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Date: 06 October 2023

## **Notice of meeting**

### **Corporate Policy and Resources Committee**

**Date:** Monday, 16 October 2023

**Time:** 7.00 pm

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

#### **To the members of the Corporate Policy and Resources Committee**

Councillors:

J.R. Sexton (Chair)

C. Bateson (Vice-Chair)

M.M. Attewell

M. Beecher

J.R. Boughtflower

J. Button

J.T.F. Doran

S.M. Doran

D. Geraci

M. Gibson

K.M. Grant

K. Howkins

M. Lee

L. E. Nichols

O. Rybinski

K. Rutherford

H.R.D. Williams

Substitute Members: Councillors D. Clarke, N. Islam, M. Bing Dong, S.A. Dunn, A. Gale, S.N. Beatty and M. Buck

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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# Agenda

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1. **Apologies and Substitutes**

To receive apologies for absence and notification of substitutions.

2. **Minutes**

5 - 20

To confirm the minutes of the meeting held on 11 September 2023 as a correct record.

3. **Disclosures of Interest**

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

4. **Questions from members of the Public**

The Chair, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 40.

At the time of publication of this agenda no questions were received.

5. **Environmental Health & Building Control Enforcement Policy 2023/2026**

21 - 72

Committee are ask to consider a report that seeks adoption of the Environmental Health & Building Control Enforcement Policy (2023-2026).

6. **Development Delivery Options for Council Owned Development Sites**

73 - 88

The Committee is asked to consider the future for Council owned developmet sites.

7. **Update on County Deal**

Report to follow.

8. **Updated Capital Programme**

Report to follow

9. **Updated Treasury Management Strategy**

Report to follow.

- |            |   |                  |
|------------|---|------------------|
| <b>10.</b> | <b>2023/24 Q1 Capital Monitoring</b>  | <b>89 - 102</b>  |
|            | <p>Committee is asked to consider the report from the Chief Accountant on the Q1 Capital Monitoring as at 30 June 2023.</p>   |                  |
| <b>11.</b> | <b>2023/24 Q1 Revenue Monitoring</b>  | <b>103 - 140</b> |
|            | <p>Committee is asked to consider the report from the Chief Accountant on the Q1 Revenue Monitoring as at 30 June 2023.</p>   |                  |
| <b>12.</b> | <b>Cost of Living Support Fund</b>  | <b>141 - 150</b> |
|            | <p>Committee is asked to note the amount of funds available, agree the most appropriate and proportionate distribution of these funds and to agree the proposed governance applied to this fund.</p>  |                  |
| <b>13.</b> | <b>Forward Plan</b>   | <b>151 - 156</b> |
|            | <p>To consider the Forward Plan for committee business.</p>   |                  |
| <b>14.</b> | <b>Urgent Actions</b>   |                  |
|            | <p>To note those urgent actions which have been taken by the Chief Executive in consultation with the Leader since the last Corporate Policy and Resources meeting on 11 September 2023.</p>  |                  |
| <b>15.</b> | <b>Exclusion of Public &amp; Press (Exempt Business)</b>  |                  |
|            | <p>To move the exclusion of the Press/Public for the following items, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.</p> |                  |
| <b>16.</b> | <b>Staffing Report - Independent Living</b>   | <b>157 - 176</b> |
|            | <p>The Committee is asked to consider a change to Independent Living staffing.</p>  |                  |
| <b>17.</b> | <b>Procurement of Leisure Centre Operator</b>   | <b>177 - 194</b> |
|            | <p>Committee is asked to consider a report on the procurement of a Leisure Centre Operator (Spelthorne Leisure Centre and Sunbury Leisure Centre).</p>  |                  |
| <b>18.</b> | <b>Consultant Review</b>  | <b>195 - 206</b> |
|            | <p>The Committee is asked to note the use of Contractors within Spelthorne Borough Council.</p>   |                  |

**19. Corporate Policy & Resources Chair's Updates**

To receive any updates from the Chair of Corporate Policy & Corporate Committee.

**Minutes of the Corporate Policy and Resources Committee  
11 September 2023**

**Present:**

Councillor J.R. Sexton (Chair)  
Councillor C. Bateson (Vice-Chair)

Councillors:

M.M. Attewell	M. Gibson	O. Rybinski
M. Beecher	K.M. Grant	K. Rutherford
J.R. Boughtflower	K. Howkins	H.R.D. Williams
J.T.F. Doran	M. Lee	
S.M. Doran	L. E. Nichols	

**89/23 Apologies and Substitutes**

Apologies were received from Councillor Button and Geraci.

**90/23 Disclosures of Interest**

Councillor Nichols advised the Committee that he was a member of the Knowle Green Estates Board and would therefore not vote on Item 11 (Letter to Knowle Green Estates).

Councillors Sexton and Attewell declared that they were also Surrey County Council Councillors.

**91/23 Minutes**

The minutes of the meeting held on 17 July 2023 were agreed as a correct record of proceedings.

**92/23 Questions from members of the Public**

The Committee received two questions from Mr Nigel Rowe.

**Preamble**

Item 5 on the agenda (Revised Housing Delivery Policy) proposes a massive and radical change in Council policy. It raises major questions and concerns as to the proposal's provenance, purpose and anticipated consequences. The

Committee will hopefully explore these matters fully and publicly before endorsing the proposal 1) given the proposal's strategic significance for the Council and the community whose best interests it is there to serve and 2) given the Council has acquired a significant number of sites explicitly for development by the Council.

**Question 1:**

In the pursuit of proper democratic accountability, will the Committee ensure residents are given a full and explicit explanation of the provenance, purpose and anticipated consequences of the intended policy change in advance of any public consultation on it?

**Response to question 1:**

The reason for re-considering the policy change is directly connected to the financial risks of direct delivery of development as set out in the report i.e., construction costs increasing as well as interest rates nearly doubling. The council is still committed to bring forward new housing and other regeneration aspirations, hence is now exploring alternative methods to deliver these.

As a consequence of an agreed policy change and the Council not continuing with the direct delivery of developments schemes, it is expected capital costs already incurred in respect of these development schemes will need to be re-charged to the revenue budget. These impacts and how they will be handled will be set out in the reports going to Corporate Policy and Resources Committee and Council meetings in October.

If the change of policy is agreed, then thorough consideration and review will be given to all potential alternative delivery methods which will include understanding the advantages, disadvantages, and suitability of each.

On completion of this process, assuming a suitable and beneficial delivery method is identified, the council will then be able to provide residents with full details of how this may change the delivery of our developments.

**Question 2:**

Will the Committee ensure that, if the proposed change of policy is endorsed, all Council policies and intents (eg restrictions on the height of new developments in the draft Local Plan's Zoning Scheme) will be codified as strict and binding conditions with third-party developers?

**Response to question 2:**

As part of the review of all delivery mechanisms, the Council will need to decide how much development risk is acceptable as this will have a direct bearing on the level of control the council retains as the schemes are

progressed. The risk vs control scenarios will be fully analysed, which will allow the Council to understand the impact on its policies and intentions, both in respect of existing and emerging policy.

### **93/23 Revised Housing Delivery Policy 2023/24**

The Committee considered a report from the Chief Accountant and Group Head of Assets.

The Committee were advised that carrying on with the current strategy was no longer viable and that different options needed to be considered. A range of non-site specific delivery options would be presented to the Development Sub-Committee for them to consider the suitability of each. A report would be brought back before the committee in October for them to consider the possible options for the vacant sites.

It was proposed by Councillor Boughtflower and seconded by Councillor Rybinski that a recorded vote be taken for each option.

#### **Option 1:**

**For:** Councillors Attewell, Bateson, Beatty, Beecher, Boughtflower, J Doran, S Doran, Gibson, Grant, Howkins, Lee, Nichols, Rutherford, Rybinski, Sexton, Williams (16 Votes).

**Against:** (0)

**Abstain:** (0)

#### **Option 1:**

**For:** Councillors Bateson, Beatty, Beecher, J Doran, S Doran, Gibson, Grant, Nichols, Rutherford, Sexton, Williams (11)

**Against:** (0)

**Abstain:** Councillors Attewell, Boughtflower, Howkins, Lee, Rybinski (5)

#### **Option 3:**

**For:** Councillors Bateson, Beatty, Beecher, J Doran, S Doran, Gibson, Grant, Nichols, Rutherford, Sexton, Williams (11)

**Against:** (0)

**Abstain:** Councillors Attewell, Boughtflower, Howkins, Lee, Rybinski (5)

The Committee **resolved** to:

1. Confirm its support to suspend the Council's residential developments,
2. Support, in principle that the Council explores new ways of delivering the affordable and private rental housing delivery strategy; and
3. Bring back revised strategies and policies to the October Corporate Policy & Resources Committee meeting and subsequent Council meeting on 16 October 2023.

A summary of the recommendations was given within the report as follows:

Support in principle recommending to Council that this authority explores new ways of delivering the Council's affordable housing development schemes, by moving away from direct delivery, apart from the Local Authorities Housing Fund Acquisitions Scheme (single property) acquisitions to initially house Afghan families which will be funded with a higher level of government grant.

#### **94/23 Electric Vehicle Infrastructure Strategy**

The Committee considered a report from the Sustainability and Flood Risk Officer that sought a decision on whether to adopt the electric Vehicle Infrastructure Strategy 2023-2030 as outlined in Appendix A of the report.

The Committee were advised that this strategy had been created as an outcome of a cross service officer working group. As part of the project, members and residents would be consulted with to understand who would use the charging points and where would be best to place them.

The Committee **resolved** to adopt the Electric Vehicle Infrastructure Strategy 2023-2023

#### **95/23 Parking Services - Business Model**

The Committee considered a report from The Parking Services Manager and the Group Head Neighbourhood Services. They were advised that an agency agreement with Surrey County Council for management of on street parking had ended in March 2023 which had created an opportunity to look at different options to maximise efficiency and provide best value for money within Parking Services.

The Parking Services Manager advised that in the medium term, whilst other options were explored, the Council's car parks would continue to be run as per the current business model.

The Committee asked that they be presented with a projected forecast of car parking in the Borough for the next 5 –10 years, including any possible car parking that may be lost due to potential developments or sale of Council owned land.



The Committee **resolved** to:

1. Enhance the current model to partner with other authorities (as outlined in Option 5 within the report) and to enable the Parking Services Operational Manager and the Group Head Neighbourhood Services to explore opportunities to partner with other Local Authorities,
2. Authorise the Group Head Neighbourhood Services to continue managing the parking service with the current business model; and
3. Authorise the Group Head Neighbourhood Services to chair a working group across interested authorities for shared services and represent the Council interests in that group.

### **96/23    Laleham Nursery improvements**

The Committee considered a report from the Group Head Neighbourhood Services.

The Committee were advised that Capital Funding had been agreed to replace dilapidated temporary office space at Laleham Nursery to be used by the Joint Enforcement Team. Following a tender exercise for the replacement portacabins it had not proved viable to continue with this plan.

The Committee **resolved** to agree that the funding allocated for replacement porta cabins used as office space by the Joint Enforcement Team (JET) is reallocated to be used to create new permanent office and meeting space within the existing nursery building and provide improved facilities for Surrey Choices.

### **97/23    Verbal Update - External Audit**

The Committee received a verbal update from the Chief Accountant on the external audit.

### **98/23    Corporate Risk Register (Corporate Risk Management)**

The Committee **resolved** to note the significant strategic risks and issues highlighted in this report, ensuring continued wider reporting of the Corporate Risk Register and Risk Action Plan across the other committees.

### **99/23    Letter to Knowle Green Estates**

The Committee considered a report from the Chief Accountant who advised them, that as part of the 2022/23 audit process a letter needed to be sent to the auditors confirming the Council's continued support of Knowle Green Estates in their role as the sole shareholder.

The Committee **resolved** to:

1. Formally minute the Council's ongoing support for KGE, in accordance with the wording provided by the Company's External Auditors in Appendix A of the report; and
2. Delegate authority to the Chief Executive to sign a letter on behalf of the Council advising the auditors of Knowle Green Estates that this has been agreed by the Committee and duly minuted.

### **100/23 Collaborative Working Group**

The Committee considered a report from the Deputy Chief Executive that sought approval to amend the Terms of Reference for the Collaborative Working Group to allow a change in the membership structure.

The Deputy Chief Executive advised that the meetings would be held during the day and that members of the working group could attend via Microsoft Teams.

The Committee **resolved** to agree a revised membership structure for the Council's Collaborative Working Group that would invite each Group Leader to nominate a representative to sit on his group.

### **101/23 Forward Plan**

The Committee **resolved** to note the contents of the Forward Plan.

### **102/23 Urgent Actions**

The Committee **resolved** to note the update on the urgent action.

### **103/23 Exclusion of Public & Press (Exempt Business)**

It was proposed by Councillor Bateson and Seconded by Councillor Williams and **resolved** that the public and press be excluded during consideration of the following items, in accordance with paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) because it was likely to disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in being able to undertake even-handed negotiations and finalising acceptable contract terms:

### **104/23 Corporate Policy and Resources Chair's Updates**

The Leader advised the Committee that the period of time agreed for a pause to the Local Plan had now lapsed and would be considered again at the Extraordinary Council Meeting to be held on Thursday 14 September 2023.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Corporate Policy & Resources Committee

16 October 2023



<b>Title</b>	Spelthorne Borough Council - Environmental Health & Building Control Enforcement Policy
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Tracey Willmott-French, Senior Environmental Health Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	NA
<b>Corporate Priority</b>	Service delivery
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ol style="list-style-type: none"> <li>1. Adopt the Environmental Health &amp; Building Control Enforcement Policy (2023-2026)</li> <li>2. Approval that minor changes can be made to the Policy with the approval of Deputy Chief Executive with responsibility for Place, Protection and Prosperity.</li> <li>3. To note Spelthorne Borough Council's Environmental Health 'Procedure for Setting Financial Penalties - Banding the Offence and Determining Appropriate Sanctions'</li> </ol>
<b>Reason for Recommendation</b>	<ul style="list-style-type: none"> <li>• The Policy is important because it sets out the principles of good enforcement and details how issues of enforcement will be dealt with by the Council's Environmental Health and Building Control Services.</li> <li>• The Council's aim is to deliver regulatory enforcement functions in an enabling and supportive style, helping businesses and others meet their legal duty without unnecessary expense. However, where necessary and appropriate the Council will take firm action, including prosecution.</li> <li>• This Policy ensures that enforcement is carried out in a consistent and fair manner.</li> </ul>

## 1. Summary of the report

- 1.1 This report seeks Committees approval for the adoption of the Environmental Health and Building Control Enforcement Policy (2023-2026). The Policy is attached at **Appendix A**.
- 1.2 The Policy sets out the principles of good enforcement and details how issues of enforcement will be dealt with by the Council's Environmental Health and Building Control Services (EHCB).

