



**Spelthorne
Borough Council**

Council Meeting
Thursday, 14 October 2021



6 October 2021

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held in the Premier Suite, South Entrance, Kempton Park Racecourse, Staines Road East, Sunbury-on-Thames, TW16 5AQ on **Thursday, 14 October 2021** commencing at **7.00 pm** for the transaction of the following business.

Daniel Mouawad
Chief Executive

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

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

AGENDA

Description	Page nos.
<p>1. Apologies for absence To receive any apologies for non-attendance.</p>	
<p>2. Minutes To confirm as a correct record the minutes of the Council meeting held on 15 July 2021.</p>	11 - 34
<p>3. Disclosures of Interest To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.</p>	
<p>4. MoD Employer Recognition Gold Award Canon Peter Bruinvels will be invited to present the Armed Forces Covenant, Employer Recognition Scheme Gold Award to Councillor R Sider BEM.</p>	
<p>5. Presentation of Chaplain's badge To present the Mayor's Chaplain with the badge of office.</p>	
<p>6. Announcements from the Mayor To receive any announcements from the Mayor.</p>	
<p>7. Motion to Replace the Leader and Deputy Leader of the Council The following motion has been submitted in accordance with Standing Order 16: "This Motion proposes:</p> <ol style="list-style-type: none">1. That this Council removes Cllr. Nichols as Leader and Cllr Sexton as Deputy Leader of the Council forthwith; and2. That following the removal of Cllr Nichols as Leader and Cllr Sexton as Deputy Leader, Cllr Boughtflower be appointed Leader, and Cllr Mooney be appointed Deputy leader and as per the constitution they will become chair and vice-chair of the policy and resources committee respectively."	

Proposer: Councillor J Boughtflower

Seconder: Councillor S Mooney

Supported by (in accordance with Standing Order 20.1): Councillor R Sider, Councillor T Harman, Councillor N Islam, Councillor R Chandler, Councillor M Madams, Councillor V Leighton, Councillor R Barratt, Councillor C Barratt, Councillor N Gething and Councillor M Attewell.

8. Announcements from the Leader

To receive any announcements from the Leader.

9. Announcements from the Chief Executive

To receive any announcements from the Chief Executive.

10. Questions from members of the public

The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 13.

35 - 38

11. Petitions

To receive any petitions from members of the public.

The following petition, which has received over 1,000 signatures in accordance with Standing Order 15, will be presented to Council:

“Prevent tower-block developments in the Staines Conservation Area or overlooking the riverfront, and spread the planning housing growth target more evenly across the borough.”

12. Adoption of revised Members' Code of Conduct

To approve the Members' Code of Conduct, as recommended by the Members' Code of Conduct Committee on 4 February 2021.

39 - 56

Attached.

13. Amendment to the Members' Allowances Scheme for 2021-22

To consider the recommendation of the Independent Remuneration Panel on an amendment to the Members' Allowances Scheme in respect of awarding a Special Responsibility Allowance to members of the Development Sub-Committee.

To follow.

- 14. Annual Review of Complaints**
To note a report from the Monitoring Officer on an annual review of complaints investigated by the Local Government and Social Care Ombudsman. 57 - 66
Attached.
- 15. Committee appointments**
To appoint Councillor S Mooney and Councillor S Buttar to the Development Sub-Committee, following their nomination at the Corporate Policy and Resources Committee on 4 October 2021.
- 16. Appointment of a representative Trustee**
To consider a request from Margaret Pope Education Charity (MPEC) to appoint a representative trustee. 67 - 68
Nomination to follow.

To consider a request from the Ashford Relief In Need Charities (ARIN) to withdraw the Council's appointed trustees.
ARIN's formal request is attached.
- 17. Update on joint arrangements - Spelthorne Joint Committee**
To agree the constitution for the Spelthorne Joint Committee.
To follow.
- 18. Counter-Fraud, Bribery and Corruption Strategy**
To consider the recommendation of the Audit Committee to adopt the proposed changes to the Counter Fraud, Bribery and Corruption Strategy for adoption. 69 - 80
The report and draft strategy, as considered by the Audit Committee, are attached.
- 19. Report from the Leader of the Council**
To receive a report on the work of the Corporate Policy and Resources Committee and the Development Sub-Committee.
To follow.
- 20. Report from the Chair of the Administrative Committee**
To receive the report from the chair on the work of the committee.
To follow.

- 21. Report from the Chair of the Community Wellbeing and Housing Committee**
To receive the report from the chair on the work of the committee. 81 - 84
Attached.
- 22. Report from the Chair of the Economic Development Committee**
The Economic Development Committee noted the reports.
- 23. Report from the Chair of the Environment and Sustainability Committee**
To receive the report from the chair on the work of the committee. 85 - 86
Attached. A further report relating to the committee on 6 October 2021 will follow.
- 24. Report from the Chair of the Neighbourhood Services Committee**
To receive the report from the chair on the work of the committee. 87 - 88
Attached.
- 25. Report from the Chair of the Audit Committee**
To receive the report from the chair on the work of the committee.
To follow.
- 26. Report from the Chair of the Licensing Committee**
To receive the report from the chair on the work of the committee.
To follow.
- 27. Report from the Chair of the Planning Committee**
To receive the report from the chair on the work of the committee. 89 - 90
Attached.
- 28. Report from the Chair of the Standards Committee**
To receive the report from the chair on the work of the committee. 91 - 92
Attached.

29. Motions

To receive any motions from Councillors in accordance with Standing Order 16.

Motion 1 – Government planning reforms

In the forthcoming government planning reforms, this council believes that planning works best when developers and the local community work together to shape local areas and deliver necessary homes, and therefore calls on the government to protect the right of communities to object to individual planning applications.

Proposer: Councillor R Sider BEM

Secunder: Councillor C Barnard

Motion 2 – Decision of the Corporate Policy and Resources Committee on 5 July 2021, as detailed in minute 214/21.

This motion is in relation to the decision by Corporate Policy and Resources Committee on 5 July quoted from the Publicly available Minutes Point 214/21, title “Establishment of Task Group” with related announcement in a Spelthorne News Release on 20 August titled “Update on Waterfront Inquiry” the following Points being subject of this motion:

- “3. in consultation with the Review Group, to authorise the Chief Executive to finalise the terms of reference for the inquiry which are to be based upon the terms of reference set out in the report at Appendix B;
4. in consultation with the Review Group, to authorise the Chief Executive to amend the terms of reference as considered appropriate as the inquiry develops or as recommended by the investigator;
5. in consultation with the review group, to authorise the Chief Executive to appoint the investigator; and
6. in consultation with the Review Group, to authorise the Chief Executive to appoint any replacement investigator if the original investigator appointed can no longer act.”

This motion is in three parts, with the request that each part be subject to a recorded vote:

- a) The Terms of Reference for the independent investigation that formed part of the announcement on 20 August 2021 have been deemed unfit for the purposes of the Waterfront Enquiry and as such a request has been put to the Review Group, headed by the Leader Lawrence Nicholls, for the Terms of Reference to be revised in consultation with the Councillors for Staines, Staines South and Riverside and Laleham, and in consideration of the Attached Terms of Reference.
- b) The Chief Executive shall be required to recuse himself from any involvement in determining the new Terms of Reference or taking

any part in the independent investigation other than co-operating fully with the investigator and instructing his staff and any relevant advisors/consultants to do the same. This Motion Part b) of Motion 1 arises from concerns related to the Chief Executive having any involvement in the Inquiry, other than to give evidence to it, given his central role in the Waterfront Development Project which is the subject of this Waterfront Inquiry.

The Full Council to approve in advance whatever modifications are required to be made to the Constitution to facilitate the above, specifically, and only in relation to the independent investigation into the Waterfront Development Project.

- c) The person appointed to conduct the independent investigation shall have access to any or all documentation and/or personnel he/she feels would be relevant to his/her investigations without encumbrance.

Proposer: Councillor S Mooney

Seconder: Councillor V Siva

Supported by (in accordance with Standing Order 20.1): Councillor M Beecher, Councillor C Bateson, Councillor J Vinson, Councillor D Saliagopolous, Councillor M Gibson, Councillor I Beardsmore, Councillor J Boughtflower, Councillor N Islam, Councillor M Attewell and Councillor T Lagden.

Motion 3 – WHO guidelines for air pollutants

“Spelthorne Borough Council shall adopt the new World Health Organisation guidelines for maximum average annual levels of air pollutants, that is to say, for PM2.5 a maximum level of 5 microgrammes per cubic-metre, for PM10 a maximum level of 15 microgrammes per cubic-metre, and for Nitrogen Dioxide (NO2) a maximum level of 10 microgrammes per cubic-metre, in all council air quality measurements, reviews and assessments.”

Proposer: Councillor M Beecher

Seconder: Councillor V Siva

30. General questions

The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 15.

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MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 15 July 2021 at 6.00 pm

Present:

Councillors:

S.M. Doran	R.D. Dunn	R.J. Noble
C.F. Barnard	S.A. Dunn	O. Rybinski
M.M. Attewell	T. Fidler	D. Saliagopoulos
C.L. Barratt	N.J. Gething	J.R. Sexton
R.O. Barratt	M. Gibson	R.W. Sider BEM
C. Bateson	K.M. Grant	R.A. Smith-Ainsley
I.J. Beardsmore	A.C. Harman	B.B. Spoor
J.R. Boughtflower	H. Harvey	J. Vinson
A. Brar	N. Islam	S.C. Mooney
S. Buttar	T. Lagden	
J.T.F. Doran	L. E. Nichols	

Councillor I.T.E. Harvey, The Mayor, in the Chair

Apologies: Apologies were received from Councillors R. Chandler, V.J. Leighton, M.J. Madams, J. McIlroy, A.J. Mitchell and V. Siva.

228/21 Minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council

The Council observed a minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council.

229/21 Minutes

The minutes of the Annual Council meeting held on 27 May 2021 and the Extraordinary Council meeting held on 10 June 2021 were agreed as a correct record.

230/21 Disclosures of Interest

Councillor T. Fidler declared that he would not take part in the debate or vote on item 12b, Exempt Report - Proposed Award of Leisure Centre Contractor contract - Key Decision, to avoid any conflict of interest.

231/21 Announcements from the Mayor

The Mayor made the following announcements:

Since the AGM the Mayoress and I have attended several functions including Ashford Youth Club open day, the opening of the Spelthorne Business Hub in Sunbury, the Service for the Judiciary last Tuesday, and yesterday the awarding of the Queens Award for Voluntary Service, to Sunbury Arts Centre, which was presented by the Lord Lieutenant, Michael More Molyneux. I understand that only two such awards have been made in Surrey this year.

This was a remarkable achievement for the Arts Centre, who have been operating on an entirely voluntary basis since 1982. The citation states that it is the highest award available to the Voluntary Sector in the UK. The entire volunteer team are to be congratulated, and Cllr Leighton, who originally proposed them, should be thanked too. Sunbury Arts Centre is the Boroughs only dedicated arts and cultural centre and is in use daily.

As we come to the end of the educational year I am aware that at least two headteachers, Louise Duncan, Headmistress of Sunbury Manor School and Liz Fielding, Head of St Nicholas's primary school in Shepperton, are retiring and I want to thank them for their service to education in Spelthorne and wish them a long and happy retirement.

Members have been advised of an exchange visit to our French twinned town, Melun, for the weekend commencing 1st October for what is described as a Brie fete. Places are limited, and self-funded, but if any Member is interested please contact Dawn Richards, as soon as possible.

232/21 Announcements from the Leader

The Leader made the following announcements:

The Prime Minister announced on 12 July that the Borough, along with the rest of the country, would move to step four of the roadmap out of lockdown from 19 July. This step sees the lifting of many of the restrictions that have impacted our daily lives. I know this has been, and continues to be, a very difficult time for many residents and businesses in the Borough. It has been 16 and a half months since Spelthorne was the first Surrey council to declare a Borough-wide emergency and, during this time, the Council has done everything possible to support communities and is committed to continuing to do so.

The Council continues to support business in Spelthorne and to date has distributed over £50million in relief and grants during the pandemic. The fourth Additional Restrictions Grant application window closes on 18 July so I would urge all eligible businesses yet to apply to do so.

Over the past few weeks, pop up vaccination centres have been deployed across the Borough and I would urge you to please protect yourselves and

others by getting fully vaccinated. All adults can now receive their first jab and, after eight weeks, they will be able to have their second dose.

