PeopleSafe Identicom Devices for Lone Workers	After experiencing some initial delays and 'teething' issues roll-out is now continuing to the revised delivery schedule. ----- Privacy Impact Assessment: <input checked="" type="checkbox"/> ----- Equality and Diversity: <input checked="" type="checkbox"/> -----	Provision of additional security and safety to the Council's lone working Staff and the Borough's Councillors	Risks: Officers and Councillors not using the device. New starters not receiving training. Inappropriate use of the data to monitor Officers performance. Issues: Escalation procedures incorrectly entered into the 'Vision Portal' by PeopleSafe. Resilience provision due to the above.	£75,292	Widespread consultation with Councillors and lone working Staff. Ongoing communication continues. Training delivered ahead of roll-out to users.	Environmental Health ICT Project Office	April 2018	Stuart Mann / Tracey Willmott-French	Lee O'Neil	G	The current safety mechanism (Mole Valley contract) is to remain in place to safeguard Spelthorne and officers/members for another few weeks to ensure no significant risks identified through introduction of the devices.
Service											

Page 127

Red/Amber/Green Status

Green Project on track to deliver on time and to budget 

Amber Project has some delays due to risks or issues materialising or possibly budget issues but may not materially impact on final budget and delivery date 

Red Significant risks/issues coming to the fore or volume of work greater upon further investigation and therefore potential for increased delays with project not delivering on time or to budget 

Spelthorne Borough Council

Cabinet Forward Plan and Key Decisions



This Forward Plan sets out the decisions which the Cabinet expects to take over the forthcoming months, and identifies those which are **Key Decisions**.

A **Key Decision** is a decision to be taken by the Cabinet which is either likely to result in significant expenditure or savings or to have significant effects on those living or working in an area comprising two or more wards in the Borough.

The members of the Cabinet and their areas of responsibility are:

Cllr I.T.E. Harvey	Leader of the Council	Cllr.harvey@spelthorne.gov.uk
Cllr A.C. Harman	Deputy Leader	Cllr.harman@spelthorne.gov.uk
Cllr. M.M. Attewell	Community Wellbeing	Cllr.attewell@spelthorne.gov.uk
Cllr C. Barnard	Planning and Economic Development	Cllr.barnard@spelthorne.gov.uk
Cllr M.P.C. Francis	Housing	Cllr.francis@spelthorne.gov.uk
Cllr N. Gething	Environment and Compliance	Cllr.gething@spelthorne.gov.uk
Cllr A.J. Mitchell	Corporate Management	Cllr.mitchell@spelthorne.gov.uk
Cllr O. Rybinski	Customer Service, Estates and Transport	Cllr.rybinski@spelthorne.gov.uk
Cllr H.R. Williams	Finance	Cllr.williams@spelthorne.gov.uk

Whilst the majority of the Cabinet's business at the meetings listed in this Plan will be open to the public and press, there will inevitably be some business to be considered which contains confidential, commercially sensitive or personal information.

This is formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of any of the Cabinet meetings listed below may be held in private where exempt and / or confidential information is due to be considered.

Representations regarding this should be made to committee.services@spelthorne.gov.uk

Please direct any enquiries about this Plan to the Committee Manager, Gillian Hobbs, at the Council offices on 01784 444243 or e-mail g.hobbs@spelthorne.gov.uk

Spelthorne Borough Council

Cabinet Forward Plan and Key Decisions for 26 February 2018 to 30 June 2018

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 21 Mar 2018	Response to Heathrow Consultation	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Heather Morgan, Group Head - Regeneration and Growth Councillor Colin Barnard
Cabinet 21 Mar 2018	Food Safety and Workplace Health and Safety Service Plans 2018-2019 Recommended for adoption - Food Safety and Workplace Health and Safety Service Plans 2018-2019	Non-Key Decision	Public	Tracey Willmott-French, Senior Environmental Health Manager Portfolio Holder for Environment and Compliance
Cabinet 21 Mar 2018	Council Offices consolidation project - Key Decision	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Siraj Choudhury, Deputy Group Head. Commissioning and Transformation Leader of the Council
Cabinet 21 Mar 2018	Award of contract for provision of Insurance Services	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Damola Aladesiun, Procurements & Contracts Manager Portfolio Holder for Corporate Management
Cabinet 21 Mar 2018	Acquisition of Property K	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 21 Mar 2018	Acquisition of Property L	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 25 Apr 2018	Review of Polling Stations	Non-Key Decision	Public	Jayne McEwan, Electoral Services Manager Leader of the Council
Cabinet 25 Apr 2018	Knowle Green Estates Ltd - Business Plan To decide on the strategy for the Company	Non-Key Decision	Part public/part private	Michael Graham, Head of Corporate Governance Leader of the Council
Cabinet 25 Apr 2018	Stadbury Meadow Car Park	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Part public/part private	Heather Morgan, Group Head - Regeneration and Growth Portfolio Holder for Planning and Economic Development
Cabinet 25 Apr 2018	Appointment of Professional Design and Project Management Team for the redevelopment of Benwell House	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Richard Mortimer, Asset Management Contractor Leader of the Council
Cabinet 25 Apr 2018	Acquisition of Property M	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 25 Apr 2018	Acquisition of Property N	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 20 Jun 2018	Capital Monitoring Q4	Non-Key Decision	Public	Terry Collier, Deputy Chief Executive Portfolio Holder for Finance
Cabinet 20 Jun 2018	Revenue Monitoring Q4	Non-Key Decision	Public	Terry Collier, Deputy Chief Executive Portfolio Holder for Finance
Cabinet 20 Jun 2018	Write-Offs	Non-Key Decision	Public	Martyn Forward, Customer Services Manager Portfolio Holder for Finance
Cabinet 20 Jun 2018	Acquisition of Property P	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council