- 1.3 This policy will be applied in accordance with the principles set out in section 21 of the Legislative and Regulatory Reform Act 2006, so that decisions about enforcement action will be transparent, accountable, proportionate, consistent, and targeted only at cases where action is needed.
- 1.4 Full regard has been given to the Regulators Code (2014) made under the Legislative and Regulatory Reform Act 2006 in the development of this policy. Full regard will also be given to the Code by EHBC services in the development of operational practices that guide their regulatory activities, and when carrying out their day-to-day practice.
- 1.5 In carrying out its regulatory functions, as required by the Code, EHBC will take a graduated approach to enforcement action unless the sufficient reason not to.
- 1.6 The EHBC Enforcement Policy contains information about civil penalties, rent repayment orders, and banning orders, and how the Council is planning to use them. It considers the statutory guidance entitled “Civil Penalties” that was issued by the Government under section 23(10) schedule 1, and Schedule 9 of the Housing and Planning Act 2016.
- 1.7 Consideration has also been given to section 23 in respect of financial penalties for banning orders, schedule 1 with regards to breach of banning orders, and schedule 9 in respect of financial penalties for certain offences under the Housing Act 2006. This Enforcement Policy should be read in conjunction with the primary legislation, statutory guidance, and Environmental Health’s procedure for setting financial penalties which is attached at **Appendix B**.

## **2. Key issues**

- 2.1 In carrying out the enforcement of environmental health and building control legislation and when developing enforcement policies, local authorities need to take account of government policy, government agency, and initiatives at a national level.
- 2.2 EHBC services have systematically documented its enforcement policies in relation to each of the various pieces of legislation they enforce.
- 2.3 There will be occasions when parts of the proposed policy will need to be amended to reflect changes in legislation. To avoid the need of reporting every such amendment to this Committee, it is requested that Committee delegates authority to the Deputy Chief Executive with responsibility for Place, Protection and Prosperity to carry out this function.

## **3. Options analysis and proposal**

- 3.1 It is proposed that the enforcement policy is approved.
- 3.2 The proposal to approve the Enforcement Policy will enable officers to work to an up-to-date framework and make accurate decisions about the most suitable course of action. It will also ensure that the services are less vulnerable to potential legal challenges to its decisions from solicitors defending clients that we may prosecute for serious contraventions of environmental health or building control legislation.
- 3.3 The proposed Enforcement Policy is available for Members in the Members’ Room.



3.4 There is an option for members to propose amendments to the policy, but it has been developed based on government and legislative guidance. Changes made by members may not meet this guidance.

3.5 If members do not approve the proposed policy, then the service, as stated in 3.2, will be open to legal challenges to any decisions it makes to prosecute offenders.

#### **4. Financial implications**

4.1 There are no financial considerations arising from this report. Implementation of regulatory enforcement is day-to-day EHBC practice which is accounted for within existing budgets.

#### **5. Risk considerations**

5.1 The risks associated with not approving the proposed Enforcement Policy are outlined in paragraph 3.2 of the report.

#### **6. Procurement considerations**

6.1 There are no procurement considerations arising from the report.

#### **7. Legal considerations**

7.1 The relevant legislative requirements are contained within the body of the documents.

7.2 Legal has been consulted during the development of this policy and their comments have been taken on board.

#### **8. Other considerations**

8.1 There are no other considerations.

#### **9. Equality and Diversity**

9.1 The adoption of this proposed Policy will facilitate the Council's aim to achieve a level playing field of regulatory compliance within the Borough of Spelthorne, thereby reducing health inequalities by tackling the cause of ill-health, promoting, and protecting health, and promoting social justice and safer communities.

#### **10. Sustainability/Climate Change Implications**

10.1 The adoption of this proposed Policy will support Environmental Health & Building Control's regulatory enforcement work, which will in turn support those sustainability and climate change issues that maybe negatively impacted by regulatory non-compliance.

#### **11. Timetable for implementation**

11.1 If Committee approves the proposed Enforcement Policy, it will be published on the Council's website and implemented for immediate use.

#### **12. Contact**

12.1 Tracey Willmott-French (t.willmott-french@spelthorne.gov.uk)

**Background papers:** There are none.

**Appendices:** -

- **Appendix A** - Environmental Health & Building Control Enforcement Policy (2023-2026)
- **Appendix B** - Banding the Offence and Determining Appropriate Sanctions Procedure

**SPELTHORNE BOROUGH COUNCIL**  
**ENVIRONMENTAL HEALTH & BUILDING CONTROL**  
**ENFORCEMENT POLICY**

**EXECUTIVE SUMMARY**

This policy sets out the general principles that inform the enforcement element of Environmental Health and Building Control Services.

Our aim is to achieve a level playing field of regulatory compliance within the Borough of Spelthorne.

We will achieve this through education, providing advice and by regulating activities. Providing clear advice and guidance will be our main approach to securing compliance; however, securing compliance by using enforcement powers is an important and sometimes necessary part of achieving this aim.

Where informal advice and guidance has not worked or where a breach of regulatory compliance is so serious as to cause harm to our communities, we will take formal enforcement action against businesses and / or members of the public.

When we do take enforcement action we will do so efficiently and effectively, and in a way which is open, clear, and helpful to those against whom action is taken. We will also ensure fair and objective enforcement in accordance with the Council's equality and diversity policy.

We believe that publishing information on our enforcement activities, where appropriate, raises awareness of the need to comply. Therefore, we will issue press releases and other publicity relating to offences and offenders, proportionate to the sanctions.

This policy will be reviewed every five years, or earlier, if necessary, in light of any legislative changes.

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## **1.0 Introduction**

- 1.1 Spelthorne Borough Council aims to secure regulatory compliance.
- 1.2 Fair and effective enforcement is essential to protect the health, safety, and welfare interests of the residents, visitors, businesses, and employees in the district of Spelthorne.
- 1.3 We recognise that most individuals, businesses, and other groups want to comply with the law. Our aim is to deliver regulatory enforcement functions in an enabling and supportive style, helping businesses and others meet their legal duty without unnecessary expense. However, we will take firm action, including prosecution where appropriate.
- 1.4 The Environmental Health and Building Control Services' principal focus will be on those activities that give rise to the most serious risks to the safety and health of the public and/or the environment, or where the duty-holder seeks a commercial advantage by breaking the law.
- 1.5 This policy outlines the Environmental Health and Building Control Services' approach to securing regulatory compliance, along with the options available within the legislation covered by the remit of the services for achieving this.
- 1.6 Decisions about enforcement action can have serious implications for all involved. By applying the same principles, everyone involved in the process is helping to treat stakeholders fairly but effectively. This policy will be applied so that decisions about enforcement action will be transparent, accountable, proportionate, and consistent.

## **2.0 Approval**

- 2.1 This policy was approved by the Neighbourhood Services & Enforcement Committee of Spelthorne Borough Council on the 5 October 2023, Committee Minute Reference: **xxxx**.
- 2.2 Minor changes to this policy can be made with the approval of the Deputy Chief Executive with responsibility for the Environmental Health and Building Control Services.

## **3.0 Scope**

- 3.1 This policy applies to all legislation enforced by the Environmental Health and Building Control Services.
- 3.2 In relation to most areas of Environmental Health and Building Control legislation, the choice of action will be based on an assessment of the risk that the contravention poses to the health, safety, or welfare of the public, and/or employees, and/or the environment.
- 3.3 Enforcement, in the context of this policy includes action carried out in the exercise of or against the background of statutory enforcement powers. This is not limited to formal enforcement action such as prosecution and civil penalties but includes for example the inspection of premises to check compliance with relevant acts and regulations, and the provision of advice to help duty-holders achieve compliance.

The term "duty-holder" has a wide meaning and applies to those persons on whom the law places duties (e.g. employers, self-employed, employees, and others).

- 3.4 Enforcement action will consider the full range of enforcement options available under the relevant legislation.
- 3.5 The Legislative and Regulatory Reform Act 2006 (section 22) requires regulators to have regard to the 'Code of Practice' when developing policies and operational procedures that guide their regulatory activities. The Code seeks to promote the above through the development of transparent effective dialogue, and understanding between regulators and those they regulate.
- 3.6 The Act (Section 21) imposes a duty on regulators to have regard to the five principles of good regulation so that regulatory activities are carried out in a way that is transparent, accountable, proportionate, consistent, and should be targeted at cases where action is needed.
- 3.7 We believe that prevention is better than cure and that we should actively work with businesses, consumers, and other groups to advise and assist with compliance.
- 3.8 We undertake our regulatory and enforcement activities fairly and without bias. We look to minimise bureaucracy and red tape, provide help to those who need it, but take firm action against people who flout the law.

#### **4.0 The Regulators' Code - General Principles of Enforcement**

- 4.1 Carry out our work so that it supports economic growth for compliant businesses. We will:
- Avoid imposing unnecessary burdens through our regulatory activities and choose proportionate approaches to those we regulate.
  - Support or enable economic growth for compliant businesses.
  - Ensure our officers have the necessary knowledge and skills to support those they regulate.
  - Ensure our officers understand the legal principles of good regulation.
- 4.2 Provide simple and straightforward ways to engage with those we regulate and hear their views. We will: -
- Consider the impact on business and engage with business representatives.
  - In responding to non-compliance, officers will clearly explain: -
    - what the non-compliant item/activity is
    - what actions are required to achieve compliance
    - what advice is being given
    - the decisions taken and reasons for these.
  - officers will also provide an opportunity for dialogue, ensuring that they are acting in a way that is proportionate and consistent.
- This paragraph does not apply where the officer can show that immediate enforcement action is required.

- Provide an independent and clearly explained route to appeal against a regulatory decision, or a failure to act in accordance with this policy.
- Provide a timely explanation in writing of any right to representation or right to appeal. This will be in plain language and include practical information on the process involved.
- Make available a clearly explained complaints procedure, so that complaints can easily be made about the conduct of an officer.
- Use a range of methods to receive and take on board customer feedback (e.g. customer satisfaction surveys).

4.3 Base our regulatory activities on risk. We will:

- Take an evidence-based approach to determine our priorities and allocate our resources where they would be most effective in addressing our priorities.
- Consider risk at every stage of our decision-making processes.
- Consider the compliance record of businesses, including earned recognition and external verification approaches when assessing risk.
- Periodically review the effectiveness of our chosen activities in delivering the desired outcomes and make any necessary changes.

4.4 We will use discretion in deciding what issues will be investigated. To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. It is neither possible nor necessary to investigate every instance of non-compliance with the law. In selecting which incidents to investigate and in deciding the level of resources to be used, the following factors will be taken into consideration:

- the severity and scale of potential or actual harm/or nuisance
- the seriousness of any potential breach of the law
- knowledge of the duty holder's past performance
- the enforcement priorities
- the practicality of achieving results
- the wider relevance of the event, including serious public concern.

4.5 Sharing information about compliance and risk. We will:

- Follow the principle of “collect once, use many times” when requesting information.
- The requirements of the General Data Protection Regulations 2018 will be considered prior to the sharing of data.
- Where appropriate, we will share information, in a secure manner, with other regulators about those we regulate.
- As a public body the Council is subject to the regulations governing the provision of information under the ‘Freedom of Information Regulations’ and



the 'Environmental Information Regulations'. This means that the Council must share information unless it is prohibited or exempt under other legislation.

- When providing information under the 'Environmental Information Regulations' permitted reasonable charges will be applied.

4.6 Clear information, guidance, and advice. We will:

- When providing advice and guidance, clearly distinguish between legal requirements and good practice.
- Produce guidance and information in a clear, accessible, concise format, written in plain language.
- Periodically review the guidance we produce to ensure it meets the needs of those we regulate.
- Provide reliable and sound advice to those we regulate.
- Where appropriate, work collaboratively with other regulators and have regard to their advice in reaching decisions.

4.7 Ensure transparency in our approach. We will:

- Set and publish clear service standards so those we regulate know what to expect from us.
- Regularly publish details of our performance against our service standards (including results of customer feedback).
- Our service standards will include clear information on the following issues: -
  - a) How we communicate with those we regulate and vice versa.
  - b) Our approach to providing information, guidance, and advice.
  - c) Our approach to checks on compliance (e.g. inspections, audits, monitoring and sampling visits and test purchases).
  - d) Our enforcement policy, explaining how we will respond to non-compliance.
  - e) Our fees and charges and how they have been calculated.
  - f) How to comment or make a complaint against service provided and ways to appeal.

4.8 Environmental Health and Building Control Services' staff must be fair, independent, and objective. They must not let any personal views about the suspect, victim, witness, or offender influence their decisions. Such issues would include age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, sex, religion or beliefs, political views, or sexual orientation.

4.9 The Environmental Health & Building Control Service is a public authority for the purposes of the Human Rights Act 1998. Environmental Health & Building Control Services' staff must apply the principles of the European Convention on Human Rights in accordance with the Act.

4.10 Environmental Health and Building Control Services' staff must not be affected by improper or undue pressure from any source.

4.11 Each case is unique and must be considered on its own merits. However, there are general principles that apply in the way each case is approached; these are laid out in this Enforcement Policy.

4.12 The work we do must be carried out in ways that are **transparent, accountable, proportionate, and consistent**, and should be **targeted** at cases in which action is needed: -

- **Proportionality** means relating enforcement action to the risks (in this policy 'risk' is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm).

The action taken by Environmental Health & Building Control Services to achieve compliance with the law should be proportionate to any risks to health and safety, and to the seriousness of any breach, including actual or potential harm arising from the breach.

- **Consistency:** The consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

- **Transparency:** Transparency means helping duty holders to understand what is expected of them and what they should expect from the enforcing authority.

It also means making clear to duty holders not only what they have to do, but also where relevant what they do not have to do. This means distinguishing between "statutory requirements" which are their legal obligations, and "recommendations" which is generally advice or guidance given in terms of what is desirable but not compulsory.

- **Targeting:** Targeting means making sure that visits/inspections carried out are targeted primarily on those activities or premises that give rise to the most serious risks or where hazards are least well controlled, and that action is focused on the duty holder.

- **Accountable:** Regulators are accountable to the public for their actions. This means that the Council must have policies and standards (such as the four enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints. The Council's procedure for handling complaints is available on the Council website and will be made available to any duty holder on request; further information is available at section 17.10 below.

## 5.0 Training, Competency, and Authorisation

5.1 Only officers who are competent by training, qualification, and/or experience will be authorised to take enforcement action. Authorised officers will also have sufficient training and understanding of the departmental policies and procedures to ensure a consistent approach to service delivery. The Senior Environmental Health Manager (SEHM) will maintain a list of current authorisations for Environmental Health.

5.2 Officers who undertake criminal investigations will be conversant with the provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, and the Regulation of Investigatory Powers Act 2000.

## **6.0 The Code for Crown Prosecutors - Deciding the action to take**

- 6.1 Based upon the Code for Crown Prosecutors there are two issues to determine: -
- The first is what level of enforcement action to take, and
  - where the decision is to take formal enforcement action, the second is whether that action is viable and appropriate.
- 6.2 There are two stages in determining whether formal enforcement action is viable and appropriate. These are: -
- Stage 1: the evidential test
  - Stage 2: the public interest test
- 6.3 If the case **does not** pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case **does** meet the evidential test, depending on the type of formal action being considered (e.g. prosecution, civil penalty) the Council's Legal Service will decide if formal enforcement action is needed in the public interest.
- 6.4 Paragraphs 6.5 to 6.8 below detail how this policy applies to the consideration of taking a prosecution. The principles outlined apply equally to the other types of formal enforcement action that are available.

### **6.5 The Evidential Test**

- 6.5.1 The Council's SEHM and Legal Services must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge.
- 6.5.2 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates' court should only convict if satisfied it is sure of a defendant's guilt.
- 6.5.3 When deciding whether there is enough evidence to prosecute, the SEHM and Legal Services must consider whether the evidence can be used, if it is reliable, and if it would be admissible as evidence in a court of law.