Spelthorne will be doubling its investment in green initiatives over the next 12 months through a one-off increase of the Better Neighbourhood Grant, meaning £39,000 will be going to grassroots schemes to generate a cleaner, greener Spelthorne. Ward councillors will now have a £2000 annual allowance to support community projects and green projects in their ward, of which half will be for green projects.

The Spelthorne Business Hub is now open in Sunbury-upon-Thames. The Hub provides a co-working environment for start-up companies, entrepreneurs, and businesses, alongside an exciting programme of business support. The Hub will provide a creative base for entrepreneurs to develop and grow their ideas and I wish all the businesses involved a successful future.

Spelthorne Borough Council's Planning Committee has approved plans to build a new Leisure Centre in the Borough. The state-of-the-art facility will be located in Knowle Green in Staines-upon-Thames and will benefit from a comprehensive range of facilities. Construction, which will be to the Passivhaus standard, is due to begin in 2022 with completion in 2024.

The official launch of a new jetty on the River Thames in Staines was celebrated at the start of June. Located in Memorial Gardens, the jetty has been created to allow tour boats operators to pick-up and drop-off customers, connecting Staines with Hampton Court and Windsor. I would like to thank The River Thames Task Group, for their work to improve access and leisure activities along Spelthorne's 12 mile stretch of river.

At the Corporate Policy and Resources committee on 5 July, the process to undertake an investigation into the events surrounding the award of the contract for the Waterfront hotel development in Staines was formally started. It is in everyone's interests that this is thorough, definitive and conducted as soon as possible.

On 21 June, we raised the Armed Forces Day flag at our Council Offices in Knowle Green in honour of Armed Forces week. In doing so we recognise the brave men and women who proudly serve our country and make up the Armed Forces community, comprising currently serving troops, Service families, veterans and cadets.

That same week, the new Veterans' Hub at Fordbridge Fire Station was officially opened with the event marked by the planting of a tree. The Hub will act as a drop-in service for ex-servicemen and women and their families and has been set-up by the North Surrey Armed Forces Partnership. The Hub has a communal garden and allotment, and the group will meet on the fourth Tuesday of every month from 11am - 1pm to provide an opportunity for ex-service personnel to come together for friendship and support.

Spelthorne Borough Council honoured 11 volunteers at the Civic Trust Awards, which recognises residents who have given at least 12 years' service to volunteering in the Borough. Between them this year's winners have given almost 300 years of service to the Borough and represent the best of our communities.

There is will be a by-election in Staines Ward on 22 July. Polling stations will be open 7am to 10pm and details of your polling station can be found on your poll card or on our website. Completed postal votes need to be posted back to us as soon as possible. If it is too late, a completed postal vote can be returned to your local polling station by 10pm on election day, or the Council Offices before they close by next Thursday 22 July.

Entries are still open for Spelthorne in Bloom, Capture Spelthorne, the Spelthorne Business Awards and the Spelthorne Business Plan competition. Time, however, is running out to enter these competitions so please do get involved if you can!

Last week was Srebrenica Memorial Week, where we remember the victims of the genocide in Bosnia. On behalf of Spelthorne Borough Council, I would like to pay our respects to those murdered and displaced by individuals filled with hatred. The stirring up of hatred and discrimination is always wrong and we must never let it go unchallenged. We owe it to the victims of Srebrenica to all work together to ensure this never happens again. We are committed to equality in Spelthorne and everyone, regardless of their race, faith or nationality, should feel safe in our communities

Finally, I would like to place on record this Council's sympathies to the family and friends of former Council Leader, John Packman, who passed away last month. The Council lowered its flag to half-mast at Knowle Green on 29 June, the day of Cllr Packman's funeral, as a mark of respect.

233/21 Announcements from the Chief Executive

The Chief Executive announced that the Council's magazine, the Bulletin, was in the process of being delivered to 45,000 households across the borough. The Bulletin contained the annual report for 2020-21 which details some of the tremendous work that Spelthorne Borough Council and its staff have delivered in support of its communities, particularly those most vulnerable throughout the Coronavirus pandemic.

The impact of the pandemic has been profound and has seen this authority assist more than 17,000 vulnerable residents and support businesses with £50million of grants and additional support. The Chief Executive stated that he wished to place on record his thanks to the Council's staff who continued to do their utmost for the borough's communities.

The pandemic has had an impact on many people's wellbeing as well as a financial cost to the authority.

The Chief Executive explained that Councillors had asked to be kept informed of some of those costs and asked the Deputy Chief Executive and S151 Officer to provide an update.

The Deputy Chief Executive and S151 Officer reported that the COVID-19 pandemic had had significant financial impact on the Council, as had been the case for all councils, and the ongoing impacts on service income streams could continue for a number of years.

In May 2020 the Council took prompt action to set an emergency budget allowing up to an additional £2.2m of net spend to be funded from Reserves. This budget was set at a time when councils had received only one tranche of emergency COVID-19 funding from the government and the share allocated to districts and boroughs was particularly low. Happily, the funding for local government was significantly improved and in particular funding for districts and boroughs, in recognition of their proportionately greater reliance on sales, fees and charges. As a result, as reported to Cabinet in May 2021, the Revenue Outturn impact on the Council was considerably better than we initially feared, and we did not need to apply any of the additional £2.2m reserves and indeed were able to add to reserves.

Since the pandemic commenced we have distributed the funding support from Government for businesses across the borough. In 2020-21 we distributed £18m of business rates relief towards retail, leisure and hospitality businesses. In 2021-22 with the more reduced scheme we are anticipating distribution £11m of business rates relief. In 2020-21 we distributed as business support grants (excluding LRSG) £19m and we anticipate distributing (Restart & ARG) £6m in 2021-22. In particular we still have £2.2m of Additional Restrictions Grant, which is the discretionary grant for businesses who do not pay business rates, with an applications window for businesses to apply currently open

As part of the broad ranging COVID-19 recovery plan we have a number of specific actions to support economic recovery across the Borough. The Deputy Chief Executive and S151 officers explained that he was delighted to attend the opening of the Council's incubator for fledging and small businesses in Sunbury and that putting this support in place was particularly timely given the numbers of people prompted by the impacts of COVID-19 to change course in their lives and set up a new business.

For 2020-21 the Council collected 96.7% of council tax due and for business rates, allowing for a late period received a couple of days after the year end, collected 95.7%. These figures are better than anticipated, however the Council does face the challenge of recovering arrears from individuals and businesses.

The Deputy Chief Executive and S151 officer advised that the Council's investment assets portfolio continued to hold up extremely well. To date 98.4% of the rental income invoiced for 2020-21 had been collected with the majority of the outstanding balance covered by rent deferral agreements

which means over the new year that percentage will rise closer to one hundred percent. This percentage is much better than national averages for commercial rental and is a reflection of the strength of our assets, their location and also the excellent work our assets team have done to pro-actively engage with tenants and manage the portfolio. This means the investment assets have continued to be able to support the funding of our services for residents and contribute towards our housing delivery and regeneration programme.

At the end of 2020-21 we were able to add a further £5.4m to our investment assets sinking funds to bring their balance up to £26m. Remember these funds are set aside, on the basis of 50 years modelling, to cover future potential dips in income in the event of tenants exercising break clauses or not renewing leases resulting in void and rent free periods. Since the pandemic commenced in March, officers and key councillors have met weekly to review our sinking funds projections on an expected and worst-case basis. These projections have been improving in recent months and indicate that even on the worst cast scenarios we comfortably have sufficient funds to insulate the Revenue Budget and council tax payers from any dips in rental income over the next 10 years.

Unsurprisingly the external valuations of the balance sheet values of our investment assets have dipped, by an average of 5.4% which again is better than sector averages. This does mean the asset value on the Balance Sheet as at the end of March 2021 dipped £52m on paper. However, the important thing is the income streams being generated by these assets continue to be robust, and over time we expect these values to recover. Remember we are looking to hold these assets for the long term. On the other side of the Balance Sheet cash backed reserves increased from £44.7m to £84.5m. This included in addition to increasing sinking funds, increasing our General Fund Reserve (a general contingency) from £1.25m to £2m and setting aside £1.5m for green initiatives/green belt fighting fund. In addition the March 2021 figure included £27m of business support grants to be applied of which the majority relates to the accounting treatment for the Collection Fund.

With respect to our investment in the Elmsleigh centre as to be expected recovery of rental from retailers to date has been more challenging but is improving as we come out of COVID-19 restrictions. To date we have collected 81.6% of the rental due for 2020-21. The reason we bought out the long lease on the centre was to enable the Council to invest in diversifying the site to protect the long-term viability of the centre. We are actively progressing this with schemes to add affordable residential on site and bring in a range of community facilities into the centre. Additionally, we are anticipating that the opening of the Tesco Metro later this year will help further boost footfall.

Looking ahead to future uncertainties, we do not know over how long a period and to what extent our service fees and charges income, for example car parking, will recover. We are beginning to see the impacts on housing options of the national moratorium on landlords evicting tenants. This makes it even more important that we maintain the momentum in delivering our affordable

housing delivery programme. Nationally we are seeing significant increases in construction materials costs which we are monitoring with respect to the risk to our Capital Programme. We do not yet know what the impact locally on our residents will be when the Furlough scheme ends in September.

During the pandemic our two leisure centres have twice been closed by the regulations. Each time when they have reopened the Council has provided some financial support to the operator as we recognise how important these facilities are to the health and wellbeing of our residents. Whilst the leisure centres figures are doing a bit better than expected when they re-opened in April we do need to anticipate that may require some further financial support in the future.

As we move towards working on hybrid office/remote working basis for the longer term there will continue to be a need to invest in equipping out staff with appropriate ICT. We are looking to build on the new Customer Services telephony system as part of a broader digital transformation programme to improve service responsiveness for customers.

We are now starting work on the 2022-23 Budget, Capital Strategy and Capital Programme and are refreshing our budget gap projections for the next four financial years. We are looking to bring forward the budget process forward a little bit this year to enable more time for challenge and consideration. We are also proposing that in September we undertake a residents' budget consultation.

234/21 Questions from members of the public

The Mayor reported that, under Standing Order 13, ten questions had been received from four members of the public and that two of those questions (questions 3 and 5) had been grouped together for response.

1. Question from Mr A. McLuskey

In the light of the utter pointlessness of the Esso pipeline about to be laid from Southampton to Heathrow and the tarnished reputation of the organisation's parent company will Spelthorne Council agree to press for a cancellation of this deeply disruptive and anti-environmental project?

Response from the Leader, Councillor L. Nichols

The Southampton to London pipeline was subject to a Development Consent Order (DCO) which was approved by the Secretary of State for Business, Energy, and Industrial Strategy in October 2020. This decision followed a thorough and detailed examination process, conducted by the Planning Inspectorate. This pipeline is to be replaced by a new one, primarily due to the age and condition of the existing facility.

The Development Consent Order process sits under the Nationally Significant Infrastructure Projects regime. With this Consent Order having been approved by the Government, there is no means to challenge the decision. The Borough Council has a role in deciding applications for certain requirements of the DCO which are submitted by Esso. These applications relate primarily to specific technical details of how the works

are to be carried out and the processes involved. However the principle of the pipeline replacement has been agreed through the approved DCO in October 2020.

2. Question from Mr A. Woodward

The Council persists in stating that they are legally bound to comply with the housing numbers from central Government, using this as a justification for releasing green belt and employing consultants to provide a rationale for this. There are clearly exceptional circumstances in Spelthorne, large areas of green belt, the area already covered by water and the high levels of flood risk, so could the Leader explain why no consideration has been given to using an alternative methodology for assessing housing numbers, as set out in the relevant Government guidance? [Housing and economic needs assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/housing-and-economic-needs-assessment)

The relevant paragraph of the guidance is given below.

Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

With the permission of the Mayor, Councillor I. Beardsmore prefaced his answers with updates about recent judgements by the Planning Inspectorate. Councillor I. Beardsmore explained that the updates were very relevant to some of the answers he would be providing.

Firstly, four weeks ago in Hertfordshire a predatory developer obtained planning permission to build 100 houses in farmers field. It was opposed by the authorities concerned because the site was designated Green Belt land. At the enquiry the planning inspector found the authorities were seriously behind on meeting their housing need and did not have an up to date, valid, local plan. The field in question did not also have much relevance to the Greater Green Belt, which was fractured Green Belt like a lot of Spelthorne's Green Belt. What needs to be understood about it is all official green belt defences were in place, they were not breached, they were circumvented. It is a very scary judgement that has sent shockwaves through local authorities and we (Spelthorne) are an authority that is also behind on meeting our housing delivery targets and do not have a local plan in place to tackle the short fall.