### **6.6 The Public Interest Test**

- 6.6.1 Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The Council's Legal Services must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.
- 6.6.2 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution that clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead, and those factors should be put to the court for consideration when sentence is being passed.

6.6.3 The Council's Legal Services must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

6.6.4 Detailed below are some of the common public interest factors that can generally be considered, both for and against prosecution, these are not exhaustive. The factors that apply will depend on the facts in each case.

## **6.7 Some common public interest factors in favour of prosecution.**

6.7.1 The more serious the offence, the more likely it is considered that a prosecution will be needed in the public interest. A prosecution is likely to be required if: -

- A conviction is likely to result in a significant sentence.
- The offence was committed against a person serving the public, e.g. an officer was obstructed whilst attempting to carry out his/her duties.
- The defendant was in a position of authority or trust.
- The evidence shows that the defendant was a ringleader or an organiser in the offence.
- There is evidence that the offence was premeditated.
- There is evidence that the offence was carried out by a group.
- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal damage, or disturbance.
- The offence was motivated by any form of discrimination against the victim's age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or beliefs, sex, sexual orientation, or if the suspect demonstrates hostility towards the victim based on any of those characteristics.
- There is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption.
- The defendant's previous convictions or cautions are relevant to the present offence.
- The defendant is alleged to have committed the offence whilst under an order of the court.
- There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct.
- The offence, although not serious in itself is widespread in the area where it was committed.
- The extent to which the defendant has benefitted from the criminal conduct.
- The circumstances of and harm caused to the victim, and the impact on the community.

6.7.2 Where inspectors are assaulted, enforcing authorities will seek police assistance, with a view to seeking the prosecution of offenders.

## **7.0 What level of enforcement action to take**

- 7.1 Aside from taking prosecution proceedings, and out of court disposal may take the place of a prosecution, if it is an appropriate response to the offender and or the seriousness and consequences of the offending. Regard will be had to any relevant guidance, when deciding whether an alternative disposal, such as a simple caution, civil penalty or other appropriate regulatory proceedings should be administered.
- 7.2 Enforcement action can be one or more of the following actions: -
- a. Prosecution
  - b. Civil penalties
  - c. Simple Caution
  - d. Closure powers
  - e. Banning Order
  - f. Rent Repayment Orders
  - g. Management Orders (Empty Dwelling Management Orders, Interim Management Orders, Final Management Orders)
  - h. Refusal, review, variation, suspension and/or revocation of licences, permits, consents, approval, and penalty points.
  - i. Seizure, Detention or Destruction
  - j. Works in default
  - k. Formal Enforcement Notices & Orders (e.g. Improvement and Prohibition Notices)
  - l. Fixed penalty notices
  - m. Informal Notice (written warning and advice)
  - n. Informal verbal warning and advice
  - o. Revisit of premises
  - p. No action
- 7.3 Not all regulatory provisions covered by EH Services have access to each of the above-mentioned enforcement actions. For example, there are no current powers available to officers under the Licensing Act 2003 to serve formal notices such as Improvement or Prohibition notices.
- 7.4 The enforcement options available in each area of Environmental Health and Building Control's work are listed in appendices 3 to 10, these cover the environmental health areas of food hygiene; health and safety; licensing; housing; statutory nuisance; public health, land contamination; pollution prevention and control; and building control, respectively.
- 7.5 A brief explanation of each enforcement action is given in **appendix 1**.

## **8.0 Liaison**

- 8.1 The enforcement services (eg: noise pollution, licensing etc) within the Environmental Health and Building Control Services will co-ordinate their enforcement activity to maximise the effective enforcement of any matters that are related to more than one of the services.
- 8.2 Where an enforcement matter affects a wide geographical area beyond the Borough's boundaries or involves enforcement by one or more other local authorities

or organisations (e.g. Fire Authority, Police, Trading Standards, etc); all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

- 8.3 Where appropriate, the matter will be first discussed with the relevant 'Primary Authority' (if the business has a relevant Primary Authority Partnership arrangement in place) or other regulatory body before proceeding.
- 8.4 The SEHM or Building Control Manager (BCM) shall carry out monitoring (as appropriate) to ensure that appropriate and full liaison is being undertaken.

## **9.0 Death at Work**

- 9.1 Where there has been a breach of the law leading to a work-related death, officers must consider whether the circumstances of the case might justify a charge of manslaughter.
- 9.2 To ensure that decisions on investigation and prosecution are closely co-ordinated following a work-related death, the HSE, the Association of Chief Police Officers (ACPO), Local Government Association and the Crown Prosecution Service (CPS) have jointly agreed and published "Work-related deaths: A protocol for liaison". We must therefore take account of the protocol when responding to work-related deaths.
- 9.3 In which case, officers shall liaise with the Police, Coroners and Crown Prosecution Service (CPS), and if they find evidence suggesting manslaughter, pass it on to the police. If the Police or the CPS decide not to pursue a manslaughter case, the officer will normally bring a health and safety prosecution in accordance with the HSE Enforcement Policy

## **10.0 Considering the best course of formal action**

- 10.1 The best course of formal action to be taken will: -
- reflect the seriousness of the offence(s)
  - give the court adequate sentencing powers
  - pass the evidential and public interest tests, and
  - enable the offence(s) to be presented in a clear and simple way
- 10.2 The agreement of the SEHM or BCM (as appropriate) must be obtained before cases are put forward for enforcement actions 7.1(a) to 7.1(j) as listed above.

## **11.0 Considering the views of those affected by offences**

- 11.1 Environmental Health and Building Control Services undertake enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test (see section 6 above), the consequences for those affected by the offence, the decision whether or not and how to take enforcement action, and any views expressed by those affected, will be taken into account.
- 11.2 Those people affected by the offence will be told about any decision that makes a significant difference to the case in which they are involved.

## **12.0 The interests of the Spelthorne's customers**

12.1 Where particular local circumstances dictate, enforcement activity will where practicable, take account of those circumstances to minimise any adverse effects of enforcement activity on legitimate businesses and individuals.

## **13.0 Re-starting a Prosecution**

13.1 People should be able to rely on enforcement decisions taken by the Council. Normally, if a suspect or defendant is advised that there will not be a prosecution, or that the enforcement action has been stopped, that will normally be the end of the matter and the case will not start again. Occasionally there are special reasons why enforcement action will re-start, particularly if the case is serious. These reasons include:

- Rare cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand.
- Cases which are stopped so that more evidence that is likely to become available in the fairly near future can be collected and prepared. In these cases, the defendant will be told that the enforcement action may well start again.
- Cases that have been stopped because of a lack of evidence but where more significant evidence is discovered later.
- Cases involving a death in which a review following the findings of an inquest concludes that a prosecution should be brought, notwithstanding any earlier decision not to prosecute

## **14 Power of Entry**

14.1 Environmental Health staff are provided with specific powers of entry by a wide range of legislation. This gives them a right (usually in the form of delegated authority from the Council to named officer/s) to legally enter defined premises, such as businesses, vehicles, or land for specific purposes. Powers of entry include enabling officers to undertake inspections and investigations for a wide range of regulatory responsibilities including food safety, health and safety, environmental protection, and housing legislation, in addition to dealing with emergencies or searching for evidence during those investigations.

14.2 Often, the power to enter is accompanied by what are known as 'associated powers', which set out what the officers are allowed to do once they have entered the

premises. This might include, for instance, conducting a search, seizing relevant items, or collecting samples.

- 14.3 In certain cases, such as under Housing Act legislation, where entry is required to a residential property, then a period of notice is usually required to be given to the owner or occupier of the property before entry can be gained.
- 14.4 Officers also have the option to obtain a warrant from a magistrate and enter, at any time by force if necessary to ascertain if an offence has been committed, to gather evidence or to undertake emergency remedial work or works in default.
- 14.5 Officers of Environmental Health will have regard to the Code of Practice - Powers of Entry (issued under section 48 of the Protection of Freedoms Act 2012) when exercising any functions to which the Code relates. The purpose of the Code is to ensure greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.

## **15 Enforcement Policy Implementation**

- 15.1 Officers must abide by this enforcement policy when making all enforcement decisions. Any departure from the policy must be exceptional, capable of justification, and be fully considered by the SEHM or BCM (as appropriate) before a decision is taken, unless it is considered that there is sufficient risk in delaying the decision, under which circumstances the officer must take the most appropriate course of action, as they see fit.
- 15.2 Should any departure from the policy result in an officer considering taking enforcement action that may be inconsistent with action being taken by other authorities then this will be discussed with the SEHM or BCM (as appropriate). Where appropriate the matter will be discussed with relevant primary authority and/or other regulator, if necessary, before proceeding.
- 15.3 Scheduled internal performance review meetings will be undertaken to ensure that all enforcement activity is carried out in accordance with this policy.
- 15.4 Instances of non-compliance with this policy will be recorded and reported to the SEHM or BCM (as appropriate), who will instigate appropriate action.
- 15.5 Where legislation permits financial charges will be made for formal enforcement action taken (e.g. The Housing Act 2004 – service of notices, and recovery of costs).

## **16.0 Guidance Documents**

- 16.1 This policy considers various Guidance and Approved Codes of Practice issued by Central Government departments, and national regulators such as the Health and Safety Executive and the Food Standards Agency.
- 16.2 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Equalities Act 2010, and other relevant legislation and guidance.



- 16.3 Directed covert surveillance will only be used in relation to the investigation of serious offences, defined as those with a penalty of six months imprisonment or more.
- 16.4 This policy has been written with regards to the content of the takes account Regulators' Code 2014 and all the relevant parts of the Code for Crown Prosecutors 2018; the Ministry of Justice's Simple Caution for Adult Offender guidance 2015; the Criminal Procedures and Investigations Act 1996; the Regulation of Investigatory Powers Act 2000.

## **17.0 Publicity**

- 17.1 The Council may publicise cases of businesses, licensees, landlords, and individuals it successfully prosecutes for relevant offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of offences may be published on the Council's website or through social media. Cases subject to an active appeal will not usually be published until the applicable appeals process has elapsed.
- 17.2 Information related to enforcement notices issued by the Council may appear on the Council's website or social media outlets. Notices that are withdrawn or subject to an active appeal will not be published.

## **18.0 Further Information**

- 18.1 The Code for Crown Prosecutors - (The Code) is issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985. It sets out the basic principles Crown Prosecutors should follow when they make case decisions. It is a public document, and although it's written for members of the Crown Prosecution Service it is widely used by others to understand the way in which Crown Prosecutors make decisions. The Code for Crown Prosecutors can be downloaded on the crown prosecution website at:  
[http://cps.gov.uk/publications/code for crown prosecutors/index.html](http://cps.gov.uk/publications/code%20for%20crown%20prosecutors/index.html)
- 18.2 The Regulators' Code is available for download from  
<https://www.gov.uk/government/publications/regulators-code>
- 18.3 Ministry of Justice - Simple Caution for Adult Offender guidance is available for download from <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors>
- 18.4 Guidance Powers of entry: code of practice. The code provides guidance and sets out considerations that apply to the exercise of powers of entry including, where appropriate, the need to minimise disruption to business. It will ensure greater consistency in the exercise of powers of entry, and greater clarity for those affected by them, while upholding effective enforcement. Available for download from [Powers of entry: code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/powers-of-entry-code-of-practice)
- 18.5 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2018), Civil penalties under the Housing and Planning Act 2016

- 18.6 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2017), Rent repayment orders under the Housing and Planning Act 2016
- 18.7 Ministry of Housing, Communities and Local Government – Non-statutory guidance (April 2018, Banning orders for landlords and property agents under the Housing and Planning Act 2016.
- 18.8 Ministry of Housing, Communities and Local Government – Statutory Guidance (April 2019), Database of rogue landlords and property agents under the Housing and Planning Act 2016
- 18.9 This Enforcement Policy is available on the Council’s website at: [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk), and can be viewed in hardcopy at the Council offices.
- 18.10 Leaflet entitled "Enforcement Policy - Advice to Businesses". Spelthorne Borough Council's Environmental Health Service has produced a leaflet that provides basic information about the enforcement policy, and the range of enforcement actions available to enforcement officers. This leaflet is given out routinely by all officers to proprietors/managers of commercial premises when carrying out inspections and is available on the Council’s web site at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) and in hardcopy at the Council’s offices. It can be ordered by telephoning 01784 446291, emailing [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk), or by writing to the Environmental Health Service at Spelthorne Borough Council Offices, Knowle Green, Staines-Upon-Thames, TW18 1XB.
- 18.11 The Council’s complaint procedure is available on the Council’s web site at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk). It can be ordered by telephoning 01784 446291, emailing [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk), or by writing to the Environmental Health Service, at Spelthorne Borough Council Offices, Knowle Green, Staines-Upon-Thames, TW18 1XB.

## APPENDIX 1 - ENFORCEMENT ACTION OPTIONS

The Openness of Local Government Bodies Regulations 2014 requires certain decisions made to be available to the public. Such decisions include the issued licences, permits and enforcement notices. Information made available includes: -

- the date the decision was taken
- details of the decision taken along with the reasons for the decision
- details of alternative options, if any, considered and rejected
- where the decision falls in the paragraph 7(2)(a) of the regulations, the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

Environment Health decision notices are found at <https://www.spelthorne.gov.uk/xxxx>

Enforcement officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties (businesses, landlords, occupiers, and individuals) are informal – officers offer information, advice, and support, both verbally and in writing.

Enforcement Officers may also use formal enforcement mechanisms as set out in law, including fixed penalty notices; enforcement notices where a contravention needs to be remedied; prohibition notices where there is a risk of serious personal injury, damage to the environment, or injury to health; revocation of authorisations; withdrawal of approvals; refusal of registration; variations of licences or conditions or of exemptions; or ultimately caution, prosecution, and injunction.

### 1. Prosecution

This involves offender(s) being summoned by Spelthorne Council to a criminal court to answer a charge(s) for a breach(es) of legislation enforced by this department.

When consideration is given to prosecute, regard shall be taken of the guidance contained within this Enforcement Policy, the Code for Crown Prosecutors, applicable Acts and Regulations, and relevant guidance produced by national regulators (such as the Health and Safety Executive, Food Standards Agency, Environment Agency, or specific government department).

Officers must exercise their discretion in deciding whether to initiate a prosecution. Prosecution without warning and recourse to alternative sanctions may be appropriate in certain circumstances.

In terms of the Public Interest Test, the list of factors stated in section 6.7 of this policy will be taken into account when making a decision.

For non-payment of certain licence fees, or where the Council has not received payment of costs for carrying out works to remove a serious imminent risk or remedy pollution, it will pursue debts through the appropriate court, and where appropriate it will suspend/cancel the licence.

## 2. Civil Penalties

The Housing and Planning Act 2016 provides powers permitting local authorities to impose a civil penalty of up to £30,000 per offence as an alternative to prosecution for a range of specified offences under the Housing Act 2004, and where a landlord or property agent has breached a banning order under the Housing and Planning Act 2016.

Ministers have made it very clear that they expected this power to be used robustly as a way of clamping down on rogue landlords.

Civil penalties can be used against landlords who are in breach of one or more of the sections of the Housing Act 2004 relating to: -

- Failure to comply with an improvement notice
- Offences in relation to the licensing of a House in Multiple Occupation (HMO)
- Offences in relation to selective licensing under part 3 of the Housing Act 2004
- Contravention of an overcrowding notice
- Failure to comply with management regulations for HMOs Compliance Code
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

The same criminal standard of proof (beyond reasonable doubt) is required for the issuing of a civil penalty as for prosecution. Before taking issuing a civil penalty, Environmental Health Services will satisfy itself that if the case were to be prosecuted there would be a realistic prospect of conviction. To this end, Environmental Health will work with the Council's Legal Service as set down in section 6.0 of this report.

Where a civil penalty is imposed the recipient has the right of appeal through the First-tier Tribunal. Environmental Health Services would defend their decision with a view to demonstrating beyond reasonable doubt that the offence had been committed.

In determining an appropriate level of penalty, local housing authorities will have regard to the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing which sets out the factors to consider when deciding on the appropriate level of penalty, however, the following factors will be considered when deciding on the amount: -

- Severity of the offence
- Culpability and track record of the offender
- The harm caused to the tenant
- Punishment of the offender
- Deter the offender from repeating the offence
- Deterring others from committing similar offences
- Remove any financial benefit the offender may have obtained as a result of committing the offence

Environmental Health Service will have regard to the requirements of the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities).

### **3. Closure powers**

The powers to close certain premises, both commercial and domestic, or prohibit processes, are available to authorised officers under various legislation enforced by the Services. This option is taken when there is a serious and imminent risk to health or safety to the occupants, neighbouring premises' occupants, employees, customers, or visitors.

Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance. All cases are to be discussed with the SEHM.

### **4. Rent Repayment Orders**

Local authorities and tenants can apply to the First-tier Tribunal<sup>1</sup> for repayment of up to 12-months' rent, housing benefit, or universal credit where they can prove beyond reasonable doubt that the landlord is guilty of one of the qualifying offences, as listed below: -

- Using violence to secure entry
- Illegal eviction or harassment of tenants
- Failure to comply with an improvement notice
- Failure to comply with a prohibition order
- Control or management of unlicensed house/HMO
- Breach of banning order

Rent repayment orders are limited to money paid by the body or person making the application.

A rent repayment order can be applied for when the landlord has committed an offence regardless of whether or not the landlord has been convicted of the offence. Where an application for a rent repayment order is made and the landlord has not been convicted of the offence the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

If successful and the tenant paid their rent themselves, then the rent will be repaid to the tenant. If rent was paid through housing benefit or through universal credit, then the rent will be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through housing benefit/universal credit, then the rent would be repaid on an equivalent basis.

Environmental Health Services and the Local Housing Authority will have regard to the requirements of the statutory guidance issued by the MHCLG (Rent repayment orders under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities).

### **5. Banning Orders**

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 makes provision for housing authorities to apply to the First-tier Tribunal for a banning order against a person who has been convicted of banning order offence. The Schedule of Offences to the Regulations lists the offences; these include-

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<sup>1</sup> The Residential Property Tribunal

- Illegally evicting or harassing a residential occupier in contravention of the Protection from Eviction Act 1977
- Using violence to secure entry under the Criminal Law Act 1977
- Offences under the Housing Act 2004
- Offence under the Health and Safety at work Act 1974, and the Gas Safety (Installation and Use) Regulations 1998 (r.36)
- Offence under the Regulatory Reform (Fire Safety) Order 2005 (a.32)

Banning orders are designed to tackle the most serious and prolific offenders by preventing them from being involved in renting out or management of housing in the private rented sector. Banning orders are made for a minimum period of 12-months; there is no upper limit on the length of a banning order.

Environmental Health Services and the Housing Services will have regard to the requirements of the statutory guidance issued by the MHCLG.

## **6. Property Management Orders**

Part 4 of the Housing Act 2004 provides local authorities with duties and powers to make an Interim Management Order (IMO) in respect of residential property. Their functions can be exercised where a landlord (or their managing agent) fails to obtain a licence, or where it is necessary due to the hazardous condition of the property. Upon the expiry of an IMO the local authority can make an application to the Residential Property Tribunal to make a Final Management Order and take over the management of the property for a period of up to 5 years. This disables the landlord's ability to manage the property and can also have a significant financial impact on its operation.

Interim Management Orders - Local authorities are under a statutory duty to make an IMO under s.102 Housing Act 2004 where:

- a) The property is a House in Multiple Occupation (HMO) or other licensable dwelling, and the relevant person has failed to obtain a licence and the LA considers that there is no reasonable prospect of it being licensed in the near future.
- b) It is necessary for the purposes of protecting the health, safety or welfare of persons occupying the property (s.104).

An IMO can be in place for up to 12-months after which it ceases to have effect unless it is revoked before the end of the period. The IMO allows the local authority to:

- Have the right to possession of the property.
- Have the right to do, in relation to the property, anything that a person having an estate or interest in the property would be entitled to do such as repairs and collection of rent etc.
- To spend monies received through the collection of rent for carrying out its responsibilities of management and administration.
- To create new tenancies (with the consent of the landlord).

Final Management Orders - On expiry of an Interim Management Order the local authority has the power to make a Final Management Order (FMO) under s.113 Housing Act 2004 by application to the RPT. Once the FMO is made, it usually takes effect for a period of up to

5-years. This means that the landlord has no control of the property for duration of that period. The general effects of an FMO are similar to those of an IMO. IMOS and FMOs have extensive consequences on the management of a landlord's property, the most noticeable effect will be the financial consequences of the order as the landlord will not directly receive rental income from the property for that period. Rental monies can be used by the local authority to subsidise any relevant expenditure that is reasonably incurred in connection to it performing its duties under the legislation.

Through the duration of the FMO the LA must periodically review the operation of the order and the management scheme and consider whether keeping the order in force is the best alternative available to it.

## **7. Database of rogue landlords and property agents**

A database of criminal landlords and letting agents has been created and will be held by the MHCLG. The database will be updated by local authorities. Landlords or letting agents who receive banning orders will automatically be listed on the register.

## **8. Review, variation, suspension and/or revocation of licences or permits.**

These powers are contained in legislation where local authorities issue licences or permits to businesses. Examples include the Licensing Act 2003, the Gambling Act 2005, the Pollution Prevention and Control Regulations 1999, and the Local Government (Miscellaneous Provisions) Acts 1982 and 1976.

Powers to review, suspend, or revoke licences or permits are contained in the Council's "Delegations to Officers". These are generally held by the Council's Licensing Sub-committees. In terms of deciding to review, vary, suspend, or revoke licences or permits, one or more of the following non-exhaustive criteria will be used:

- a) The operator or personal licence holder has been convicted of a relevant offence(s).
- b) The potential for considerable harm.
- c) The seriousness of the offence(s).
- d) The history of compliance of the offender(s), i.e. apparent reckless disregard to the law, persistent poor standards, repeated breaches, etc.
- e) A person/organisation has been engaged in fraudulent activity.
- f) The operation is no longer being managed by a technically competent person.
- g) Failure of the operator, licence holder, to pay the Council any annual or subsistence fee.
- h) Where a licensed premises has been temporarily closed by the Police or Council for related reasons.
- i) Where a successful prosecution has been obtained for a breach(es) of licence condition(s).

## **9. Seizure, detention, destruction powers**

Authorised officers have powers to formally seize items, such as food, and equipment (including musical systems) which will or could cause an imminent risk to health, safety, or a nuisance to any person(s).

Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance.

We will always give full details of our actions to the offender(s) when we exercise this power.

## **10. Works in default**

This power exists where an authorised officer considers a relevant and serious issue requires urgent work to be carried out. This can occur in relation to statutory nuisances, actual or imminent risks of serious environmental pollution, public health issues or serious housing defects where non-compliance exists and persists.

## **11. Simple caution**

This option is used as a formal warning and as an alternative to prosecution. Guidance has been issued by the Ministry of Justice entitled 'Simple Cautions or Adult Offenders' (April 2015). For a formal caution to be issued the following criteria must be satisfied: -

- a) Sufficient evidence must be available to prove the case.
- b) The offender must admit the offence.
- c) The offender must agree to be cautioned.
- d) The offence must not have been committed by the offender before.

If the offender commits a further offence within 3-years of receiving a formal caution, this may influence our decision to take a prosecution. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England or Wales, the caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

## **12. Formal notices**

Formal or legal notices are available to use in most Environmental Health legislation. They are served on the offenders requiring them to stop the contravention of their statutory duties.

Some notices allow an offender a reasonable length of time to remedy the contravention(s). Other notices may require a business, process, or state of affairs to cease immediately, or cease trading/operating immediately, where there is an imminent risk to health, safety, or environmental pollution to employees, members of the public, etc.

Where legislation permits (e.g. The Housing Act 2004) financial charges will be made for any formal enforcement action that the Council takes.

## **13. Community Protection Notices**

Community protection notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing antisocial behaviour (ASB) which spoils the community's quality of life. This can include offences such as noise nuisance, eyesore rubbish on private land and antisocial behaviour. Grounds for issuing a CPN include instances in which an individual's behaviour: -



- has a detrimental effect on the quality of life of those in the locality.
- is unreasonable and
- is of a persistent nature.

Before a CPN can be issued, the person, business or organisation suspected of causing the problem must be given a written warning stating that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning must also detail that a breach of a CPN is a criminal offence. Failure to comply with the warning can lead to the issue of a community protection notice. The notice will list the following requirements: -

- to stop doing something specified and/or to do some specified action.
- to take reasonable steps to achieve a specified result - this will be aimed at either preventing the effect of the unacceptable conduct continuing or preventing the likelihood of it recurring.

An appeal against a CPN or its terms can be made to a magistrates' court within 21 days of issue.

If a recipient of a CPN fails to comply with the requirements, the Council may take action to ensure that the failure is remedied and may recover the cost of doing so from the person concerned.

Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to Level 4, currently £2,500 for individuals, or £20,000 for businesses. On conviction the Magistrates' have power to order forfeiture and destruction of any item used in the commission of the offence

#### **14. Penalty Charge Notice**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 make provision for the service of Penalty Charge Notices (PCN), up to a maximum of £5,000, on landlords who breach a remedial notice served on them under regulations.

When Environmental Health has reason to believe that a landlord is in breach of the duties relating to smoke alarms or carbon monoxide alarms, it will serve a Remediation Action Notice (RAN) on the landlord within 21 days of the breach being identified.

The RAN will specify the actions that the landlord must take to remedy the breach/es. The landlords will have 28 days from the date the RAN was served to carry out the works. If the landlord does not carry out the works specified on the RAN the Council will ensure compliance by undertaking the work in default within 28 days if it has the necessary consent to do so. In addition to doing the works the Council may serve a PCN, which must be served within six weeks. Where the landlord does not pay the FPN, consideration will be given to prosecution for the original offence.

The landlord has a right to request the Council to review the PCN and has 28 days to make their representation to the Senior Environmental Health Manager. If the landlord is dissatisfied with the review they may appeal to the First Tier Tribunal.

## **15. Fixed penalty notices**

Fixed penalty notices (FPNs) exist in Environmental Health enforcement areas including noise, smoke free legislation, and smoke control area enforcement (Clean Air Act 1993 as amended by the Environment Act 2021). They are legal notices served on a business or individual in relation to observed contraventions of legislation law. FPNs offer a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty charge within the time specified in the notice. If the penalty is paid in accordance with the penalty notice, then no proceedings for the offence can be brought.

## **16. Penalty Points Scheme (taxi/hackney carriages)**

A Penalty Points Scheme (PPS) has been in place since 2011 in relation to private hire (PH) and hackney carriage (HC) licensing enforcement issues. Penalty Points (PPs) are issued to PH and HC drivers, vehicle owners and PH operators for specified minor breaches of the Council's PH and HC licence conditions. Once a licensee has accumulated 12 PPs in any one calendar year he/she is referred to the Council's Licensing Sub-committee for a decision to be made whether to suspend or revoke their licence.

## **17. Informal notices (written warning)**

For some contraventions, we will send the offender a firm but polite letter clearly identifying the contraventions, giving advice on how to put them right and including a deadline by which this must be done. Informal notices/letters are not part of the statutory procedure, and no offences are committed by not complying with them.

Although, failure to comply could result in a formal notice(s) being served or more severe enforcement action being taken, depending on the seriousness of the breach(es).

The time allowed must be reasonable but must also consider the implications of the contravention(s) in respect of the legislation being enforced.

## **18. Informal verbal warning**

For minor breaches of legislation, we verbally advise the offender clearly identifying the contravention(s), giving advice on how to put them right and including a deadline by which this must be done. Failure to comply could result in more severe enforcement action being taken. The time allowed must be reasonable but must also take into account the implications of the contravention in respect of the legislation being enforced.

This course of action will only be appropriate where the breach is not serious; the history is good and/or the consequences of non-compliance do not pose a significant risk.

## **19. Revisits**

Following the service of a Formal Notice, we shall revisit the premises to check compliance has been achieved.

Following the service of an Informal Notice the investigating officer shall use their professional judgement to follow up the matter and depending upon the legislative

implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

Following the provision of verbal warning and advice, the investigating officer shall use their professional judgement to follow up the matter, and depending upon the legislative implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

## **20. No action**

In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well-being.

A decision to take no action must be recorded in writing and must consider the legislative implications of the contravention.

## **APPENDIX 2 - FOOD HYGIENE ENFORCEMENT ACTION OPTIONS**

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) Simple cautions
- e) Formal notices
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action

## **APPENDIX 3 - HEALTH AND SAFETY ENFORCEMENT ACTION OPTIONS**

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) simple cautions
- e) Formal notices
- f) Fixed penalty notices (under smoke free legislation)
- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action

## **APPENDIX 4 - LICENSING ENFORCEMENT ACTION OPTIONS**

This Appendix relates to enforcement options available to authorised officers under the Licensing Act 2003, Gambling Act 2005, the Town Police Clauses Act 1847, and Local Government (Miscellaneous) Provisions Acts of 1976 (taxi, and private hire driver and vehicle licences), and 1982 (“special treatment” licences), Street and House to House Collection licensing, and various animal welfare legislation.

The range of licensing enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Review, variation, suspension or revocation of licences and consents
- d) Simple cautions
- e) Penalty points
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action

## **APPENDIX 5 – HOUSING ENFORCEMENT ACTION OPTIONS**

The range of enforcement action options available includes:

- a) Prosecution
- b) Civil Penalties
- c) Banning orders
- d) Revocation of HMO licences
- e) Rent Repayment Orders
- f) Closure powers
- g) Penalty charge notices
- h) Works in default
- i) HMO/property Management orders
- j) Simple cautions
- k) Formal notices
- l) Informal notices
- m) Informal verbal warnings
- n) Revisits
- o) No action

## **APPENDIX 6 - STATUTORY NUISANCE ENFORCEMENT ACTION OPTIONS**

The range of enforcement action options available includes:

- a) Prosecution
- b) Seizure
- c) Works in default
- d) Simple cautions
- e) Formal notices
- f) Fixed penalty notices
- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action

## **APPENDIX 7 - LAND CONTAMINATION ENFORCEMENT ACTION OPTIONS**

This appendix relates to enforcement options available to authorised officers under Sections 78A to 78YC (inclusive) of Part IIA of the Environmental Protection Act 1990 and Regulations made under it; the Environment Act 1995; and the Law of Property Act 1925.