Secondly, in Hertfordshire again, the planning inspector wrote to the authority and said in very blunt terms, that if the authority did not release enough Green Belt to satisfy the shortfall in housing provision by 17 September 2021 he would declare their plan unsound.

Thirdly, just this morning (15 July 2021) Spelthorne received the judgement on the Bugle site. The Inspector has allowed 31 houses to be built on this Green Belt site, which Spelthorne strongly opposed. In simple terms everyone who said you cannot build on Spelthorne's Green Belt have been proved wrong.

The good news in respect of this site, such as it is, is that the Inspector has only allowed the smaller of the two developments to go ahead and the Green Belt function of the site to prevent the coalescence of communities is maintained by retaining a Green strip running from East to West across the site. Nevertheless we cannot avoid the fact we have lost a Green Belt Site to predatory development.

Collectively these three rulings are a clear hardening of the Governments position in their drive to build more housing regardless of the views of local residents and local authorities or the cost in Green Belt. We would be wise to heed these warnings however distasteful we find them.

Now turning to the question from Mr Woodward:

Prior to the Government's requirement for local authorities to utilise the standard method to calculate housing need, there was no set methodology for assessing housing needs and local authorities were instead required to produce their own methodology. In 2015, Spelthorne produced its Strategic Housing Market Assessment which inputted various local factors to determine Spelthorne's objectively assessed housing need, including household growth projections, migration, and affordability. This identified a housing need of between 552-757 dwellings per annum. The local housing need figure derived from the standard method (currently 611 dwellings per annum) falls within this range, therefore it can be expected that an alternative methodology is likely to produce a similar figure.

Planning Practice Guidance states that where an alternative approach is used, this will be subject to close scrutiny at examination and the local authority will need to demonstrate how they face extraordinary challenges to justify the approach. Spelthorne is subject to many planning constraints that affect a large number of authorities in the South East, for example Green Belt and flood risk in combination. As such, there are not considered to be extraordinary challenges to justify a different approach to calculating housing need once the Local Plan is examined by the Planning Inspectorate. Those few authorities that have attempted to utilise a lower housing number since the introduction of the standard methodology have failed, for example Sevenoaks and Chiltern & South Bucks. The number of Local Plans withdrawn or found unsound in 2020 was the highest in six years, highlighting the importance of having a sound strategy to guide development.

Further to this the NPG states that:

The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement figure.

Whilst we might be able to play games debating the word Guidance, these are the rules the planning Inspectorate will follow. The key word is minimum. So our own number and the standard number are very similar.

The National Planning Policy Framework sets out that Green Belt boundaries may be amended in exceptional circumstances, with many authorities releasing Green Belt to meet housing needs. Spelthorne is aiming to produce a sound Local Plan strategy, supported by robust evidence, that overcomes the constraints present, demonstrating that we can meet our housing needs within the Borough. Developing an alternative methodology for calculating housing need is likely to contradict the evidence previously produced and is likely to be found unsound at examination.

3. Questions 3 and 5 from Mr N. Rowe

The Council's press release yesterday (7 July) "Spelthorne Borough Council to make crucial decisions on new Local Plan strategy" begs a number of questions to which we hope the Environment & Sustainability Committee, or the Chair of E&S at full Council, will provide answers:

There is detail on setting a target amount of 'greenbelt' to be released for development.

Why has the Committee not also defined a target limit for the height of new developments in Staines?

How will the results of the recent public consultation on the future development of Staines play into any decision on high-rise developments in Staines, who will do the analysis, who will draw conclusions from it, and how open/transparent will this process be?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

From 8 May to 29 June, the Council consulted on the Staines Development Framework Objectives and Options consultation. The questionnaire included 35 free-text questions, and letters and emails were accepted as responses. There is a significant amount of information for officers to review, quantify and qualify. Officers are currently reviewing all the responses to the consultation. A response document will be produced and published on the Council's website in due course.

The responses to the consultation will be analysed by both officers and consultants, David Lock Associates, and reported to the cross-party

Members' Staines Development Framework Task Group. The responses and further work, particularly on sites, will inform the next stage of the production of the Staines Development Framework. At all stages Members will make decisions.

We are keen to be making the best use of previously developed brownfield sites across the borough, including within in Staines-upon-Thames. Until the Staines Town Centre Framework is at a more advanced stage, there would not be sufficient information available to consider setting a limit for the height of new developments. Further consideration would also need to be given to whether any height restrictions were uniform or staggered, if an absolute height limit (in storeys or metres) is the most appropriate way of achieving the best urban design and making the best use of brownfield sites in Staines, one of our most accessible and well-connected locations.

4. Question from Mr N. Rowe

The Council's press release yesterday (7 July) "Spelthorne Borough Council to make crucial decisions on new Local Plan strategy" begs a number of questions to which we hope the Environment & Sustainability Committee, or the Chair of E&S at full Council, will provide answers:

There is reference in the press release to excluding any sites not already identified for inclusion in the Local Plan.

Why have other sites been excluded for consideration, particularly as this will inevitably encourage overdevelopment of identified sites?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The list of Green Belt sites provided alongside the amended strategy, agreed by the Environment and Sustainability Committee on 13 July 2021, are indicative at this stage, meaning they have not been finalised and currently represent the type of sites likely to fit with the proposed strategy and meet our development needs. All sites will be subject to a more detailed assessment, in line with our Site Selection Methodology, and discussion with the Local Plan Task Group (that includes a councillor from every ward in the Borough). These sites will also be subject to public consultation whereby residents will have the opportunity to comment on the proposals.

5. Question from Mr N. Rowe

The Committee expresses a wish to "proceed without further delay" with implementing the Local Plan. How can the Council proceed with the Local Plan when the work has not been started (let alone completed) to determine whether Staines' infrastructure can be upgraded (let alone afforded) to accommodate the level of development currently contemplated? The government has made it clear that infrastructure constraints should be taken into account when setting "a sustainable housing target" and work on this has not yet been done. In recent

discussions I was told by Surrey County Council (in a meeting also attended by an SCC Councillor) that an analysis of the infrastructure issues relating to the draft development plan for Staines would probably cost about a £100,000 which SCC would undertake if asked to do so.

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Borough Council have been engaged with the County Council and other service providers over infrastructure needs for some time. Discussions regarding this are based on the housing requirement for the Borough over the plan period. This requirement is set by the Government through the standard methodology. The service providers are therefore aware of the housing requirements and where the planned growth is expected to take place in the Borough. A draft Infrastructure Delivery Plan (IDP) has been produced which has followed two rounds of consultation with service providers, including the County Council on various types of provision such as education, highways, and healthcare amongst others.

To further progress work on the IDP, it is necessary to identify the site allocations and quantum of development within these. This will allow for a Part 2 of the IDP to be carried out which will include detailed assessment of each site allocation and any necessary infrastructure required to deliver these sites, if any. This work will be undertaken in consultation with the service providers. The County Council will play a crucial role in providing data and advice to allow these requirements to be identified and solutions to be found.

6. Question from Mrs K. Sanders (OAN)

How can Council agree that we should plan to meet 611 dpa without also agreeing at the same time an Infrastructure Delivery Plan that matches that and does the Council concede that, by not taking a proportionate approach to housing growth, unconstrained growth of 9,165 units cannot be sustainably built on 70% of the land in Spelthorne (i.e. Spelthorne's total area less the 30% covered by the absolute environmental constraints of waterbodies and functional floodplain)?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Infrastructure Delivery Plan is currently in draft form and has been produced with input from infrastructure providers, including healthcare, education, and highways, so they can plan for our future growth. Two rounds of consultation with infrastructure bodies have taken place to identify the current and predicted gaps in infrastructure provision based on our housing figure and spatial strategy over the Plan period. The housing figure derived from the standard methodology has been fed into the process since the early stages of IDP development to enable infrastructure to be adequately planned for. Key stakeholders and providers have engaged in each stage of the process so that they are aware of the

planned growth and can react appropriately to enable the correct level of provision.

It must be noted that on many infra-structure issues Spelthorne are not the responsible authority for service delivery. As such, far more weight will be given to the response of the responsible authority.

Once site allocations have been firmed up with the amount of development, there will be a 'Part 2' to the Infrastructure Delivery Plan which will consider in greater detail each site allocation and look at specific needs for those sites and what is required to deliver these.

Councillors and Officers are working together to develop a robust and sound Local Plan strategy that meets our development needs on suitable sites. Through the next stage of the Local Plan – the Pre-submission draft Local Plan - allocation sites and the Local Plan approach will be subject to a Sustainability Appraisal which will assess the sustainability of the options and will also identify any opportunities to improve sustainability.

Infrastructure provision and sustainability are key considerations in developing the Local Plan strategy and a holistic approach to ensuring the proposed level of development can be supported by the necessary infrastructure has been key throughout the Local Plan process.

7. Question from Mrs K. Sanders (OAN)

Given councillors repeated commitment to Spelthorne's wider Green Belt as a whole (which covers 65% of Spelthorne's total area), does the Council agree that being forced to build 100% of the 9,165 units on only 35% of Spelthorne (give or take 1 or 2%) would represent a strong reason for restricting the housing number under Para 11b of the NPPF?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

National planning policy and guidance sets out that local authorities should identify enough land to meet their needs, then re-visit assumptions if it is unable to do so and also engage with Duty to Cooperate partners, before they conclude that needs cannot be met at Local Plan examination.

We have a broad evidence base to support our Local Plan, we have revisited our site assessments and have carried out additional work to increase our land supply in the urban area. After reviewing this evidence, we could be in a position to meet our housing needs in full. It is only after this in-depth assessment that we have looked towards a small amount of Green Belt release. We need to show an inspector that we have done all we can to meet our needs and if we fail to do so, there is a risk of our plan being found unsound.

Paragraph 11b of the NPPF sets out that there must be a strong reason for restricting the level of planned growth – we need to utilise our evidence

base to support the Local Plan strategy and show that we have tried to meet our needs and only then can we consider a lower target. We are aiming to develop a logical and robust Local Plan strategy that is able to meet our needs and is based on evidence, and as such feel it is appropriate to meet our housing needs.

8. Question from Mrs K. Sanders (OAN)

Would Council concede that any self-imposed limit of Green Belt release is arbitrary and not strategically robust or defensible (be it the 0.6% of all Green Belt land now suggested or the 1.6% proposed by the Preferred Options consultation) and that there is no built-in mechanism to shut Pandora's Box once it has been opened?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

This is not a self-imposed limit. Rather, it is the minimum quantity to meet our needs based on the data we have now. We have made it clear this is open to review and change.

Following the Preferred Options consultation, we made every effort to consider whether a brownfield-only approach would be feasible, through undertaking a call for sites to identify new development sites and reviewing existing site capacities and densities to boost the potential supply from urban sites. We concluded that a brownfield-only approach would not meet our needs and would also result in the majority of new homes being flatted developments. We determined that a minor amount of Green Belt release would allow us to meet our housing needs in full and provide a better mix of housing for the community.

If the strategy is agreed, the 0.6% of Green Belt release is the amount of land that will meet our housing needs following further analysis of the urban area. This level of Green Belt released would be fixed through this Local Plan, although a future Local Plan will need to reconsider how best to meet housing needs. There is however uncertainty in terms of planning policy and how housing requirements will manifest in future, so at present we need to produce a Local Plan that meets our development needs and follows a robust and sound approach that is best for current and future generations, using the current available evidence.

9. Question from Mrs K. Sanders (OAN)

By the Council's own admission, it has now exhausted all potential options for meeting needs in the urban area. Where does Council propose putting any requisite essential infrastructure yet to be identified (e.g. schools and health services) that would go along with such a high level of growth? Also, given that Surrey County Council classes, to all intents and purposes, all of the non-urban area in Spelthorne as a Biodiversity Opportunity Area, would Council agree that any housing or commercial development in the non-urban area would be detrimental to biodiversity and would make it more difficult for the borough to achieve the mandatory

biodiversity net gain, which is likely to become planning law in 2023, potentially before Spelthorne's new Local Plan is signed off?

Having exhausted all potential options for meeting needs in the urban area and having done the Duty to Cooperate exercise, would the Council agree it is now time to calculate a "Policy on" housing target?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Infrastructure Delivery Plan is being produced with input from relevant stakeholders to help meet the need for local services alongside housing growth. The Borough Council continue to work with the service providers to identify how the needs can be met in the most deliverable and accessible way.