The range of enforcement action options available include:

- a) Prosecution
- b) simple cautions
- c) Formal notices
- d) Works in default
- e) Informal notices
- f) Informal verbal warnings
- g) Revisits
- h) No action

## **APPENDIX 8 - POLLUTION CONTROL ENFORCEMENT ACTION OPTIONS**

This appendix relates to enforcement options available to authorised officers under the Pollution Prevention and Control Act 1999 and Regulations made under it, and the Environmental Protection Act 1990 and Regulations made under it. Provisions relating to enforcement options applicable to Part IIA of the Environmental Protection Act 1990 are detailed within appendix 8.

The range of pollution control enforcement action options available includes:

- a) Prosecution
- b) Review, variation, suspension, and revocation of licence/permit
- c) Works in default
- d) Simple cautions
- e) Formal notices
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action

## **APPENDIX 9 - SMOKE CONTROL AREA ENFORCEMENT ACTION OPTIONS**

This appendix relates to enforcement options available to authorised officers under the Clean Air Act 1993 as amended by the Environment Act 2021 and regulations made under it.

The range of smoke control area enforcement action options available includes:

- a) Fixed penalty notices
- b) Simple notices
- c) Informal notices
- d) Informal verbal warnings
- e) Formal written warnings
- f) Revisits
- g) No action

## **APPENDIX 10 - BUILDING CONTROL ENFORCEMENT ACTION OPTIONS**

### **SCOPE AND OBJECTIVES**

To detect contraventions, record them and ensure compliance with the requirements of the Building Act 1984, Building Regulations 2010 (as amended), and associated legislation. This will be done in an equitable, practical, and consistent manner.

### **RESPONSIBILITIES**

All Building Control staff are responsible for recording any reports received of contraventions / breaches of the Building Regulations and, where necessary, passing them to the Building Control Manager within 6 working days for appropriate action if not resolved within that time.

All staff detecting contraventions are responsible for: -

- Recording them
- Notifying the appropriate person of the contravention (owner, builder, etc.)
- Recommending enforcement action where considered necessary
- Preparing evidence and attending court if required

The Technical Support staff are responsible for inputting data onto the computer system.

The Building Control Manager, in liaison with the Deputy Chief Executive with responsibility for Environmental Health and Building Control, is responsible for: -

- Determining the need for formal enforcement action
- Monitoring and maintaining records of unauthorised works / contraventions

The Deputy Chief Executive with responsibility for Environmental Health and Building Control is responsible for authorising the formal Enforcement action in line with Standing Orders.

### **DOCUMENTS REQUIRED TO BE PREPARED AND PRODUCED IN SUPPORT OF ENFORCEMENT ACTION**

- Application case file
- Evidence such as correspondence, photographs, witness statements, etc.
- Site inspection records (either handwritten or computer records)
- Record sheet detailing contravention
- Copy of enforcement notice
- Record of service of enforcement notice
- All correspondence

### **DEALING WITH CONTRAVENTIONS**

On identification or on report of unauthorised works, Building Control staff will: -

- Check records to ascertain whether a valid Building Regulations application has been received.
- Investigate the matter to determine if a contravention has occurred.

- If necessary, advise the appropriate person (owner, builder, etc.) of the contravention and issue formal caution.
- Advise the Building Control Manager of contravention to enable evaluation of appropriate measures.
- Prepare file (if required) and record all details on computer.

The Building Control Manager will determine the course of action, i.e. whether informal or formal enforcement action is necessary. If informal action is required, the report will be passed to the relevant Building Control Surveyor for action. Where formal action is determined appropriate, the matter will be referred to the Deputy Chief Executive with responsibility for Environmental Health and Building Control.

- If informal action is appropriate: -
  - The Building Control Surveyor writes to the person concerned requesting rectification works and submission of all necessary supporting details.
  - The information is passed to the technical support staff for recording on computer system.
- If formal action is required: -
  - In line with Standing Orders, the information is passed to the Legal Section with a request for legal action. The Chief Executive's and Solicitor's procedure is then followed. The file is passed to the technical support staff for recording on computer system.

## **CONTRAVENTIONS**

### **Minor contraventions**

A minor contravention occurs when work which is subject of a formal application: -

- is not carried out in accordance with Building Regulations requirements.
- is carried out incorrectly.

When a Building Control Surveyor is made aware of, or observes minor contraventions on site:

- The appropriate person on site is advised of contravention.
- An agreed time period is given to the appropriate person to resolve the matter.
- The details are recorded on the site inspection record and on the computer.
- If the contravention has not been satisfactorily attended to by the expiry of the agreed time the matter is passed to the Building Control Manager for appropriate action

### **Major contraventions**

A major contravention occurs when work that has been subject of a formal application: -

- Has not been rectified in accordance with Building Regulations requirements, or
- Cannot be inspected due to lack of or inadequate notice having been given of works,  
or



- Requires extensive alteration to achieve compliance.

A major contravention may also occur where works have been carried out without a formal application having been submitted and: -

- Works are at an advanced stage.
- Aspects of the works have been permanently covered prior to having been inspected.
- Works do not achieve compliance with the requirements of the Building Regulations and result in the means of escape provision and / or the structural integrity being obviously inadequate.

When a Building Control Surveyor is made aware of major contraventions, he / she shall: -

- Inform the relevant person (owner, builder, etc.) of the contravention and formally caution that person.
- Record all relevant details using handwritten notes, thereafter, signing and dating the notes.

On return to the office the Building Control Surveyor discusses the matter with the Building Control Manager and, if appropriate, prepares an enforcement notice for serving on the relevant person, giving an appropriate period for rectification based on the severity of the contravention.

The enforcement notice and any necessary documents are produced by the technical support staff and are submitted to the Building Control Manager for authorisation.

The enforcement notice is reviewed by the Building Control Manager and if all details are in order, the notice is signed and dispatched to the offender, either by registered / recorded post or served by hand.

A copy of the notice is placed in the case file and the date entered on the site inspection record. The technical support staff record a reminder in the progress filing system for further action. If no corrective action is taken by the offender within the specified period the Building Control Surveyor will: -

- Consult with the Building Control Manager on a further course of action.
- If legal action is necessary, in line with Standing Orders, pass the file to the Legal section for enforcement action to be instigated under the Chief Executive's and Solicitor's rules.
- Update the case file after which the technical support staff will update the computer records.

## **COURT PROCEEDINGS**

Should matters progress to Court, each Building Control Surveyor will attend as required by the Chief Executive and Solicitor. All findings / rulings will be recorded on the site inspection record.

Follow up enforcement action will be taken as necessary, on further advice or instruction from Solicitor. All details will be recorded on the site inspection record.

## **FILING**

On satisfactory resolution of the case, the following additional information is retained in the case file: -

- All correspondence
- Copy of enforcement notice
- Copies of all evidence and witness statements
- Details of Court action (if appropriate)

Ultimately the case file is returned and retained within main case file system.

## SPELTHORNE BOROUGH COUNCIL

### Banding the Offence and Determining Appropriate Sanctions Procedure

#### Setting Civil Penalties Procedure

- the Housing Act 2004
- the Housing and Planning Act 2016
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

#### Scope

A civil penalty is a financial penalty imposed by a local housing authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004 and a breach of a banning order under the Housing and Planning Act 2016.

This procedure sets out the way in which an officer determines the best course of action for dealing with offences that occur in relation to the Housing Act 2004, the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. It also sets out the processes for determining the civil penalty.

**In applying this procedure full consideration will be given to the Sentencing Act 2020 and its parts that form the “Sentencing Code<sup>1</sup>”, and DCLG’s statutory guidance for local housing authorities’ ‘Civil penalties under the Housing and Planning Act 2016, and other guidance that maybe applicable.**

#### List of abbreviations used in this document.

BO – Banning Order  
 RRO – Rent Repayment Order  
 FTT – First Tier Tribunal  
 LBO - Landlord Banning Order  
 LHA – Local Housing Authority  
 PO – Prohibition Order  
 RLD - Rogue Landlord Database

#### Relevant housing offences

This procedure can be used in relation to the following offences: -

- Housing Act 2004
  - section 30 (failure to comply with improvement notice)
  - section 72 (licensing of HMOs)
  - section 95 (offences in relation to licensing of houses under Part 3)
  - section 139(7) (failure to comply with overcrowding notice)

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<sup>1</sup> The Sentencing Council provides guidance to the Sentencing Code <https://www.sentencingcouncil.org.uk>

- section 234 (management regulations in respect of HMOs)
- Housing and Planning Act 2016
  - section 21(1) (breach of a landlord banning order, including sanction for continued breach)
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
  - section 11 (breach of duties)

A banning order offence is an offence as specified in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. Landlords convicted of a banning order offence must be placed on the rogue landlords database.

Note: For a breach of section 3 of the ESSPRS regulation, this must be will be dealt with by way of remedial notice and following non-compliance with a remedial notice a financial penalty no greater than £30,000 can be issued.

### **Financial Penalties as an alternative sanction to taking a prosecution.**

The Government has introduced the civil penalty as part of its campaign to clamp down heavily on criminal landlords. Ministers have made it very clear that they expect this power to be used robustly and is not a lighter option to a prosecution, and the same criminal standard of proof is required for a civil penalty as for prosecution; that is beyond reasonable doubt that the offence has been committed.

In respect of offences, Local Housing Authorities (LHA) have been given the authority to determine whether to prosecute or whether to impose a civil penalty. If the LHA makes the determination to issue a civil penalty they will need to determine the level of civil penalty to impose (the maximum civil penalty is £30,000). The level of financial penalty in the Magistrates Court is now unlimited for all offences where a financial penalty could also be issued. All monies collected following the issue of a civil penalty can be retained by the LHA to further its statutory functions in relation to private housing enforcement work.

The Housing and Planning Act 2016 has also introduced the “Landlord Banning Order” (LBO) for the most serious and prolific offenders, and the “Rogue Landlord Database” (RLD) which lists the landlords and property agents convicted of certain offences.

The decision whether to prosecute will be considered for each offence. Spelthorne Borough Council will regard prosecution as the preferred option for the higher banded offences, and for offences that we determine as falling at the threshold where it is proportionate to look to seek further redress; ultimately through the RLD and BO penalties. This approach will meet the Government’s aim of clamping down heavily on a criminal landlord or letting agents.

### **Banding the Offence and Determining the Sanction (using scoring matrix)**

The first of five stages of ‘Setting the Civil Penalty’ provides a means of ‘Banding the Offence’ based on the seriousness of the offence, the culpability of the landlord, and impact on the tenant(s) and community.

The five stages allow for a wide review of the appropriateness of the civil penalty chosen, including the means, and the table below acts as a guide.

In reviewing whether to prosecute, the LHA should consider the scope for working together with other LHAs where a landlord has committed breaches in more than one local authority area.

The initial scoring of the offence acts as a guide to the most suitable sanction, whether a simple caution, a civil penalty, or prosecution in the magistrate's court. Table 1 below covers the links between the stage 1 assessment (banding the offence) and the civil penalty.

Table 1: Banding the offence															
Band 1				Band 2				Band 3				Band 4			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Caution															
Financial Penalty – Rent Repayment Order optional															
		Financial Penalty and Rent Repayment Order Register on Rogue Landlord Database (2 FP within 12M period)													
						Prosecution and Rent Repayment Order Banning Order Offence – register on Database									
										Consider -application to Ban Landlord					

Note: the term "financial penalty" used in the above table means "civil penalty" as used in the remainder of the document.

### Factors to be considered when deciding on the most appropriate civil penalty for the landlord who has committed an offence: -

1. If a single civil penalty is issued the landlord cannot be placed on the Government Rogue Landlord Database unless a second civil penalty is issued within a 12-month period.
2. A civil penalty is not a "Banning Order Offence". By issuing a civil penalty the LHA will be precluded from seeking to apply to a First Tier Tribunal (FTT) for a Landlord Banning Order.
3. The LHA cannot issue a simple caution, a civil penalty, and prosecute for the same offence. The LHA must determine which route is the best to follow for each offence. Similar offences can be considered within the Stage 5 "Totality Principal" of "Determining the Civil Penalty" (see below).
4. The Statutory Guidance says that a prosecution may be the most appropriate option where an offence is particularly serious, or where the offender has committed similar offences in the past.
5. Has the landlord committed offences in other LHA areas? Where the LHA decides to prosecute, when a landlord has committed breaches in more than one LHA area the LHA should consider the scope for working together with other LHAs.
6. Stage 1 (the first of five stages) 'Determining the Civil Penalty' provides a means of Banding the Offence that is based on the seriousness of the offence, the culpability of the landlord, and the impact on tenant(s) and community. 'Banding

the Offences' sees the Council scoring the culpability of landlord and the level of harm to the levels in Table 2

7. Generally, the Council should determine the civil penalty after carrying out the 'Banding the Offence' exercise after Stage 1.
8. A civil penalty will be issued where the offence is judged to 'meet the criteria'. That is, assessed as a Band 2 (or Band 1 with penalty score of 4) or greater.
9. Band 1 offences (scores 1 or 2) will generally be considered for simple caution.
10. Band 4 offences will generally be considered for a prosecution. Additionally, offences in Band 2 or 3 will generally be considered for prosecution where there is one SIGNIFICANT factor or where both are assessed as HIGH.

Prosecution will also be the preferred option for offences that the LHA determine fall at the threshold where it is proportionate to seek further redress, ultimately through publicity on the Rogue Landlords Database and Banning Order penalties. This approach will meet the Government's aim of clamping down heavily on a criminal landlord or letting agents.

11. The scoring after Stage 1 sets the initial banding for the offence. It concentrates predominately on the intent of the offender and the impact this has made with regards to the tenant, community, industry, and regulator. In making this assessment it is inevitable that reference will be made to past actions, responses, events, wider compliance and physical standards and conditions. Understanding all information and representations will allow the LHA to make a judgement at each of the five stages of Determining the Civil Penalty.
12. Where information and representations can be considered at both the Stage 1 and future stages, there is a need to avoid duplicity. The general principle is that for a representation or information to be considered as an aggravating factor, it is to be deemed of a sufficiently aggravating nature that is not covered directly or implicitly within the landlord culpability and harm banding factor assessments.
13. When using any information or representations made, the LHA must be sure that it is admissible and that it helps achieve the burden of proof to 'beyond all reasonable doubt', and not the lesser 'balance of probabilities'.

14. Level of cooperation from landlord. Attending PACE interview, offering action to rectify and prevent other breaches.

Penalty for Landlord		Banding the Offence Penalty Score	Offender [level of culpability]	Offender [level of harm to tenant or community]
Financial Penalty	Simple Caution	Band 1 offence – score of <u>1</u> (both factors low) or <u>score of 2</u> (where one of the factors is moderate)	<b>LOW</b> committed with little fault, (significant effort to mitigate, minor failing, little indication of risk)	<b>LOW</b> Low risk of an adverse effect on individual(s). Public misled but little or no risk of actual adverse effect on individual(s)
		Band 1 offence – score of <u>1</u> <u>score of 4</u> (both factors moderate)	<b>MODERATE</b> committed through act or omission which a landlord exercising reasonable care would not commit	<b>MODERATE</b> Moderate risk of an adverse effect on individual(s) (not low). Public misled but little or no risk of actual adverse effect on individual(s)
	Prosecution	Band 2 offence – <u>score of 6</u> (where 1 factor is moderate) <u>score of 8</u> (where one factor is moderate and other is significant)		
	Application for Banning Order (where prosecution achieved)	Band 3 offence – <u>score of 9</u> (both factors high) or <u>score of 12</u> (where one of factors is significant)	<b>HIGH</b> actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken.	<b>HIGH</b> Serious adverse effect on individual(s) (not significant) (assess vulnerabilities). (Tenant /consumer mislead) Regulator and/or legitimate industry substantially undermined by offender's activities
		Band 4 offence – <u>score of 16</u> (both factors significant)	<b>SIGNIFICANT</b> deliberately or intentionally breached, or flagrantly disregarded, the law.	<b>SIGNIFICANT</b> Serious adverse effect(s) on individual(s) (assess vulnerabilities) and/or having a widespread impact. Significant disregard of Regulator with significant deceit.