I refer you back to my previous answer on the responsible authority to deal with infrastructure and service delivery.

Biodiversity Opportunity Areas are identified to promote improvements to ecological sites as part of the wider Surrey network. The mandating of biodiversity net gain provides opportunity to secure improvements to areas of existing or potential biodiversity value. All new developments will be required to fulfil biodiversity net gain and other Local Plan policy requirements through the planning application stage. The Borough Council's policies in the new Local Plan will reflect biodiversity net gain requirements, as appropriate. A Biodiversity and Planning Action Plan is being developed to inform the development of the Local Plan policies and where in the Borough benefits can be secured through Net Gain.

Do not forget the Government have already trashed promises of environmental targets once. We have an officer here who, when working with another authority, witnessed a year of work on Biodiversity thrown out the window.

The Council is aiming to identify a suitable Local Plan strategy that will meet development needs. This strategy maximises development opportunities in the urban area whilst also having regard for the need to deliver much needed family housing through a small amount of Green Belt release. If agreed, in pursuing this proposed Local Plan strategy, we feel we can meet our housing needs in full therefore it is appropriate to continue the development of the Plan using this approach.

235/21 Allocation of seats and appointments of members to the Development Sub-Committee

The Mayor informed members that the Corporate Policy and Resources Committee were unable to nominate to all five of the available seats at their meeting on 5 July 2021 but that the Development Sub-Committee could still be formed and would be able to carry out its functions providing there was a quorum present at their meetings.

The Quorum for the Sub-Committee is one quarter (two members).

The Mayor further clarified that those seats without nominations were for Conservative Group Councillors and could not be filled by other groups as there was a legal requirement for the sub-committee to be politically proportionate.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that the allocation of seats on the Development Sub-Committee as shown at Appendix A be approved.

236/21 Appointments to Outside Bodies

The Mayor explained that as there were three appointments to be made he would take each one separately.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Robert Noble serve as the Council's representative on the South West Middlesex Crematorium Board.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Richard Dunn serve as the Council's Deputy representative on the South West Middlesex Crematorium Board

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Bernie Spoor serve as the Council's representative on the Surrey Police and Crime Panel.

237/21 Appointment of Substitutes to Committees

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that the Substitute members to serve on the Council's Committees, as detailed in Appendix B, be approved.

238/21 Recommendations of the Corporate Policy and Resources Committee

238a Ashford Victory Place

The Council considered the recommendation of Corporate Policy and Resources Committee on Ashford Victory Place.

Resolved to approve the specification changes (option A) sought by Planning Committee prior to submitting revisions to the Local Planning Authority (LPA).

238b Proposed Award of Leisure Centre Contractor contract

Councillor T. Fidler left the room for the consideration of this item.

The Council considered the recommendation of Corporate Policy and Resources Committee on the Proposed Award of the Leisure Centre Contractor contract.

Resolved to approve the award of a Pre-Construction Services Agreement (PCSA) to the preferred bidder identified in the report as the main contractor for the construction of the proposed new leisure centre; and the expenditure for this appointment.

239/21 Amendments to the Council's Constitution

The Council considered a report from the Group Head of Corporate Governance on amendments to the Constitution consequential to the change to the Committee System.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** to approve the amendments to the Constitution as set out in the report.

240/21 Appointment of a representative Trustee

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved that Mrs Daphne Harman be appointed as a Council representative trustee to serve on the Staines Parochial Charity for a four year term of office until July 2025.

241/21 Amendments to the Spelthorne Joint Committee constitution following implementation of the committee system

The Council considered a report from the Group Head of Corporate Governance on amendments to the Spelthorne Joint Committee constitution following implementation of the committee system.

It was moved by Councillor S. Mooney and seconded by Councillor C. Barnard that this item and item 16, Appointment of Chairman to the Spelthorne Joint Committee for a two year term to May 2023, be deferred as it was unclear how long the tenure of the Chairmanship should be and clarification should be sought.

Members debated the motion to defer and noted that the minutes of the Spelthorne Joint Committee meeting held on 15 July 2019 stated that the Chairmanship *“would now be a two yearly tenure and that chairmanship would now revert to last year’s chairman, County Councillor Richard Walsh to continue into his second year.*

The reasons for the change are two-fold: As committee cycles run only for four formal meetings, a longer stint allows the chairman to become more established in the role and follow through on issues. Secondly, the timing of

the change means that no chairman should be actively up for re-election whilst holding this office.

The legal advisers from both authorities supported this change. No change is the constitution is required at this stage.”

A vote was held and the motion to defer FELL.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** to approve the amendments to the Spelthorne Joint Committee constitution as set out in the report.

242/21 Appointment of Chairman to the Spelthorne Joint Committee for a two year term to May 2023

The Chief Executive informed the Mayor that just prior to the meeting starting Councillor J. Boughtflower had informed him that he would be taking up the current vacant Conservative position on the Spelthorne Joint Committee and therefore Councillor Boughtflower would need to be added to the list of members to be considered for the position of Chairman.

It was proposed by Councillor J. Sexton and seconded by Councillor R. Smith-Ainsley that Councillor L. Nichols be nominated to the position of Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

It was proposed by Councillor S. Mooney and seconded by Councillor N. Gething that Councillor J. Boughtflower be appointed Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

A vote was held and it was **resolved** that Councillor L. Nichols be nominated to the position of Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

243/21 Motions

In accordance with Standing Order 16 the Council received three written Notices of Motions.

Motion 1

Councillor D. Saliagopoulos moved and Councillor T. Lagden seconded the following motion:

To appoint a member “Mental Health Champion” to:

- advocate for mental health issues in council meetings and policy development and reach out to the local community to raise awareness of mental health issues and challenge stigma.
- listen to people with experience of mental health note their perspective on local needs and priorities.
- scrutinise areas that have an impact on people's mental health.
- foster local partnerships between agencies to support people with mental health problems more effectively.

- identify at least one priority each year for focused work.
- have access to advice, support and other member champions to share information, experience and ideas.

The motion was carried.

Resolved to

- appoint a member “Mental Health Champion” to:
- advocate for mental health issues in council meetings and policy development and reach out to the local community to raise awareness of mental health issues and challenge stigma.
- listen to people with experience of mental health note their perspective on local needs and priorities.
- scrutinise areas that have an impact on people's mental health.
- foster local partnerships between agencies to support people with mental health problems more effectively.
- identify at least one priority each year for focused work.
- have access to advice, support and other member champions to share information, experience and ideas.

Motion 2

The Mayor informed the Council that this motion had been altered and that a copy of the altered motion had been circulated to all members in advance of the meeting. In accordance with Standing Order 18.7 the Mayor sought the consent of the Council and it was **resolved** that the altered motion be accepted.

Councillor D. Saliagopoulos moved and Councillor T. Lagden seconded the following motion:

To appoint, when possible, an existing officer of the Council to act as a lead officer for mental health to:

- advise the member Champion on current issues and priorities;
- support implementation of strategies initiated by the member champion;
- in conjunction with the member champion, look to support positive mental health in our community, including in local schools, neighbourhoods etc

The motion was carried.

Resolved to

appoint, when possible, an existing officer of the Council to act as a lead officer for mental health to:

- advise the member Champion on current issues and priorities;
- support implementation of strategies initiated by the member champion;
- in conjunction with the member champion, look to support positive mental health in our community, including in local schools, neighbourhoods etc

Motion 3

Councillor R. Noble moved and Councillor M. Gibson seconded the following motion:

This Council resolves to establish the principle that a permanent memorial be created to recognise those in the Borough of Spelthorne who have sadly lost their lives during the unprecedented Covid 19 pandemic.

If that is agreed, we request that Officers begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

Councillor R. Smith-Ainsley proposed the following amendment by the **addition** and deletion of words, which was seconded by Councillor S. Dunn:

*This Council resolves to establish the principle **believes** that a permanent memorial **should** be created to recognise those in the Borough of Spelthorne who have sadly lost their lives **through** ~~during~~ the unprecedented Covid 19 pandemic.*

*If that is agreed, we request **Council therefore resolves** that Officers **in consultation with the Leader and other political group leaders** begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.*

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

The amendment was put to the vote and agreed.

The substantive motion was then put to the vote and carried.

Resolved:

This Council believes that a permanent memorial should be created to recognise those in the Borough of Spelthorne who have sadly lost their lives through the unprecedented Covid 19 pandemic.

Council therefore resolves that Officers in consultation with the Leader and other political group leaders begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

244/21 Report from the Leader of the Council

The Leader of the Council, Councillor L. Nichols, presented the report of the Corporate Policy and Resources Committee meetings held on 5 July 2021 which outlined the matters the Committee had decided since the last Council meeting.

245/21 Report from the Chairman of the Environment and Sustainability Committee

The Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore, presented the report of the Environment and Sustainability Committee meetings held on 30 June 2021 and 13 July 2021, which outlined the matters the Committee had decided since the last Council meeting.

The Chairman of the Environment and Sustainability Committee drew members attention to the omission of the word *sound* between *a* and *strategic* at point 2 on page 3 of the supplementary agenda. This sentence should have read:

*“That they would benefit from independent support and advice on the formulation of a **sound** strategic vision for the borough.”*

246/21 Report from the Chairman of the Community Wellbeing and Housing Committee

Before the consideration of this item it was moved by Councillor I. Beardsmore and seconded by Councillor C. Barnard to suspend standing orders to continue for a further 30 minutes as per Standing Order 5.2.

The Chairman of the Community Housing and Wellbeing Committee, Councillor S. Dunn, presented the report of the Community Housing and Wellbeing Committee meeting held on 29 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

247/21 Report from the Chairman of the Neighbourhood Services Committee

The Chairman of the Neighbourhood Services Committee, Councillor A. Brar, presented the report of the Neighbourhood Services Committee meeting held on 24 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

248/21 Report from the Chairman of the Economic Development Committee

The Chairman of the Economic Development Committee, Councillor C. Barnard, presented the report of the Economic Development Committee

meeting held on 22 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

249/21 Report from the Chairman of the Planning Committee

The Chairman of the Planning Committee, Councillor T. Lagden, presented his report which outlined the matters the Committee had decided since the last Council meeting.

250/21 Report from the Chairman of the Licensing Committee

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

251/21 Report from the Chairman of the Administrative Committee

The Chairman of the Administrative Committee, Councillor T. Mitchell, presented the report of the Administrative Committee meeting held on 1 July 2021 which outlined the matters the Committee had decided since the last Council meeting.

252/21 General questions

The Mayor reported that two general question had been received, in accordance with Standing Order 15, from Councillors J. Boughtflower and S. Mooney.

Question 1 is from Councillor J. Boughtflower

Can the Leader confirm that Cllr Sexton was on, or not on, Cabinet at the time of the 8 April 2020 Cabinet meeting and what period of time by dates Cllr Sexton was a Cabinet member.

Cllr Sexton clearly stated "I was not" on Cabinet during the time the Aroura Deal was made at the public meeting of the Corporate Policy and Resources Committee held on the Monday 5 July 2021.

The residents clearly need to know the factual position of this matter.

Response from the Deputy Leader, Councillor J. Sexton

Thank you for your question Councillor Boughtflower, I agree that it is important that the facts be made clear for all.

At the meeting of the Corporate Policy and Resources Committee on Monday 5 July I did state that I was not on Cabinet at the time the Tender report on Staines Development was considered and at the time of making that statement I genuinely believed it to be an accurate one. Members present at that meeting or watching online will have noted that I sought confirmation from the Monitoring Officer who at that time also thought my statement was correct. However, having had the opportunity to review previous Cabinet meetings I have found that the Tender report was presented to Cabinet on 8 April 2020, and it appears that I was present however, there was some uncertainty as the

attendance records indicate that I had given apologies but the minutes note that I was in attendance.

Committee Services have now confirmed that I was a member of the Cabinet from January 2020 until June 2020

In accordance with Standing Order 14.3, Councillor J. Boughtflower asked the following supplementary question:

Can Councillor Sexton inform us of if any other errors have been made?

Response to supplementary question from Councillor J. Sexton:
With respect Councillor Boughtflower, you were not at the meeting. I don't understand what you are inferring, it was a genuine mistake.

Question 2 is from Councillor S. Mooney

I note the agenda item from the recent Policy and Resources Committee meeting on Monday evening states the Committee are asked to:

1. consider the establishment of an investigatory task group; and
2. the Terms of Reference for the task group (the terms of reference are to follow and will be published as soon as possible).

Does the Leader acknowledge that much of the concerns raised about the Arora proposal highlights the need for absolute clarity and impartiality in terms of the investigation. What assurances can he give to this chamber that the investigation will be transparent and shared with all councillors, including the terms of reference. To what extent will any of the Councillors or Officers involved with the development of the contract have any involvement in defining the terms of reference, selecting the person to conduct the inquiry, and overseeing the work on the investigator?

Response from the Leader, Councillor L. Nichols

At the Corporate Policy and Resources Committee on 5 July the formal process of conducting the Inquiry was started. This established a Waterfront Inquiry Review Group of members to oversee the process.

The Review Group has already met with the Chief Executive and has agreed a way forward. Further meetings will take place as soon as possible to appoint an investigator and establish a draft timetable. The investigator will be given the opportunity to review the draft terms of reference to ensure that they allow for the effective conduct of the Inquiry. Once the arrangements for the conduct of the Inquiry are agreed, a statement on the process, the investigator and its final terms of reference will be made public.

The necessary delegation to establish the inquiry was given to the Chief Executive, in consultation with the Review Group. This is the only constitutional way to allow issues arising to be resolved without having to refer back to the Corporate Policy and Resources Committee for all decisions. In practice, it will be impossible for the Chief Executive to act contrary to the

wishes of the Review Group. The Review Group does not include any councillors who were involved in the award of the contract for the Waterfront Hotel development.

The Review Group will be overseeing the work of the investigator as set out in Review Group's terms of reference. The organisation and support of the investigator will inevitably involve some officers who will be expected to contribute to the Inquiry. A record of all interactions with the Inquiry process has already been established and will be maintained for the duration.

It is essential that officers are involved in and answer questions around the transaction. The Review Group members will retain oversight of the entire process and will ensure that the investigator has unfettered access to information and witnesses.

At the conclusion of the investigation, a report and any recommendations will be made public. It is highly likely with an Inquiry of this nature that some aspects will have to remain confidential.

I would like to assure all councillors and members of the public that the Review Group are committed to seeing an Inquiry conducted which leaves no stone unturned. The members of the Review Group are adamant that the Inquiry must be both comprehensive and fair.

In accordance with Standing Order 14.3, Councillor S. Mooney asked the following supplementary question:

Who are the members of the Review Group?

Response to supplementary question from Councillor L. Nichols:

The members of the review group are myself, Councillor Noble and Councillor Barnard, we have a really good understanding of what needs to be achieved and have started to work well together. I am absolutely certain that we will do this properly and that is my personal commitment.

Questions from members of the public

Question 1 – Andrew McLuskey

“Why, given that the Building Regulations department have passed the cladding at West Plaza as being in conformity with national rules, is the insurance company unwilling to cover the flat dwellers in the development?”

Question 2 – Andrew McLuskey

“Why did the Environmental Health department give permission for an Industrial Kitchen (sic) to operate on the top floor of the block with all the attendant fire risks that involves?”

Question 3 – Andrew McLuskey

“Does the Council think it has fully learned the lessons of the Grenfell Tower tragedy in 2017?”

Question 4 – Graeme Lock

“When will the identity of the investigator be announced, and will full details of his/her background and experience with similar such politically sensitive independent investigations as well as his/her independence from Spelthorne Borough Council (including from its current and former staff and Councillors) be included in the announcement?”

Question 5 – John de Pear

“Why did the Chief Executive (Daniel Mouawad) not recuse himself from any involvement in the establishment and/or administration of the investigation into the provenance of and contract for the Waterfront Development Project, given

- a) the clear inappropriateness of such involvement because of his central role in this “officer led” project and
- b) declared intent of the investigation originally announced on 28 April to “explore the possibility of misconduct and/or fraud?”

Question 6 – John de Pear

“Was any attempt made to persuade the Chief Executive to recuse himself?”

Question 7 – Margaret Geraci

“What role did the Chief Executive (Daniel Mouawad) and/or the Leader of the Council at the time (Cllr Ian Harvey) have in drafting the scope of the investigation into the Waterfront Development Project (essentially draft terms of reference) as set out with the draft Minutes of the Policy and Resources Committee of 5 July 2021 and announced on 20 August 2021, and what role do either have currently in briefing the investigator?”

Question 8 – Peter Bower

"Terms of Reference for an independent investigation into the "officer led" Waterfront Development Project announced in April had a declared intent to "explore the possibility of misconduct and/or fraud". Key elements of these Terms of Reference are either absent altogether from those announced in August or have been rephrased to narrow significantly the context in which the issues can be investigated.

According to the draft Minutes of the Policy and Resources Committee of 5 July 2021 the Chief Executive was authorised by the Committee to finalise the Terms of Reference and appoint the investigator, to modify the Terms of Reference "as considered appropriate", and appoint a replacement investigator if needed. The Minutes also say the Review Group of Councillors overseeing the investigation will "receive updates from officers on the progress of the inquiry and next steps to be taken".

1. Given the above preamble and his central role in the "officer led" Project, on what basis does the Policy and Resources Committee consider it appropriate for the Chief Executive (or any other officer) to have any role in determining the Terms of Reference for the investigation, or the appointment of the investigator, or indeed any role in the conduct of the investigation itself (other than to give evidence to it)?
2. Will the more specific Terms of Reference of 28 April 2021 be incorporated into the new Terms of Reference for the investigation?"

Question 9 – Mr R Neville

"The land in Feltham Road, Ashford known as Ashford Clumps has been used for allotments for over 100 years. Some current tenants have been gardening there for decades. There are three charities utilising plots at Ashford Clumps to support those with specific needs. Out of the blue allotment holders received a letter from Spelthorne Council dated 15th September 2021 giving 12 months notice to quit due to the lease expiring in March 2020 and not being renewed. The letter was abrupt and legalistic, with no apparent consideration for its impact on people. Allotments have been a sanctuary for many people across the borough during the pandemic, and provide many benefits, both for health & wellbeing and the environment.

a) What discussions and meetings took place to consider the impact of this situation and the notice to quit letter, on both the residents who rent plots at Ashford Clumps and the loss of the allotment land on Spelthorne's ability to provide allotments? The loss of this site will be an 8% reduction (62 plots) in allotment plots in Spelthorne, leaving the borough short of plots to meet demand.

b) Why was the expiry of the lease, eviction and loss of allotments not discussed at The Environment and Sustainability Committee, a meeting of which was held on 14th September 2021, the day before the notice to quit letters were dated?"

Question 10 – Jill Clements

"Did Spelthorne council consider any options and try and negotiate a new lease for the Ashford Clumps Allotments land to support its residents not just current plot holders but for people in the future. Or did Spelthorne Council, as it seems just accept the termination of the lease at face value, send the plot holders letters and move on."

Question 11 – Sarah Mason

“1. The custodians of the land on which Ashford Clumps Allotments are situated are Ashford Relief in Need Charities (ARIN) & The Charities Commissioners. Spelthorne has been leasing this land from them. The lease ended in 2020 and is not being renewed.

When were Spelthorne Council first notified that the lease was not going to be renewed and why if the lease ended in March 2020 was the notice to quit not sent until September 2021?

2. The Clumps Allotments have been used for growing fruit and vegetables by the community for many years. Council records show it being leased by them since at least 1982, however local people know it has been used by the people of Spelthorne for far longer. This land having been appropriated by Spelthorne Council by means of a lease for at least 39 years is classed as Statutory Allotment Land. This brings certain responsibilities for a Council. These are published by the Government in a document titled 'Allotment disposal Guidance: Safeguards and Alternatives.' Are Spelthorne Council aware of these responsibilities and have they carried them out in relation to the disposal of The Clumps Allotments in September 2022?”

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Recommendation of the Members' Code of Conduct Committee

Council – 14 October 2021

New Code of Conduct

1. At its meeting on 4 February 2021 the Members' Code of Conduct Committee considered a report on the adoption of the new Local Government Association (LGA) Model Code of Conduct from the date of Annual Council. The minutes of that meeting are available to [view on the website](#).
2. The Committee resolved to recommend that Council adopt the new Model Code of Conduct.
3. Unfortunately, the recommendation was omitted from subsequent council agendas.
4. **Council is therefore asked to consider the recommendation of the Members' Code of Conduct Committee to adopt the new LGA Model Code of Conduct (attached).**

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. *Confidentiality and access to information*

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Council



14 October 2021

Title	Annual report on Complaints
Purpose of the report	To note
Report Author	Victoria Statham, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Recommendations	Council is asked to note the report.
Reason for Recommendation	Not applicable

1. Key issues

- 1.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to report Local Government and Social Care Ombudsman (LGSCO) findings and recommendations to the Council where, following an investigation into a complaint, the Ombudsman has made a finding of fault.
- 1.2 The Ombudsman has issued guidance to authorities about how they should report findings on LGSCO investigations to elected members and is supportive of a flexible approach to discharging this duty.
- 1.3 As a general guide the Ombudsman has suggested that where his office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, the duty is satisfactorily discharged in a small authority if the Monitoring Officer summarises the findings on all upheld complaints over a specific period, in an annual report to the Council.
- 1.4 The LGSCO has recently circulated its Annual Review letters for 2020/21 to all local authorities. In 2020/21 the Ombudsman registered 11,830 complaints and enquiries across Local Authorities nationally. The Ombudsman upheld 67% of the complaints it investigated which was its highest rate ever. The uphold rate for Spelthorne Borough Council was 33% (1 of 3 investigated) compared to an average of 53% in similar authorities
- 1.5 The Annual Review letter includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where the Ombudsman's recommendations remedied the fault and the number of cases

where it decided the authority had offered a satisfactory remedy during the local complaints process. In these latter cases the LGSCO provides reassurance that the authority has satisfactorily attempted to resolve the complaint before the person approached them.

- 1.6 The attached breakdown of complaints about Spelthorne Borough Council (**Appendix 1**) shows the Ombudsman decided 3 complaints, of which it upheld 1.
- 1.7 The requirement to report findings of fault by the Ombudsman applies to all such complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year. However, the last time a finding of fault was made against Spelthorne Borough Council was in 2018.
- 1.8 The upheld complaint in September 2020 was in relation to a service failure and I can confirm that the authority remedied the complaint by implementing the recommendations made by the Ombudsman, within one week of its decision.
- 1.9 The Ombudsman's full decision in respect of the upheld complaint is attached at **Appendix 2**. Members will note that the report has been anonymised to protect the identity of the complainant.
- 1.10 In summary the Ombudsman found that, "Mrs X says the Council is at fault in how it handled her request to lease a building it owned. The Ombudsman has found fault by the Council in this matter which resulted in Mrs X's expectations being raised and put her to avoidable expense, time and trouble in pursuing a lease. In recognition of the injustice caused to her he recommended the Council apologise and pays her £750. The Council agreed."

2. Options analysis and proposal

- 2.1 This report is for information and there are no options arising.

3. Financial implications

- 3.1 The remedy of £750 was paid to Mrs X from the relevant service area budget but has not adversely impacted that budget.

4. Other considerations

- 4.1 There are none.

5. Equality and Diversity

- 5.1 The Council has addressed the lack of criteria or policy for leasing its assets, the absence of which led to this finding of fault, by adopting a Community Letting Policy on 19 May 2021.

6. Sustainability/Climate Change Implications

- 6.1 There are no sustainability or climate change implications arising directly out of this report.

Background papers: There are none.

Appendices:

Appendix 1 – Table of decisions made by the LGSCO in 2020/21

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

Reference	Authority	Category	Decided	Decision	Decison Reason	Remedy
19006831	Spelthorne Borough Council	Corporate & Other Services	22 Jun 2020	Not Upheld	no maladministration	
19011449	Spelthorne Borough Council	Planning & Development	28 Oct 2020	Not Upheld	no maladministration	
19016359	Spelthorne Borough Council	Corporate & Other Services	28 Sep 2020	Upheld	maladministration and injustice	Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, Apology
20001997	Spelthorne Borough Council	Housing	21 Jul 2020	Referred back for local resolution	Premature Decision - advice given	
20002044	Spelthorne Borough Council	Planning & Development	01 Sep 2020	Closed after initial enquiries	26B(2) complaint not made in 12 months	
20004284	Spelthorne Borough Council	Planning & Development	09 Oct 2020	Closed after initial enquiries	Not warranted by alleged maladministration/service failure	
20006297	Spelthorne Borough Council	Housing	14 Oct 2020	Referred back for local resolution	Premature Decision - advice given	
20006943	Spelthorne Borough Council	Environmental Services & Public Protection & Regulation	23 Oct 2020	Referred back for local resolution	Premature Decision - advice given	
20007754	Spelthorne Borough Council	Corporate & Other Services	05 Jan 2021	Closed after initial enquiries	Other Agency better placed to respond	
20012862	Spelthorne Borough Council	Corporate & Other Services	05 Mar 2021	Referred back for local resolution	Premature Decision - advice given	

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The Ombudsman's final decision

Summary: Mrs X says the Council is at fault in how it handled her request to lease a building it owned. The Ombudsman has found fault by the Council in this matter which resulted in Mrs X's expectations being raised and put her to avoidable expense, time and trouble in pursuing a lease. In recognition of the injustice caused to her he recommended the Council apologise and pays her £750. The Council agreed.