**Matters to consider when determining whether to issue Civil Penalty.**

- Previous offences (convicted and sanctions imposed) can be considered as part of the Stage 1 assessment. First known offence for landlord will generally see the sanction capped with a civil penalty.
- Has the landlord complied with legislative requirements? What was the level of Council involvement to seek compliance? If a licence application was made what was the date? How does the date of compliance compare with the date of inspection, knowledge of offence, warning letters(s), invitation to PACE interview, date of and issuing of summons or notice of intention for a civil penalty?
- How long was the period of non-compliance? What period does the evidence support?
- Did the landlord adopt an approach to part compliance that could be interpreted as 'avoiding meeting legislative requirements'? What evidence is available to support this?
- Previous compliance with legislation. Balance offence with quality and reliability of evidence. Is there is a wider history of non-compliance with legislative requirements for the property in Spelthorne.

- f) What representations and further information have been received prior to decision date. When they have been duly considered is there an impact on the decision to proceed.
- g) Has the case 'review officer' put forward any views that need to be acted upon?
- h) Is there any scale to this action? Are multiple offences at one address or similar offences but at multiple locations being pursued? Will the scale of action require several different sanctions, and if a single course of action, can offences be combined into one sanction.
- i) What parties have a level of responsibility with the offence(s). Has the level of responsibility been assumed or determined. Are several parties culpable and do some have mitigating circumstances? How does the person responsible fit in with the Housing Act definitions: - person managing, having control, owner, licence holder (as well as his / her role). Is the person a company (limited by guarantee), etc?
- j) Was the Council obstructed; what support has the Council provided with ensuring compliance?
- k) How have the responsible parties acted following receipt of warning letters?



## THE FIVE STAGES IN ‘DETERMINING THE LEVEL OF CIVIL PENALTY’

Stage 1: Banding the offence. The initial civil penalty band is decided following the assessment of two factors: -

- Culpability of the landlord; and
- The level of harm caused by the offence.

The scores are multiplied to give a penalty score which sits in one of four penalty bands.

Stage 2: Amending the penalty band based on aggravating factors.

Stage 3: Amending the penalty band based on mitigating factors.

Stage 4: A Civil Penalty Review. To review the civil penalty to ensure it is proportionate and reflects the landlord’s ability to pay.

Stage 5: Totality Principle. Consideration is given to whether the enforcement action being considered is for one offence or multiple offences, whether recent related offences have been committed, and to ensure the total penalties are justified and proportionate to the offending behaviour.

All consideration works for Stages 1-5 must be carried out in the civil penalty calculation sheet.

### Stage 1: Banding the Offence

There are two factors to assess here.

<b>Banding The Offence</b>	
<p><b>Factor 1.</b> <b>Culpability of Landlord (seriousness of offence and culpability)</b></p> <p><b>To be considered as part of assessment:</b></p> <ul style="list-style-type: none"> <li>• The scale and scope of the offences,</li> <li>• What length of time did the offence continue for or repeat over?</li> <li>• What was the legislation being breached?</li> <li>• To what extent was the offence premeditated or planned,</li> <li>• Whether the landlord knew, or ought to have known, that they were not complying with the law,</li> <li>• The steps taken to ensure compliance,</li> <li>• Whether the landlord has previous relevant unspent housing offence related convictions (source National Landlord database),</li> </ul>	<p><b>Assessment:</b> <i>The landlord is to be assessed against four levels of culpability (low, moderate, high, or significant)</i></p>
	<p><b>Significant</b></p> <p>Where the offender deliberately or intentionally breached, or flagrantly disregarded, the law.</p>
	<p><b>High</b></p> <p>Landlord had actual foresight of, or willful blindness to, risk of offending but risk nevertheless taken.</p>
	<p><b>Moderate</b></p> <p>Offence committed through act or omission which a landlord exercising reasonable care would not commit.</p>
	<p><b>Low</b></p> <p>Offence committed with little fault, for example, because: -</p>

<ul style="list-style-type: none"> <li>• The likelihood of the offence being continued, repeated, or escalated.</li> <li>• The responsibilities the landlord had with ensuring compliance in comparison with other parties</li> </ul>	<ul style="list-style-type: none"> <li>• Significant efforts were made to address the risk although they were inadequate on this occasion.</li> <li>• There was no warning / circumstance indicating a risk.</li> <li>• Failings were minor and occurred as an isolated incident.</li> </ul>
<p><b>Factor 2</b></p> <p><b>Level of Harm (for tenant(s), community)</b></p> <p><b>To consider as part of assessment</b></p> <ul style="list-style-type: none"> <li>• Circumstances or vulnerabilities of the tenant/s (age, illness, ability to communicate, language, young children, or disabilities).</li> <li>• Tenant/s' views about the impact that the offence has had on them.</li> <li>• The extent to which other people in the community have been affected. For example, because of anti-social behaviour, excessive noise, and damage to adjoining properties.</li> <li>• Is more than one household affected?</li> <li>• The level of actual or potential physiological or physical impact on tenant/ and third parties?</li> <li>• What regulation, legislation, statutory guidance, or industry practice governed the circumstances of the offence?</li> <li>• Has the level of trust been breached and have landlord actions impacted on sector?</li> </ul>	<p><b>Assessment:</b></p> <p><i>The landlord is to be assessed against four levels (low, moderate, high or significant) of harm or consequence:</i></p>
	<p><b>Significant</b></p> <ul style="list-style-type: none"> <li>• Serious adverse effect(s) on individual(s) and/or having a widespread impact.</li> <li>• Significant risk of an adverse effect on individual(s) – including where persons are vulnerable.</li> <li>• Significant disregard of Regulator or legitimate industry role with significant deceit.</li> </ul>
	<p><b>High</b></p> <ul style="list-style-type: none"> <li>• Adverse effect on individual(s) (not amounting to significant)</li> <li>• High risk of an adverse effect on individual(s) or high risk of serious adverse effect, some vulnerabilities.</li> <li>• Regulator and/or legitimate industry substantially undermined by offender's activities.</li> <li>• Consumer/tenant misled</li> </ul>
	<p><b>Moderate</b></p> <ul style="list-style-type: none"> <li>• Moderate risk of an adverse effect on individual(s) (not amounting to low risk)</li> <li>• Public misled but little or no risk of actual adverse effect on individual(s)</li> </ul>
<p><b>Low</b></p> <ul style="list-style-type: none"> <li>• Low risk of an adverse effect on individual(s)</li> <li>• Public misled but little or no risk of actual adverse effect on individual(s)</li> </ul>	

**Scoring Matrix:**

Scoring Matrix for Financial Penalty					
LEVEL OF CULPALABILITY (SERIOUSNESS OF OFFENCE)	Significant	4	8	12	16
	High	3	6	9	12
	Moderate	2	4	6	8
	Low	1	2	3	4
		Low	Moderate	High	Significant
FACTORS	IMPACT, LEVEL OF HARM				

The score for each factor is multiplied to determine the score and then the financial penalty band (smaller penalty points)

**Stage 2: Amending the penalty band due to aggravating factors.**

**Objective:** - to consider the aggravating factors of the offence that may influence the civil penalty. A significant aggravating factor may allow the civil penalty to be increased by a penalty point.

Examples aggravating factors: -

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction (is conviction spent)?
- Motivated by financial gain, profited from activities.
- Deliberate planned concealment of activity resulting in offence and obstructive nature of landlord towards investigation.
- Established evidence of longer-term impact on the (wider) community as a consequence of activities.
- Role within the private rented sector and familiarity with responsibilities and current level of responsibility with managing and letting private rented properties.
- Refusal to accept offer of, or respond to LHA advice regarding responsibilities, warnings of breach, or learned experience from past action, or involvement of LHA or other Regulatory Body (e.g., Surrey Fire and Rescue, Trading Standards).
- Any further factor that can be deemed to be of a sufficiently aggravating nature that is not covered above or within the culpability and harm banding factors.

**Stage 3: Amending the penalty band based on mitigating factors.**

**Objective:** - to consider any mitigating factors and whether they are relevant to the offence. A significant mitigating factor may allow the civil penalty to be decreased by a penalty point.

Example mitigating factors: -

- No evidence of previous convictions, or no relevant/recent convictions.

- Steps voluntarily taken to remedy problem.
- High level of co-operation with the investigation, beyond that which will always be expected.
- Good record of maintaining property and compliance with legislation, statutory standards, and industry standards.
- Self-reporting, co-operation, and acceptance of responsibility.
- Mental disorder or learning disability, where linked to the commission of the offence.
- Serious medical conditions requiring urgent, intensive, or long-term treatment, where linked to the commission of the offence.
- Age and/or lack of maturity where it affects the responsibility of the offender.
- Any further factor that can be deemed to be of a sufficiently mitigating nature that is not covered above or within the culpability and harm banding factors.

**Stage 4: A review of the civil penalty to ensure that the case can be made and that the chosen approach is proportionate.**

This is done by the case officer.

**Step 1:** to check that the provisional assessment, and the proposed civil penalty meets the aims of the Crown Prosecutions sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent of offender or for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

**Step 2:** to check that provisional civil penalty assessment, and the proposed civil penalty is proportionate, and will have an appropriate impact.

- Local authorities should use their existing powers, as far as possible, to assess a landlord's assets and any income (not just rental income) they receive when determining an appropriate civil penalty by making an adjustment to the penalty band. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. Similarly, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might

require adjustment to have sufficient impact, and to conform to sentencing principles.

Part 6, Schedule 16 of the Crime and Courts Act 2013 permits the value of any assets owned by the landlord(s), eg rental property portfolio, to be taken into account when making an assessment and setting the level of civil penalty. Section 125 of the Code and the Sentencing Council's guidelines<sup>2</sup> provide guidance in the determination of appropriate level of civil penalty.

The civil penalty is meant to have an economic impact on the landlord, removing rewards for criminal activities, and acting as a deterrent to bad practice.

In setting a civil penalty, the LHA may conclude that the offender is able to pay any civil penalty imposed unless the offender has supplied any financial information to the contrary. It is for the offender to disclose to the LHA such data relevant to his financial position as will enable it to assess what he can reasonably afford to pay. Where the LHA is not satisfied that it has been given sufficient reliable information, the LHA will be entitled to draw reasonable inferences as to the offender's means from evidence it has heard and from all the circumstances of the case which may include the inference that the offender can pay any civil penalty.

**Process:** The offender will be asked to submit relevant information as part of the process and the request for financial information will be incorporated into the notes on the "notice of intended action", the first step with issuing a civil penalty notice.

### **Stage Five: Totality principle<sup>3</sup>**

**Objective:** - Where the offender is issued with more than one civil penalty, the LHA should consider the Sentencing Council's guidance from the Totality Guideline. Where separate financial penalties are passed, the LHA must be careful to ensure that there is no double-counting. Section 249A of the Housing Act 2004 (amended) states that 'only one civil penalty under this section may be imposed on a person in respect of the same conduct'.

"The total civil penalty is inevitably cumulative". The LHA should determine the civil penalty for each individual offence based on the seriousness of the offence and considering the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the LHA. The LHA should add up the financial penalties for each offence and consider if they are just and proportionate.

If the aggregate total is not just and proportionate the LHA should consider how to reach a just and proportionate civil penalty. There are several ways in which this can be achieved.

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<sup>2</sup> [General guideline: overarching principles – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/totality/)

<sup>3</sup> <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/totality/> (Totality Guideline)

## Examples:

- Where an offender is to be penalised for two or more offences that arose out of the same incident, or where there are multiple offences of a repetitive kind (management offences or breach of conditions), especially when committed against the same person, it will often be appropriate to impose for the most serious offence a civil penalty which reflects the totality of the offending behaviour where this can be achieved within the maximum civil penalty for that offence. No separate sanction should be imposed for the other offences.
- Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose separate financial penalties for each of the offences. The LHA should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the LHA should consider whether all the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.
- Where the LHA has determined that it will apply for a RRO within the 12-month deadline, the civil penalty should be reviewed to ensure the total penalty is proportionate as guided by Stage 4. The civil penalty may be adjusted accordingly knowing that, if successful, the RRO award will be the maximum.

**Summary of Decision: The Council's proposed decision is to impose a civil penalty.**

Example text for civil penalty notice: -

Considering the factors considered following the five-stage process, the Council intends to impose a civil penalty. In reaching this decision, the Council has considered the following:

- a) The Landlord's failure was a (serious) contravention(s) of section 95 (1) of the Housing Act 2004
- b) The Landlord level of culpability has been scored as high – score of 3-penalty points.
- c) The level of tenant detriment was significant, and a positive decision has been taken to act against the efforts of the Council to improve the private rented sector. The harm has been scored as moderate – score of 2-penalty points. The penalty point score at this stage is 6-penalty points.
- d) The civil penalty has been increased by 1-penalty point because of several aggravating factors (see stage 2). The new score is 7-penalty points.
- e) The Landlord has provided a few small mitigating factor(s) (see stage 3) but noting the seriousness of the breach and the actual rationale behind the cooperation this was not felt sufficient to allow a decrease in the proposed penalty score. The penalty score is maintained at 7-penalty points.
- f) After consideration of the proportionality of the civil penalty it was decided to reduce the penalty score by 1-penalty point with the resultant penalty score still considered significant for the offence committed. Penalty score reduced to 6-penalty points.

- g) When reviewing the totality of the fines it felt appropriate to maintain this civil penalty. The Council has considered the totality by choosing to investigate separately further offences and issue further financial penalties as appropriate.
- h) The Council considers that a [significant] civil penalty is necessary to create an incentive to ensure compliance and to deter future breaches by landlords. A civil penalty of £6,000 is below the achieved rental income and significantly higher than the standard property licensing fee payable.

Setting the Civil Penalty for a Landlord

Penalty band	Band 1				Band 2				Band 3				Band 4			
Penalty Score	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Financial Penalty	£250	£500	£750	£1000	£2,000	£4,000	£6,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000

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<u>Penalty Banding Grid</u>	Band 1				Band 2				Band 3				Band 4			
Penalty Score	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
S30(1) – IN HA 2004 (£5,000) By completion time	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
S30(1) – IN HA 2004 (£5,000) Start on time	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
S32 (1)– PO HA 2004 (£5,000) Breach of Order																
S32 (1)– PO HA 2004 (£20 daily) Continuing offence																
Section 72 (1) – not licence HMO (£20,000)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 72(2) –HMO overcrowding (£5,000)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 72(3) –HMO licence conditions (£5,000)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 95 (1) – not licence PRP (£20,000)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 95 (2) – PRP licence condition. (£5,000) per condition	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 139 – HA 2004 O/C (£2,500)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 234 – HMO Regulation (£5,000) per breach	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 21(1) Housing Planning Act 2016. Breach of Banning Order (imprisonment)	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000
Section 6(1) Criminal Law Act 1977; (£5,000 or Imprisonment)																
Section 1 92) (3) or (3A) Protection from Eviction Act 1977 (fine or imprisonment)																
Breach of a banning order made under section 21 of the 2016 Act;	£250	£500	£750	£1000	£2,000	£4,000	£8,000	£8,000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000

Note: the term “financial penalty” used in the above table means “civil penalty” as used in the remainder of the document.