The complaint

1. The complainant, who I shall call Mrs X, complains about the Council's handling of her expression of interest (here after referred to as bid) to lease premises owned by the Council to run her domestic abuse and child contact centre project. She says the Council told her it would lease the premises to her but later retracted its offer. Mrs X says the Council's actions have caused her financial loss, raised her expectations, and put her to avoidable time and trouble in pursuing her bid.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

4. I discussed the complaint with Mrs X and considered the information she provided. I made enquiries of the Council and considered its response and documents it provided. I set out my initial thoughts on the complaint in a draft decision and invited Mrs X and the Council to comment.

What I found

Background

5. Mrs X and her business partner, Mrs Y, set up a community project with a focus on providing a child contact centre and domestic violence support.
6. In June 2018 Mrs Y asked the Council if it had any premises that might be a suitable base for the project.
7. In August 2018 Mrs X emailed the Council expressing an interest in leasing a particular building which a local councillor had told her would soon be available. The email contained clarification of the services the community project would offer. She also sent the email sent to an organisation she was hoping to secure funding from.
8. In January 2019, the lease on the building was formally surrendered.
9. In February 2019 the Council placed an advert asking for expressions of interest in leasing the building. The expressions of interest would be not be binding and had to be received by 15 March. The Council did not provide any information, criteria or requirements for applicants.
10. The Council received four expressions of interest, including one from Mrs X and Mrs Y and one from a tenant already leasing part of the building. As part of their bid, Mrs X and Mrs Y provided details of the project and their business plan.
11. In April Mrs X asked for an update on her bid. The Council did not reply until June owing to confusion about who was liaising with her and Mrs Y.
12. Later that month Mrs X met with Officer P who was responsible for progressing bids for the building. An email between Mrs X and Officer P following the meeting show that it was constructive, and the Council was supportive of the project running from the building. The email reiterated the project's aims and that it would be supporting some of the borough's most vulnerable residents.
13. Following the meeting Mrs X emailed Officer P again asking for a letter confirming that her project would be able to use the building. She required this so she could secure funding for the project.
14. A letter was provided by Officer P in July. It stated that the Council wished to support Mrs X's project and would provide the shell of the building. The letter also said the costings for the works the Council needed to do to the building were being determined and would need to be signed off by Cabinet before the terms for the lease could be drafted.
15. In August funding for the works required to the building were secured.
16. On 3 September Mrs X emailed the Council asking about progress on arranging the lease for the building. She advised that she had registered the project for tax purposes and with Companies House. Mrs X also said she had engaged solicitors to assist with matters and needed confirmation of the lease to secure funding.
17. Officer P replied the next day advising that he could not give a completion date until he knew she had secured suitable funding.
18. Mrs X replied that the funding would not be released until she could demonstrate she had the use of the building.

-
19. In response Officer P gave Mrs X another letter confirming the Council supported her bid to lease the building and that the annual rent for the property would be £4000. It said it expected the building to be available from 11 November.
 20. On 24 September Officer P told Mrs X the Council could not support her bid to lease the building because she did not have a robust business plan and funding. He said for these reasons it would be a “waste of time” to put the bid to Cabinet for approval. He also said her project would not benefit residents of the borough specifically and the Council wanted to lease the building to a project with a local focus.
 21. Mrs X submitted a formal complaint about the Council’s decision and handling of the bid the following day. She said the Council had not given her any criteria or information explaining how it would determine which bid was the most suitable. The Council had also not advised her the project should have a local focus only. Mrs X questioned why her bid had been allowed to progress if presenting it to Cabinet would be a waste of time.
 22. In its reply in December 2019, the Council:
 - acknowledged it did not provide Mrs X with any criteria or requirements for expressions of interest in the building. It did not have any policies or processes in place for assessing expressions of interests but it had now introduced a system for appraising bids;
 - said it did not consider the start-up loan secured by Mrs X would provide sufficient long term funding. Officers has used their professional judgment when assessing this matter and her business plan;
 - offered an apology for saying it would be a “waste of time” to forward her bid to Cabinet. It clarified the phrase meant it could not ask Cabinet to consider a bid which it did not think was financially viable. It also apologised for the late reply to her complaint;
 - said it considered the aims of Mrs X’s project to be worthwhile, it had helped her look for alternative sites in the borough and helped contact people who could help at the County Council; and
 - refuted Mrs X view that she had wasted her time pursuing a lease for the building. It said that her efforts would help her take project forward.
 23. Mrs X remains unhappy. She says she progressed her project on the basis that she would be successful in obtaining a lease for the building as stated in the letters the Council provided to her. She says she spent time and money registering the project, creating a website, working on the bid and purchasing furniture worth £800 which she is now paying to store. Mrs X would like an apology, reimbursement of her costs and for the Council to ensure it uses clear criteria when determining future expressions of interest in its buildings.
 24. In response to my enquiries, the Council acknowledged its handling of this matter had not been ideal. It recognised it had raised Mrs X’s expectations and caused her stress and it offered to pay her £500.

Analysis

25. The Council provided no criteria or requirements to applicants submitting bids to the lease the building. This is fault. Without such information an applicant would be unaware if the particulars of their situation were suitable for their bid to be successful.

-
26. In its email of 24 September 2019 the Council told Mrs X that it could not progress her expression of interest because she had not secured suitable funding and her business plan was not robust enough. I consider it unlikely Mrs X would have progressed her interest in the building had she known the criteria the Council would be applying.
 27. Furthermore, the Council was aware of Mrs X's funding situation, having supplied her with two letters to help her satisfy the requirements of potential funders. It had also been in possession of her business plan before providing the letters. If criteria had been in place, I would have expected the Council to have raised its concerns at this point. This would have prevented Mrs X continuing to spend time and money pursuing a lease of the building
 28. I also consider it is unlikely the Council would have provided Mrs X with the letters she sought for her potential funders if criteria had been in place. Those letters said the Council supported Mrs X's leasing the building and provided a likely date for her to be able to occupy the premises. It was therefore reasonable for Mrs X to plan on the basis her bid would be successful and to buy furniture and make other plans for her project.
 29. The Council also belatedly said it could not progress Mrs X's bid because the project would not exclusively benefit residents of its borough. The Council was aware of the nature of Mrs X's project and its aims early in the process. I consider it would have told Mrs X this much earlier if it had applied clear criteria from the outset.
 30. The lack of criteria or policy also calls into question the transparency of how the Council decided which bid was successful. I note it has provided details of the appraisal system it has now been introduced and this retrospectively supports its decision not to give the lease for the building to Mrs X. However, these criteria were put in place after Mrs X's bid was considered and I do not consider the process was transparent in her case.

Agreed action

31. I have identified fault by the Council. This caused Mrs X injustice because it raised her expectations and caused her the expense, time and trouble of pursuing a lease for the building when she would likely not have done so if the fault had not occurred.
32. I accept some of the work and costs will benefit Mrs X's project in future, (such as registering the project with Companies House and HMRC, setting up a website and other planning tasks). However, the time she spent on the matters relating to the lease of the building and securing funding dependent on her acquiring the lease for the building will not. Further, Mrs X has incurred costs in storing furniture she bought after the Council told her she would likely be able to move into the building from the 11 November.
33. In recognition of the injustice caused to Mrs X, the Council has offered to pay her £500. While this offer is welcome, I do not think it suitably addresses the injustice detailed above. I therefore recommended the Council pays her £750. The Council agreed. Payment of the agreed amount should be made within four weeks of my decision.

Final decision

34. I have ended my investigation of this complaint as the Council has agreed to my recommendation which address the injustice caused to Mrs X by the fault I found.

Investigator's final decision on behalf of the Ombudsman

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[REDACTED]

From: [REDACTED]
Sent: 01 October 2021 13:52
To: [REDACTED]
Subject: [EXTERNAL] Council Relinquish Trustee Nominations

This message originated from outside your organization

Dear Sirs/Madam,

The trustees of the Ashford Relief In Need Charity are updating the charities Scheme dated 17 October 1985, which is 35 years old and very out of date. We are undertaking this work with the help and guidance of our Solicitors - [REDACTED] London, who specialise in Charity law, Governance and Compliance.

The trustees can make administrative changes to modernise our governing documents by passing a resolution under section 280 of the Charities Act.

The board of Trustees have made such a resolution which was unanimous and therefore we politely request to remove the Councils power of appointment with immediate effect.

With your approval the solicitors will update our scheme. Allowing us to continue with our focus on charitable work for those in need.

We thank you for all your support and look forward to focusing on our charitable work.

Marion Bushnell
Chair
ARIN

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Audit Committee

29 July 2021



Title	Counter Fraud, Bribery and Corruption Strategy
Purpose of the report	To make a decision and a recommendation to Council
Report Author	Internal Audit Manager, Punita Talwar
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Financial Sustainability
Recommendations	<p>The Audit Committee is asked to:</p> <p>1. Endorse the Council’s Counter Fraud, Bribery and Corruption Strategy</p> <p>2. Approve the changes recommended to the Council’s Counter Fraud, Bribery and Corruption Strategy.</p>
Reason for Recommendation	The Audit Committee is required to make any recommendations for change to the Policy and Resources Committee.

1. Key issues

- 1.1 The following quotation references and statistics have been taken from the CIPFA Fraud and Corruption Tracker, national report 2020.
- 1.2 “Fraud is a prevalent cause of concern in the public sector and continues to pose financial threats to local authorities”.
- 1.3 “For local authorities in the UK, CIPFA has estimated that the total value of fraud identified and prevented in 2019/20 is approximately £239.4m, representing an average of £5,090 per fraud case”.
- 1.4 Opportunistic fraud, scams and cyber- attacks have been on the increase during the global pandemic. As remote working arrangements prevail, cyber security becomes even more important. Alongside this the additional workload pressures associated with the pandemic increase risks of internal systems of control becoming compromised, therefore presenting opportunities for fraud and error. It remains essential for the Council to protect its assets, resources, and information systems to minimise heightened risks of fraudulent activity and cyber-crime. Such occurrences could lead to significant business disruption, reputational damage, financial losses to the public purse, reduced public services and harm to vulnerable members of the community targeted by fraudsters. Poor data security and breaches are often viewed as an enabler for fraudulent activity to prevail.

- 1.5 The continued importance of having a defined approach for how Spelthorne will counter fraud, bribery, and corruption in the form of a strategy is acknowledged.
- 1.6 The Audit Committee is required to review the Council's Counter Fraud, Bribery and Corruption Strategy annually and under the new Committee model to make any recommendations for change to the Policy and Resources Committee. The Strategy at Appendix 1 forms part of the Council's Constitution and is in line with best practice. The Strategy continues to underpin the Council's commitment to dealing effectively with all forms of fraud, bribery, and corruption, demonstrating the important role it plays in the overall corporate governance framework.
- 1.7 As part of this review, three minor changes are proposed to the strategy to reflect current terminology and recent developments. These have been highlighted in blue at Appendix 1 and relate to the following sections/references:

Sections – Main Heading & Awareness

Replace 'Anti' with 'Counter' when referring to measures to address fraud

Section - Codes/Procedures

A review of the Council's Constitution **is being** led by the Group Head of Corporate Governance.

The Whistleblowing Policy **has been** further developed

- 1.8 Best practice principles promoted in publications such as CIPFA's 'Fraud and Corruption Tracker, national report 2020', and 'Fighting Fraud and Corruption Locally' (2020) have been considered as part of the strategy review, and current activity is deemed as proportionate relative to the perceived risk and size of the authority.
- 1.9 Several Counter Fraud measures and principles continue to operate as part of the strategy, and these are highlighted below:
 - Open and honest Culture – An acceptance that there is always going to be fraud and as public servants everyone has a part to play in remaining alert to the possibility of fraud, bribery or corruption. This links to responsibility for raising concerns in accordance with policy and procedure. The Confidential Reporting Code (Whistleblowing Policy) sets out arrangements further and this is highlighted as part of the induction procedure for new starters. Awareness raising across the authority continues.
 - Communicate and Inform – Spelthorne has regularly alerted Members, officers, and communities of the rising level of scams and suspicious communications. This risk has been heightened during the Covid-19 pandemic over the last eighteen months. High risk public fraud cases proven are publicised to serve as a deterrent.
 - Collaboration - Spelthorne continues to procure specialist counter fraud resource/expertise/services from Reigate and Banstead Council to target high risk public fraud areas which are likely to generate greater financial payback (business rates and housing) as well as wider social benefits. Collaborative working has produced positive outcomes

particularly in Housing including some successful prosecutions. Investigations for Council Tax Support and Housing Benefit cases have risen over the last year.

External meetings with Surrey Partners take place including the Surrey Counter Fraud Partnership (SCFP). This enables the sharing of knowledge and best practice approaches in tackling fraud as well as opportunities to participate in joint data sharing exercises.

- Preventing Fraud – It is more difficult to recover loss post payment or award, so an emphasis on prevention as the most effective way to address fraud continues to be pursued. Enhanced verification for all homelessness applications (prior to award) is an example of a preventative measure currently in place which has led to applications being withdrawn. Such verification processes are also available for housing register applications and can help in reducing the level of households listed on the register. (There are currently approx. 3000 households on the authority's housing register)
- Detection and Investigation- Measures are set out in the attached strategy under 'Detection and Investigation'. Qualified fraud investigators (including Financial Investigators) have access to open source and other intelligence to inform investigations. The pandemic impacted the ability to conduct visits and face to face interviews during earlier phases, but this has since improved. Referrals are strongly encouraged for suspected fraud cases including Business Support Grants where risks of fraudulent applications/payments are known to be high.
- Fraud Recording and Reporting – There is quantifiable reporting of estimated financial savings/fraud losses prevented or detected (public fraud). Spelthorne's overall cumulative fraud return as at 31.3.21 exceeds £2.7m (based on Cabinet Office notional savings to the public purse) of which £555k represents cashable savings for Spelthorne. This covers a 6-year period coinciding with the commencement of the Surrey Counter Fraud Partnership in 2015. For the 2020/21 financial year, notional savings generated amount to £107k of which £62.3k can be quantified as cashable savings for Spelthorne.
- Opportunities - Increased focus on social housing fraud (such as unlawful sub-letting and wrongly claimed tenancy succession) is being pursued with registered providers given that fraud detected in this category generates a higher level of financial return. This was also reported as the largest growing fraud area in CIPFA'S Fraud and Corruption Tracker 2020. The Cabinet Office notional figure for tenancies recovered currently stands at £93k for every case. Where such fraud is proven, action can also be taken to confiscate assets under the Proceeds of Crime Act (POCA). A meeting has been organised with Housing and A2 Dominion to encourage the pursual of a data matching exercise, with a view to identifying tenancy fraud and freeing up social housing to those in genuine need.

Business Rates and Council Tax are prevalent areas of fraud in local government. Pro-active fraud initiatives (e.g., targeting small business rate relief and Single Person Discount) continue to be encouraged. The pandemic has created additional workloads and new pressures within Customer Services such as the processing and assessment of Business Support Grants and therefore targeted exercises for these common fraud areas have not developed further.

- Understanding & Awareness- Reigate and Banstead Council delivered high risk public fraud awareness training (refresher sessions) to Housing, Benefits and Customer Services during June 2021 and this was well received. Services were reminded of the scope of Counter Fraud provision and encouraged to refer suspected cases across all high- risk categories. Case studies were shared to illustrate Reigate's investigatory expertise, wider experience in working with three other authorities and accessibility to intelligence in tackling the fight against fraud.
- Internal Audit & Fraud Risk Management - Fraud can be external in nature (public fraud) or internal to an organisation (internal fraud). Managers are accountable for ensuring the adequate operation of systems of internal control in their service areas. Internal Audit provides independent assurance that effective controls are in place and operating to mitigate or minimise the risk of fraud, bribery and corruption for areas reviewed. Emerging fraud risks are also considered.
- Data Sharing and Analytics - Spelthorne already participate in the National fraud Initiative (NFI) every two years, whereby electronic data is matched within and between public and private sector bodies to prevent and detect fraud.

The Internal Audit Manager has encouraged exploration of innovative methods to detect and prevent fraud and error associated with 'Trade Creditors' through a complimentary trial of a forensic software tool. This is designed to provide a proactive and preventative solution to safeguard the council's financial resources relating to accounts payable and is used by other Surrey authorities. It is currently being explored with the Chief Accountant to assess added value.

2. Options analysis and proposal

Either

i. To note the current position and accept the amendments proposed to the Counter Fraud, Bribery and Corruption Strategy. (Preferred option)

Or:

ii. To make further amendments to the Counter Fraud, Bribery and Corruption Strategy.

Or:

iii. To make no changes to the strategy, thereby not reflecting the current position.

3. Financial implications

- 3.1 Resources required (staff time) to implement actions to prevent and detect Fraud, bribery and corruption risks should be contained within existing budgets. There is approved funding for corporate counter fraud resource until March 2022 to support Housing, Business Rates and Council Tax. This resource may support other investigatory work, dependant on the nature of the enquiry.

4. Other considerations

- 4.1 Associated risks and consequences of fraud, bribery and corruption include financial losses (potentially high value), reputational damage to the authority, corporate liability offence associated with bribery, harm to staff or the local community, and reduced public services for the borough's residents (if resources are exploited by fraudsters).

5. Equality and Diversity

- 5.1 Fraud, Bribery and Corruption risks should be considered in all areas of operation.

6. Sustainability/Climate Change Implications

- 6.1 Fraud, Bribery and Corruption risks should be considered in all areas of operation.

7. Timetable for implementation

- 7.1 There is no specific timetable.

Background papers:

CIPFA Fraud and Corruption Tracker, national report 2020

Appendices:

Appendix 1 –Counter Fraud, Bribery and Corruption Strategy - reviewed July 2021

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APPENDIX 1 - COUNTER FRAUD, BRIBERY AND CORRUPTION STRATEGY

Introduction

1. This Strategy is applicable to Members and staff. The Borough of Spelthorne is committed to providing a high standard of service and accountability. An important aspect of this is a strategy which protects against fraud, bribery and corruption within the Council itself and from external sources.

In this context

Fraud means - the illicit gaining of cash or other benefit by deception;

Corruption means - the dishonest influencing of actions and decisions.

Bribery means – the offering, giving or soliciting of an inducement or reward which may influence a person to perform a function or activity improperly.

2. The Council recognises that it is already subject to a high degree of external scrutiny of its affairs by a variety of parties. This includes the general public, Council Tax / Business Rates payers, service users, the Local Government Ombudsman, Central Government, in particular, HM Revenue and Customs, the Ministry of Housing, Communities and Local Government and the Department for Work and Pensions.
3. It also has external auditors who advise whether the Council has in place adequate arrangements for the prevention and detection of fraud, bribery and corruption.
4. While this external scrutiny assists in protecting against fraud, bribery and corruption the Council believes a clear statement of its own strategy is needed.
5. The key elements of the Council's strategy to combat fraud, bribery and corruption are:
 - An open and honest culture
 - Adequate preventative measures
 - Systems for detection and investigation
 - Understanding and awareness within the Council and the adoption of a "whistleblowing" policy

Culture

6. The Council expects Members and staff at all levels to behave with integrity and propriety and to act within the law and the regulations, procedures and practices laid down in relation to the conduct of the Council's business. The

Council believes this is achieved best through the promotion of an atmosphere of honesty and openness.

7. The Council encourages Members and staff to raise any concerns they have about fraud, bribery and corruption immediately as they occur. It will treat all concerns raised, seriously and in confidence. This is covered with all staff as part of their induction process.
8. The Council has three senior officers who have particular responsibility for regulating the conduct of the Council and its activities. These are:

Chief Finance Officer	Responsible for the financial management, audit and financial probity of the Council and also for its proper personnel policies and practices.
Monitoring Officer	Responsible for the legal probity and avoidance of maladministration or injustice by the Council.
Chief Executive	Responsible as Head of Paid Service for the overall management and direction of the Council and for ensuring adequate staff resources for services.

9. In addition each Group Head and senior manager have responsibility for the proper organisation and conduct of their service area. It is important that Managers and officers at all levels do not become complacent about the risk of fraud as this may have an impact in terms of the robustness of controls applied in practice. Please refer to the section on systems below.
10. Concerns should be raised with any of the above officers under section 8 or with the Council's Internal Audit Manager (Punita Talwar).
11. More detailed guidance and advice on how to raise any concerns is contained in the Council's Confidential Reporting Code (whistleblowing policy).
12. If anyone feels they are unable to raise their concerns through any of the above routes they may contact 'Protect' ((020 3117 2520 – advice line), a registered charity whose services are free and strictly confidential.

Prevention

13. The adoption of proper and adequate measures to prevent fraud, bribery and corruption is the responsibility of Members, Chief Executive, Deputy Chief Executives, Group Heads and other managers. Preventative measures can be classified under two broad headings - Codes/Procedures and Systems.

1. Codes/Procedures

All Members and staff need to be aware of, and have ready access to, the Council's agreed policies and procedures eg. Financial Regulations, Standing Orders, Codes of Conduct, Code of Corporate Governance and any relevant practice and procedure documents. A review of the Council's Constitution **is being** led by the Group Head of Corporate Governance. The Governance Framework has been developed and enhanced to reflect the increasing commercial asset acquisitions and investments.

In particular staff must observe the Council's Code of Conduct for Staff (a copy of which is made available to all staff) and any relevant professional codes.

References will be taken up for all permanent and temporary staff to verify their suitability, honesty and integrity.

Members will in particular observe the Spelthorne code of conduct adopted on the 27 June 2012 and subsequently revised on 25 June 2013 any other local Spelthorne code. The Members Code of conduct is kept under review by the Members Code of Conduct Committee. Members will be supplied with a copy of any relevant code, policy and procedure and advised of their responsibilities.

A review of the Confidential Reporting Code (Whistleblowing Policy), using a benchmarking tool to assess the effectiveness of whistleblowing arrangements has highlighted some areas for improvement (reported to Audit Committee November 2019) and the policy **has been** further developed.

2. Systems

The Council has and will maintain in place systems and procedures which incorporate internal controls, including adequate separation of duties to ensure that, as far as possible, errors, fraud, bribery and corruption are prevented.

The Chief Finance Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper administration of the Council's financial affairs. Financial procedures detail key financial systems and provide guidance which underpins the Council's Financial Regulations.

Chief Executive, Deputy Chief Executives, Group Heads and managers are responsible for ensuring that appropriate internal controls are properly maintained to minimise the risk of errors, fraud, bribery and corruption.

A detailed analysis of the risks associated with any service should be carried out by managers and this is being promoted as part of developing risk management to ensure that fraud, bribery and corruption is minimised.

Detection and investigation

Concerns should be reported to one of the individuals referred to in paragraphs 8 and 10 above or in accordance with the Council's whistleblowing policy.

A detailed investigation of any concerns raised will be undertaken with the assistance of the Council's Internal Audit Service. The Group Head of Corporate Governance holds responsibility for responding to allegations of bribery and corruption. The Council will deal with any instances of fraud, bribery or corruption swiftly. Disciplinary action will be taken if appropriate after the police have been informed/involved, and the relevant Cabinet Member informed where necessary. Where the Council has adopted a prosecution policy for any business area (eg Housing Benefit Fraud or Housing register) this will be followed. Any lessons learnt from Investigations undertaken relating to systematic weaknesses will be highlighted and should feed back into improving fraud prevention/detection measures.

In the event that fraud is suspected on the part of contractors' employees or internally, by staff involved in agency or contract work on behalf of other bodies, procedures and responsibilities for reporting and initial investigation are the same as for staff. The Council will inform and involve employing contractors or agencies when appropriate.