Offence	Subject to FP and RRO
Offence	Subject to FP only
Offence	Subject to RRO only

Note: the term “FP” used in the above table means “civil penalty (CP)” as used in the remainder of the document.

### **Setting the Rent Repayment Order (RRO) for a landlord.**

See separate RRO procedure for more information on this: -

A tenant or the LHA may individually apply to a FTT for a RRO award in respect of their rent payments within 12-months of an offence. Under section 73 (7 iii) and section 96 (7iii) of the 2004 Act, and section 42 (2b) of the 2016 Act; the LHA is required to stipulate in the notice of intended proceedings how much the order for repayment of rent is. The level of rent relates to a defined period of 12-months in the period leading up to the offence, or during the 12-month period whilst the offence was being committed. The local investigation will determine the levels of rent paid. The LHA has no control over the level of rent a tenant may apply for.

The Government have advised that the RRO should ensure it considers the: - punishment of the offender, the recipient of any recovered rent, deterring the offender from repeating the offence, deterring others from committing similar offences, and removing any financial benefit the offender may have obtained as a result of committing the offence. The LHA must have regard to the statutory guidance issued under section 41(4) of the 2016 Act when exercising their functions in respect of RRO.

Where a conviction has been achieved, the LHA will apply to the FTT for the maximum rent repayment; within a 12-month period. Section 46 of the 2016 Act states this is the level that must be awarded to either a tenant (except for section 72(1) or 95(1) offences) or the LHA where the landlord has been convicted or a civil penalty issued in relation to that offence. In these cases, there is no discretion within “Determining the Civil Penalty”.

If no conviction or civil penalty is issued, or no civil penalty can be issued, and a RRO is applied for, Spelthorne Borough Council will apply to the FTT for the maximum rent repayment. If a civil penalty is to be issued, the penalty point/ banding first determined will be reviewed under Stage 5 to ensure the Totality Principle is met. This aims to ensure that the total penalties are just and proportionate to the offending behaviour.

The legislation places the ultimate decision for determining the financial award under a RRO with the FTT in line with section 74 and 97 of the 2004 Act, and the tables in section 44 and 45 of the 2016 Act. The FTT must consider: - the conduct of the landlord, the financial circumstances of the landlord, and whether the landlord has at any time been convicted of an offence to which this Chapter (Part 2 Chapter 4) applies. It is also felt that not making the application for the maximum award would undermine the discretion of the FTT.

A person aggrieved by the decision of the FTT may appeal under the provisions of Part 2 Chapter 5 of the 2016 Act.

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# Corporate Policy & Resources Committee



16 October 2023

<b>Title</b>	<i>Development Delivery Options for Council owned Development Sites.</i>
<b>Purpose of the report</b>	To make a Key Decision
<b>Report Author</b>	<i>Coralie Holman – Group Head Assets</i>
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Corporate Priority</b>	Community Affordable housing Environment Service delivery
<b>Recommendations</b>	<p><b>The Committee is asked to approve:</b></p> <p><b>Option 1</b> Development Sub Committee with support of officers:</p> <ol style="list-style-type: none"> <li>1) Progress a comprehensive mixed use, phased masterplan strategy for Council owned sites in Staines.</li> <li>2) Identify suitable development delivery options for Council owned sites, in other parts of the Borough and not included as part of a comprehensive Staines masterplan or subject to early disposal to mitigate high holding costs (recommendation 1a above).</li> <li>3) Identify and progress options for mitigating holding costs via: <ol style="list-style-type: none"> <li>a) Early disposal of sites, which have high monthly holding costs and not suitable for inclusion in a comprehensive masterplan for Staines-upon-Thames</li> <li>b) Work to obtain fixed costs for the demolition of Thameside House to offset high holding costs</li> <li>c) Temporary lettings for those sites which will continue to remain in the Council's ownership in the medium to long term</li> <li>d) Delegate authority to the Development Sub Committee to agree the terms and completion of lettings where these are not covered under the Officer Scheme of Delegation.</li> </ol> </li> </ol>
<b>Reason for Recommendation</b>	<i>Following approval by this Committee to i) support the suspension of direct delivery of development on Council owned</i>

	<p><i>sites and ii) explore new ways of delivering the Council's affordable housing priorities, a special Development Sub Committee meeting was held on 25<sup>th</sup> September 2023 to discuss alternative development delivery methods. This report sets out the recommendations reached at the 25<sup>th</sup> September 2003 meeting, which this committee are asked to approve, pending approval by Full Council on 19<sup>th</sup> October 2023 to suspend all direct housing delivery, as set out in the 11<sup>th</sup> September 2023 report to this committee.</i></p>

## 1. Summary of the report

On 11<sup>th</sup> September 2023, this Committee approved a proposal to recommend to Full Council, suspension of all future direct delivery of the Council's affordable housing delivery programme. This recommendation was made due to the substantial increased 'risk' associated with direct development, resultant from significant recent increases in borrowing and construction costs. These higher costs were impacting on the financial viability of the Council's developments.

The Council has been and will continue to meet significant holding costs on a number of development sites which total c. £1.6m pa. Whilst delivery of affordable housing remains a key priority, to allow the Council to address the needs of residents, the Council must also identify and agree early solutions to mitigate these holding costs in parallel with exploring new ways of delivering affordable housing. Options to include early disposal and demolition of buildings where terms are acceptable, and costs are financially viable to the Council.

Short term lettings can be progressed to offset a proportion of the cost, but it is anticipated this will only generate income of c. £120,000 pa compared to holding costs of £1.6m. **Appendix 1** in this report sets out the breakdown of this £1.6m on a site-by-site basis. Incurring this level of expenditure is not sustainable and significantly widens the revenue budget gap. Failure to reduce holding costs will require this Council to identify alternative savings. A £1.6m cost represents c.6.25% of the Council's total revenue budget as shown in **Appendix 2**.

A special meeting of the Council's Development Sub Committee was held on 25<sup>th</sup> September 2003 which considered the mitigation of holding costs, suitability of a number of alternative development delivery mechanisms for i) a Council and ii) the specific Council owned site and the timescales of each delivery option.

The committee concluded principles for mitigating these holding costs should be agreed and progressed in the interim period i.e., temporary lettings and the early disposal of sites, where rental and capital receipts were considered to be financially acceptable to offset the significant £1.6m holding costs.

This report sets out in more detail the various delivery mechanisms, their potential suitability as referenced above, the Council's statutory requirement

to obtain best value and the need to ensure the Council's aspirations are deliverable i.e., realistic in the property market place to attract partner interest.

## **2. Key issues**

- 2.1 If Full Council approve, at its meeting on 19<sup>th</sup> October, the reduction in future additional borrowing and suspension of the direct delivery of residential development by the Council, alternative ways of delivering the Council's affordable housing priorities need to be identified and agreed in parallel with implementing early decisions to mitigating the £1.6m pa holding costs the Council is currently incurring.
- 2.2 By not taking proactive and sometimes difficult decisions with regard to each site, the Council will continue to incur this level of costs which is not financially sustainable. **Appendix 1** sets out the holding costs on a site-by-site basis.
- 2.3 Whilst it may be possible to offset some costs by demolition of buildings i.e., Thameside House (cost c. £600,000), other options include early unconditional disposal of those sites incurring the highest costs (Oast House and Ashford Victory Place). Consideration will be needed on a site-by-site basis to determine whether there is a positive contribution to a comprehensive mixed use masterplan approach for council owned sites in Staines-upon-Thames.
- 2.4 By re-considering alternative delivery mechanisms for Council owned sites, the current Council have the opportunity to consider a new vision and agree collaborative outcomes for mixed use development in Staines-upon-Thames, utilising a masterplan approach where the Council has comprehensive land holdings.
- 2.5 Revisiting the development on sites, not included within the 'masterplan' provides the opportunity for the Council to input in scheme designs, consult with residents and communities, establish a suitable level of development risk, clarify councillors' risk appetite, and control to deliver new housing by ensuring schemes are financially viable with or without financial subsidy from the Council.
- 2.6 The Council need to agree its priorities when progressing partnership opportunities to meet the affordable housing priorities i.e. being clear on aspirations with respect to social housing, development densities, acceptable levels of development risk, which has a direct correlation on the control of decision making, financial impacts i.e. whether schemes must be financially viable or whether the Council is prepared to subsidise losses incurred by developers where design restrictions are imposed which impact the development density in terms of height and mass.
- 2.7 The alternative development delivery options range from unconditional direct disposal of sites, which provides the opportunity for sites with the greatest holding costs to be sold in the quickest time possible to more complex joint venture options which will provide more control for the council in respect of decision making and input into the final scheme design, uses and outcomes but has much longer timescales involved for delivery and completion. **Appendix 3** sets out the delivery options in more detail.

- 2.8 To progress alternative delivery mechanisms the Council's aspirations must be financially viable to ensure they are deliverable within the property market place, this is specifically relevant in terms of conditionality around acceptable development density. If schemes are not financially viable the Council may need to subsidise the losses developers incur.
- 2.9 The masterplan option for Staines-upon-Thames may provide an opportunity to consider site values on a comprehensive portfolio basis rather than individual site values, meaning gains on some sites offset losses on others.
- 2.10 The Council needs to decide whether it wishes to progress the Benwell Phase 2 and Ashford Multi Storey Car Park schemes in their current form that are due to be considered by the Council's planning committee or withdraw both applications.

### **3. Option 1 (recommended)**

- 3.1 Approve the recommendations within this report, to allow the Development Sub Committee in conjunction with officers to:
- (a) commence work to identify land and property holdings within Staines-upon-Thames to be included within a mixed-use masterplan. Considerations will include locations of the sites, proposed uses and current holding costs and development financial viability.
  - (b) assess those sites not included within the masterplan and/or located in other parts of the Borough outside of Staines, against alternative development delivery options. This will establish the preferred design and level of development risk and control in comparison with the financial outcomes i.e. do preferred options result in financial subsidy from the Council being required to ensure delivery.
- 3.2 Project timetables, budgets and options will be developed with regular update reports brought back to this committee to ensure the necessary approvals are obtained prior to any major work streams being progressed. A master programme timetable which will be brought back to this committee as soon as possible with further detail on the proposed timing of update reports.
- 3.3 Develop and agree principles for mitigating holding costs via, early disposal of sites, demolition of Thameside House and temporary lettings for those sites which will continue to remain in the Council's ownership in the medium to long term.
- 3.4 **Option 2: (not recommended)**
- 3.5 Do not progress alternative development delivery mechanisms for any of the sites, but instead look at securing longer term lettings or unconditional disposals for all sites to offset holding costs. This option will not meet the Council's priority of providing affordable housing.

### **4. Financial implications**

- 4.1 Following technical discussions with the Chartered Institute of Public Finance & Accountancy (CIPFA) officers' view is that Council can suspend the developments and retain the capitalised interest on the land and building acquired where planning permissions are still being pursued for those sites.,
- 4.2 Officers will need to assess each development project and the 'other' costs incurred, to quantify the level of costs that can remain capitalised and in the

balance sheet, and those that need to be written back to the Revenue Budget and consequently the General Fund. This is likely to be a substantial figure, approximately £10m.

- 4.3 The financial reports on this agenda, particularly the Reserves Strategy will set out options for dealing with this impact, reviewing Earmarked Reserves, and identifying those Reserves which could be used to mitigate the impact of these costs
- 4.4 In addition to dealing with existing accumulated capitalised costs, there will be significant ongoing holding costs which even with some mitigating actions will exert pressure on the Council's Revenue Budget, every year until the sites are disposed of or new schemes are taken forward with partners, and which will reinforce the need to achieve a balance between involving Councillors and residents in agreeing the way forward and making decisions on sites as quickly as possible. The proposals are likely to result in a significant reduction (of nearly £400m) in the scale of the Council's Capital Programme moving forward and to reduce the amount of additional borrowing (with the exception of financing the leisure centre currently under construction) required in the future. Currently the estimated reduction in future borrowing is £284m
- 4.5 As part of reducing the scale of its Capital Programme and associated borrowing the Council will be able to revise downward its Authorised Limit and Operational Boundary Limit, borrowing limits significantly. This is addressed on the revised Treasury Management Strategy report on this Agenda.
- 4.6 The following Financial and Assets strategies and policies would be impacted and would require refreshing as a result of the proposed change of strategy direction.
  - (a) Medium Term Financial Plan
  - (b) Impact on the 2023/24 Revenue Budget
  - (c) Impact on the 2024/25 Budget
  - (d) Reserves Strategy
  - (e) Capital Programme
  - (f) Treasury Management Strategy, including reducing future borrowing limits:

Authorised Limits & Operational Boundary, and other Prudential Code Indicators
  - (g) Capital Strategy

## **5. Risk considerations**

- 5.1 Risk: Higher interest rates and build cost inflation result in reductions in the market value of some financial assets, which could present further risks if exposures are not prudently managed.
- 5.2 Mitigation: By suspending the direct housing development programme, this will provide an opportunity for officers to assess and evaluate all the options available and present robust options to Council for consideration.
- 5.3 Loss of Control: Disposal of sites and Partnership working will result in the council sharing decision making with purchasers or partners. It is therefore essential as part of any disposal or procurement process the Council is clear

about its intentions for a site and sets out those priorities which is it not prepared to change. This will ensure all bidders are clear on the site specific 'red lines' and resultant flexibility they will encounter purchasing sites from or partnering with the Council.

- 5.4 Conditionality – if conditionality imposed by the Council is not acceptable to the 'market place' this will deter bidders and result in the Council being unable to progress delivery of schemes if Full Council agree to no longer undertake direct development. In this scenario the Council will continue to incur substantial holding costs for sites.

## **6. Procurement considerations**

- 6.1 Any procurements required as a result of the approval of any recommended options will be carried out in accordance with the Council's Contract Standing Orders and with the Public Contracts Regulations 2015 where applicable to ensure compliance and achieve value for money.

## **7. Legal considerations**

- 7.1 Section 1, Localism Act 2011 provides councils with a general power of competence whereby a local authority has the power to do anything that individuals generally do unless prohibited by statute including anything by virtue of a pre-commencement limitation.
- 7.2 Section 123 of the Local Government Act ("LGA") is a pre-commencement limitation which provides that a council shall not dispose of land under the section for a consideration which is less than the best value that can be reasonably obtained except with the consent of the Secretary of State.
- 7.3 Should the Council be minded to dispose of any of the sites, a market valuation should be obtained prior to disposal to show compliance with Section 123 LGA as above.

## **8. Other considerations**

- 8.1 Over the last few months, it is becoming clear that a number of other councils are increasingly struggling to finance and deliver their housing aspirations and are having to revisit their approaches.