Counter Fraud measures - Given the significance of corporate fraud in national and local statistics and the cost to the taxpayer, the Council recognises the continued importance of collaborative working arrangements with other Councils/Partners to help deter, detect and investigate fraud, providing access to specialist skills and greater capacity to investigate fraud. The strategy to target areas which are likely to generate greater financial payback (Business Rates and Housing) will continue. Such initiatives have demonstrated positive financial fraud returns for Spelthorne (notional and cashable savings) in the areas of Housing, Business Rates and Council Tax and continue to do so. These savings could be enhanced further through the use of Financial Investigator Resource to recover losses/assets (where appropriate). Counter fraud measures also contribute to the delivery of wider social benefits, enabling more social housing to be available to those people who are genuinely in need of a home, leading to a reduction in housing applicant waiting times, reduced temporary accommodation costs and ultimately the need for fewer houses to be built. Positive results are publicised periodically to serve as a deterrent.

External groups are attended with Surrey Partners including the Surrey Counter Fraud Board (SCFB). This enables the sharing of best practice and approaches in tackling public fraud, and provides opportunities to pursue joint counter fraud initiatives such as data matching. The importance of engaging with members of the public to join the fight against fraud is recognised. Spelthorne's fraud returns are collated quarterly and reported to the Surrey Counter Fraud Board, which enables some benchmarking and comparison across Surrey Partners.

Awareness

The Council recognises the continuing effectiveness of the Counter Fraud, Bribery and Corruption Strategy depends largely on the awareness and responsiveness of Members and staff. It is essential that both Members and staff are made aware of the strategy when they join the Council and receive a copy for inclusion in their personal records and, in addition, have ready access to all other relevant documents, policies and procedures which regulate the Council's activities. Action will be taken on a regular basis to remind both Members and staff of the importance the Council places on preventing fraud and corruption and investigating irregularities. Effective methods for mandatory training and raising awareness including face to face and online shall be periodically explored and delivered.

In accordance with the Government's Serious and Organised Crime Strategy, local Police representatives have provided two awareness raising sessions for staff and Members during 2018 to identify areas where Spelthorne is at most risk of being targeted by serious and organised crime and highlight known vulnerabilities. During these sessions the importance of sharing intelligence with Law Enforcement Partners has been encouraged. Organised crime includes drug trafficking, human trafficking, child sexual exploitation, high value fraud and cyber-crime. Further consultation with the local police is ongoing and red flags /known risks will continue to be highlighted. Group Heads and Managers are responsible for assessing governance arrangements in place to combat risks in this area for their respective functions.

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Report from the Chairman on the work of the Community Wellbeing and Housing Committee

This report gives an overview of the main issues considered at the meeting held on 28 September 2021.

1. Afghan Resettlement Scheme

Central Government wrote to all Local Authorities in May 2021 asking for Councils to offer support and accommodation for Afghan relocation and assistance.

The Committee resolved to approve the participation in Afghan Relocations and Assistance Policy (ARAP) in Spelthorne; and

To support a policy approach of being open to support in general future refugee schemes in Spelthorne as requested by Central Government on which detailed reports will be provided.

2. Capital and Revenue Monitoring Reports

The Committee received reports from the Chief Accountant outlining the Capital and Revenue situation for the Community Wellbeing and Housing Committee as of 30 June 2021.

The Committee were advised that there was an underspend of £290k on the Capital Report and an overspend of £271k on the Revenue Report.

3. Tenancy Strategy

The Council's Tenancy Strategy has not been reviewed since it was originally introduced in 2012.

The revised strategy is a more comprehensive version of the original document and focusses on local needs and affordability of housing within the Borough.

The Committee resolved to approve the new Tenancy Strategy and to report back to the Corporate Policy and Resources Committee.

4. Acquisition of Registered Providers' Street Properties Policy

At present the Council has no policy in place to enable the purchase of properties for specific local needs such as large properties or properties adapted to meet the needs of the disabled. This new Policy will be managed by Knowle Green Estates who will be responsible for any acquisitions.

The Committee resolved to recommend to the Corporate Policy and Resources Committee that:

The Acquisition of Registered Providers Street Properties Policy is approved and to make Capital Programme recommendations for 2022-23 before approval by Council in February 2022.

5. Community Wellbeing and Housing Forward Plan

The Committee noted the Forward Plan for future business

6. Contract for Cleaning of White House and Harper

The Committee considered a report on the proposed contract for the cleaning of White House and Harper House following a tendering process. Five companies were invited to submit a tender however only 2 were received. It was resolved to approve a cleaning contract for the duration of 3 years with an option to extend for a further two 12-month periods.

7. Search Moves Partnership Review

In 2009 a Search Moves Partnership was formed by Spelthorne Borough Council, Elmbridge Borough Council, Runnymede Borough Council and PA Housing and A2 Dominion. It was formed to allow Housing Register applicants to bid on properties in all the aforementioned boroughs providing greater choice as to the locations and types of properties they were able to bid on. Unfortunately, the cross boundary lettings ceased in 2017 when separate Housing Allocation Policies and Housing Register Application Forms were introduced by the individual councils.

A number of options were put before the Committee, and they resolved to agree that Spelthorne Borough Council should give notice and subsequently withdraw from the Search Moves Partnership.

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Report of the Chairman on the work of Environment and Sustainability Committee

The Environment and Sustainability Committee has met on two occasions since the previous report to Council. This report gives an overview of the key items considered by the Committee at its meetings on 23 August, and 14 September. A further meeting is to be held on 6 October 2021 and a separate report will follow.

1. Extraordinary meeting 23 August 2021

1.1 The Committee agreed a change to the membership of the Local Plan Task Group to allow the Independent Labour seat to be relinquished in favour of a Green Party councillor for the same ward who was not part of a political group at that time.

2. Meeting 14 September 2021

2.1 The Committee agreed the proposed updating of the rules and regulations for allotments.

2.2 The Committee noted a report summarising the Government's consultations on elements of its Waste and Resources Strategy for England and the potential impacts on councils if it was introduced.

2.3 The Committee noted the report on the engine idling poster campaign which was launched to encourage drivers to reduce engine idling and asked if another poster could be devised to increase awareness of the link between dementia and exhaust fumes.

2.4 The Committee received and noted the revenue and capital monitoring reports for the period April to June 2021.

2.5 An update on the River Thames Scheme was provided by the Group Head of Commissioning and Transformation.

2.6 The Committee was advised that progress on the Local Cycling and Walking Infrastructure Plan (LCWIP) was slow, but work had started on identifying priority cycling and walking routes.

2.7 The Committee received updates on the work of:

- The Local Plan Task Group
- The Staines Development Framework Task Group
- The CIL Local Spending Boards
- The Climate Change Working Group

2.8 The Committee agreed the forward plan subject to the inclusion of:

- A review of the bonfire complaints process and a poster campaign to discourage bonfires
- An extraordinary meeting to consider carrying out checks of the land adjacent to the house where Zane Gbangbola died and, if necessary, following on from this instigating remedial treatment.

Report from the Chairman on the work of the Neighbourhood Services Committee

This report gives an overview of the main issues considered at the meeting held on 9 September 2021.

1. Review of Community Safety

- 1.1 The Committee noted the actions of the Spelthorne Safer Stronger Partnership in 2021/22 and future plans for 2021/22.

2. Household Waste Duty of Care – Key Decision

- 2.1 The Committee considered a report on the adoption of fixed penalty notices in regard to household waste.

2.2 The Committee agreed

- (a) That Spelthorne Officers will use additional enforcement powers granted under the amended Environmental Protection Act 1990, to issue Fixed Penalty Notices to individuals where there is evidence that they have breached their duty of care for disposal of household waste, at a level of £200 without discount for early payment.
- (b) To delegate authority to the Group Head of Neighbourhood Services to authorise appropriate officers to issue Fixed Penalty Notices under section 34(2)(a) of the Environmental Protection Act 1990 to persons whom the officer has reason to believe has failed to comply with their duty of care in the disposal of controlled waste.

3. Rules & Regulations for Cemeteries & Burial Grounds – Key Decision

- 3.1 The Committee considered a report on a change of rules and regulations for cemeteries and burial grounds.
- 3.2 The Committee agreed the amended rules and regulations for cemeteries and burial grounds which updated the language to be more relevant to the modern day, and allowed dogs to accompany their owners to cemeteries and burial grounds, provided they were leashed.

4. Revenue Monitoring Report (Qtr. 1 April – June)

- 4.1 The Committee noted a report on the forecast outturn for 2021/22 as at 30 June 2021 and the full variances by cost centre reported in the appendix attached to the report.

5. Knowle Green Reception Opening Arrangements – Verbal Item

5.1 The Committee received a verbal report on the opening arrangements for reception at the Council Offices, Knowle Green, Staines-upon-Thames.

5.2 The Committee agreed that the limited opening hours for reception at the Council Offices, Knowle Green, Staines-upon-Thames should continue to the end of the three-month trial.

6. Forward Plan

6.1 The Committee noted the forward plan for future committee business.

Councillor Amar Brar

Chair of the Neighbourhood Services Committee

14 October 2021

Report of the Chairman on the Work of the Planning Committee

The Planning Committee has met on one occasion since the previous report to Council. This report gives an overview of the key items considered by the Committee at its meeting on 15 September 2021

1. Planning Committee meeting – 15 September 2021

1.1 The Committee considered three applications.

1.2 Application No. 21/00388/FUL – This application was a retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping at Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames. The application was approved.

1.3 Application No. 20/01533/FUL – This application was a retrospective application for the stationing of 6 No. agricultural workers caravans on the land at Laleham Farm, Shepperton Road, Staines-upon-Thames for a temporary period of 5 years. The application was approved.

1.4 Tree Preservation Order TPO270/2021 - This sought confirmation of Tree Preservation 270/2021 that was served with immediate effect on 21 April 2021 to protect one Oak tree situated on land to the north of Hanworth Road (Johnson & Johnson and Lock 'n' Store), Sunbury-on-Thames. This application was agreed.

Councillor T Lagden
Chairman of Planning Committee

16 September 2021

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Report of the Chairman on the work of the Standards Committee

The Standards Committee has met on two occasions since the last Council meeting. This report gives an overview of the key items considered by the Committee at its meetings on 28 July 2021 and 29 September 2021.

28 July 2021

1.0 Committee System Working Group

- 1.1 The Committee considered a report recommending the establishment of a Committee System Working Group to evaluate the success of the Committee system with the same membership as under the previous system.
- 1.2 Concern was expressed that representation was disproportionate to the political representation of the Council and although various options were put forward the Committee were unable to reach a majority decision.
- 1.3 The Committee agreed to defer the item to allow consultation with the political group leaders to find a solution.

2.0 Code of Conduct Guidance

- 2.1 The Committee received the guidance on the model Councillor Code of Conduct issued by the Local Government Association which was considered thorough and worthy of note by all councillors.

3.0 Update on complaints relating to the Code of Conduct

- 3.1 The Committee received an update on complaints relating to the Code of Conduct and noted the decisions taken by the Monitoring Officer in relation to the complaints detailed in the report.

29 September 2021

- 1.1 The Committee considered the report of the Monitoring Officer on the establishment of a Committee System Working Group.
- 1.2 It was agreed to establish a group with the terms of reference as set out in the report. Membership of the working group to consist of Group Leaders, the Independent Green councillor and one additional named Conservative councillor.

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General questions from councillors

Question 1 – Councillor R Sider BEM

“The South and South East in Bloom awards attract hundreds of entries each year in this prestigious competition, and once again Spelthorne has achieved gold awards for Sunbury Walled Garden in the small park category, with the judge commenting ‘ How impressed I was with by the amazing, beautiful and very attractive gardens, maintained to a very high standard ‘, and the Staines, Ashford and Sunbury Cemeteries receiving similar accolades for their work in their respective category. That said, will the Leader join me in congratulating Head of Neighbourhood Services and her team for these outstanding achievements, and agree with me, that these awards demonstrate the passionate care that employees have in portraying the borough at its very best for the benefit of its residents.”

Question 2 – Councillors N Gething and R Barratt

“Can the leader please tell this chamber and the residents of Spelthorne, when the five Independent Disciplinary Committee members will be announced?

Can the leader also announce a date when this public committee will first meet to cover its responsibilities, although it may not have matters at this time to discuss?

Lastly can the leader inform us of how Spelthorne residents will be informed of the workings of this committee and its purpose, as it is a platform for our residents to make complaints if required.

Will the Leader agree that this should be announced in the next edition bulletin magazine?”

Question 3 – Councillor N Gething

“At the Environment and Sustainability Committee meeting when it was agreed (with some reluctance by some) to proceed with the vision alongside the existing process, I assumed it would help us make progress with our plan. I went to the last session expecting to see some positive outcomes and get an idea of what this process was going to contribute. What I got was an aimless wish list that still did not seem anywhere near completion.

Who wrote and supervised the brief for this process? Who signed it off?”

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