## **9. Equality and Diversity**

- 9.1 Equality impact assessments will be worked up to assess impacts of the options put forward.

## **10. Sustainability/Climate Change Implications**

- 10.1 Climate change mitigations will be considered as part of the options analysis.

## **11. Timetable for implementation**

- 11.1 Based on the recommendation above,
- (a) 19<sup>th</sup> October Council to consider CPRC recommendations.
  - (b) Officers will work with Development Sub Committee Members on a monthly basis over the coming year to develop options, priorities and understand financial viability as set out in this report
  - (c) As set out above a project timetable will be developed setting out the proposals for each site and key milestones/decisions where updates will be brought back to this committee



## **12. Contact**

12.1 Coralie Holman c.holman@spelthorne.gov.uk

### **Background papers:**

CPRC Report *Revised Direct Housing Delivery Strategy* 11<sup>th</sup> September 2023

### **Appendices:**

- Appendix 1 - Development site holding costs
- Appendix 2 – Impact of holding costs on Revenue budget
- Appendix 3 - Alternative Development Delivery options
- Appendix 4
- Masterplan Strategy & Timescales

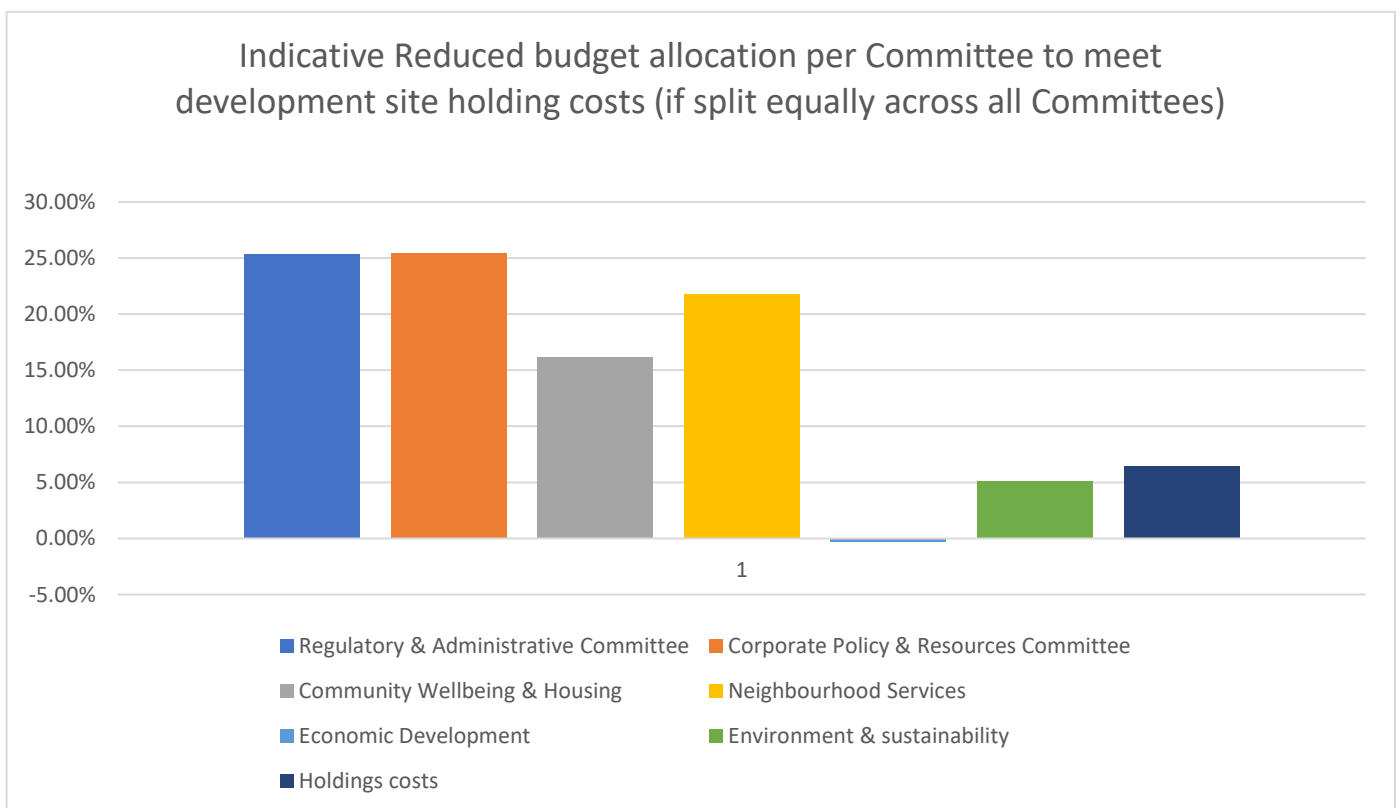
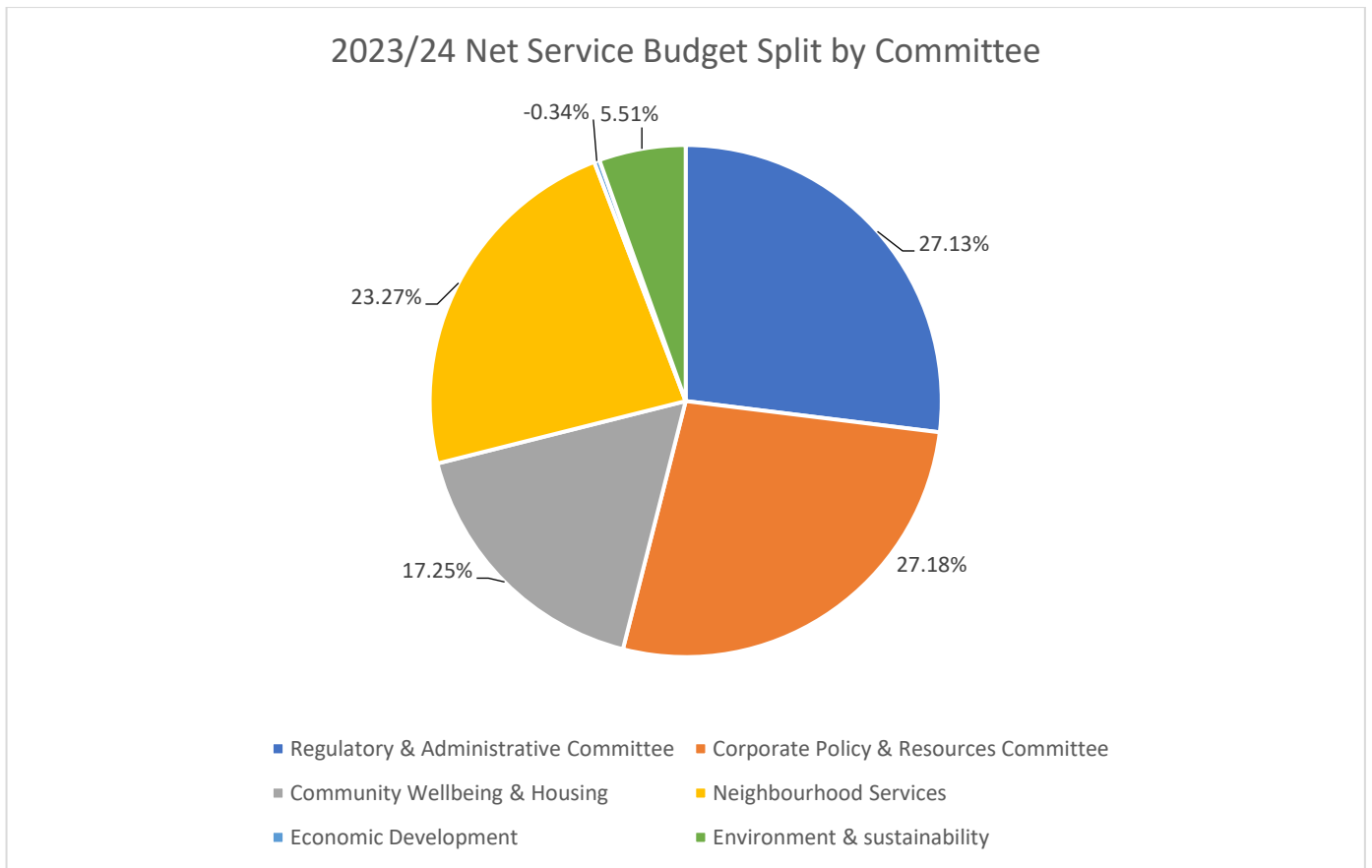
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# Appendix 1 Development Site Holding costs and mitigation options

Property	Current Holding Costs inc MRP + Interest PA	Potential Income from temp lettings PA	Strategy
Oast House	£37.5k operational property costs + £700k MRP & Interest	£20,000pa	Unlikely to be able to put into a condition to create income. Former Tyre shop poss. reletting at £20k pa. Potential revenue excludes car parking income.
Thameside House	£297k operational property costs + £312k MRP & Interest	£0	Poor condition – investment of more than £500k to get into lettable condition. Payback from demolition c.1 yea. Demo cost c. £600k, would recover cost at time of sale due to reduced site preparation costs. Cleared site difficult to let.
Tothill Car park	N/A	£50,000pa	Car park operators for hire car storage/Heathrow parking.
91 – 93 High Street	N/A	£30,000pa	Relet unit occupied by talking tree to retailer at market rent
Ashford Victory Place	£77k operational property costs + £172k MRP & Interest	£0	Buildings currently on site, ready for demolition so not in a condition they could be occupied
Ashford MSCP	N/A	£10,000pa	Possible car storage
Benwell House P2	N/A	£0	TPOs on site so unlikely to be income producing. No holding costs so could be retained as future development site or extended landscape.
White House Residential	N/A	£10,000pa	Potentially suitable for open storage. No holding costs so could be retained.
<b>TOTALS</b>	<b>£1,595,500</b>	<b>£120,000</b>	

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## Appendix 2 Impact of Holding Costs on Revenue Budget to avoid Growth bids



**To avoid year on year growth bids, current budgets would need to reduce by c.6.25% to meet holding costs, which is not achievable within our MTFS if we wish to preserve our financially sustainable position.**

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## Appendix 3 Alternative Development Delivery Options

- **Direct Disposal - an unconditional open market site sale**
  - Council has no control, and the developer has all risk/upside. Quickest route to obtaining a capital receipt but won't achieve best price and likely to incur capital losses. Overage clauses can be imposed to share in any additional value from the scheme built out.
- **Conditional Disposal - a sale subject to planning or other conditions.**
  - Takes longer but achieves a higher price as it reduces the developer's risk. Council can impose its own controls. Receipt dependent on density. Potential for losses. Overage clauses can be imposed to share in any additional value from the scheme built out.
- **Joint Venture - the Council partners with a developer or landowner (i.e., provider of social housing)**
  - SBC puts in the land and the partner funds the development costs. Typically, there is joint decision making. Council's desired outcomes and controls are set as part of the procurement process to select a partner.
- **Master Developer - the council partners with a developer, upon receipt of planning, other specialist developers are procured for different aspects of the scheme.**
  - Best suited to large single sites such as urban extensions/green belt.
- **Direct Development - SBC undertakes schemes at its own cost/risk.**
  - Not a viable option where there is a need for borrowing to fund build cost.
- **Securitisation - Forward funding arrangement**
  - An investor delivers the required scheme at their cost in return for the council taking or guaranteeing a lease for 35-50 years at a market rent. Development can revert to the Council at the end of the lease term and the Council can lease properties to offset rental costs. This option is not generally considered suitable for Councils.

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## Appendix 4 Masterplan Strategy and Timescales

**EMERGING  
MIXED USE  
PLACE MAKING  
STRATEGY**  
Stages and  
Timescales

**stage  
1**

**SETTING THE VISION**

6-month duration\* (workstreams set out in Stage 1 below)

**stage  
2**

**AGREEING STRATEGY PRIORITIES**

6-month duration\* (workstreams set out in Stage 2 below)

**stage  
3**

**EVALUATING DELIVERY OPTIONS  
AND SELECTING PREFERRED ROUTE**

3-month duration\* (decision making set out in Stage 3 below)

\*Timescales are indicative and will be confirmed in the project plan timetable. More details and a working plan are available if required.

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# Corporate Policy & Resources Committee

16 October 2023



<b>Title</b>	Quarter 1 (30 June 2023) Capital Monitoring report
<b>Purpose of the report</b>	To note
<b>Report Author</b>	Paul Taylor Chief Accountant
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Corporate Priority</b>	Community Affordable housing Recovery Environment Service delivery
<b>Recommendations</b>	<b>To note the projected (£3.4m) underspend on the Council's capital projects as at 30 June 2023.</b>

## 1. Report Summary

- 1.1 **This report does not reflect any changes in forecast expectations because of the revised Direct Housing Delivery Strategy document, which is aiming to suspend the Council's direct delivery housing development projects. The Corporate Policy & Resources Committee approved the suspension on 11 September 2023 and it will go before full Council on 19 October for a formal decision and if approved, it will see a reduction in the Capital Programme borrowing requirement over the next four years by £286m and it could see up to £13m of capitalised costs released back to the Revenue Budget, officers are currently looking to provide options to cover these costs and the ongoing revenue costs through a number of options, including the use of reserves.**
- 1.2 The report seeks to update Councillors on the performance of the Council's capital projects against the approved Capital Programme budget, as at 30 June 2023 and the projected (£3.4m) underspend (March: (£3.9m) underspend restated).
- 1.3 There have been no changes to the reported variances since the last report (Q4 Outturn on 31 March 2023) for the following committees:
- (a) Community Wellbeing & Housing
  - (b) Environment & Sustainability
  - (c) Neighbourhood Services

- 1.4 There is no capital expenditure for the Economic Development Committee.
- 1.5 The main changes that have taken place between 1 April 2023 and 30 June 2023 for each committee is as follows:
- (a) Corporate Policy and Resources
- i) Ashford MSCP – no under/overspend (Mar: £1.3m overspend) the approved budget has increased from £15,267,000 to £18,570,000.
  - ii) Benwell 1 & 2 Land & Building – Following a review of the challenges facing Knowle Green Estates (KGE) the split of land values was reassessed and reapportioned, however, the combined overspend of £422,300 and £200,600 for phase 1 and phase 2 respectively, amounts to £622,900 overspend. (March: £622,900 overspend) **Therefore, no overall change from last quarter.**
  - iii) Thameside House – (£160k) underspend (March: (£160k) underspend restated), the approved budget for this project was £64,290,000, which included the original land purchase. The forecast to complete based on the approved budget was £64,130,000.

In previous reports, as highlighted in the March Outturn report, the forecast was based on the latest design proposal submitted to the Development Subcommittee, rather than based on the approved budget design.

The report now reflects this, Tothill MSCP – Approved budget is now £82m and it has absorbed the initial Council approved budget of £4.5m, shown in March.

## 2. Key issues

- 2.1 The Capital Monitoring report covers the cumulative forecast expenditure to complete the project as at 30 June 2023, against the cumulative Council approved Capital Programme budget.
- 2.2 Although the projects may have a budget allocation in the Capital Programme, any changes to the approved project or increases in forecast to complete the project, over and above the approved budget will require prior approval by Corporate Policy & Resources Committee before drawing down against that budget.
- 2.3 Officers are beginning to see the impact of Brexit, and the Cost-of-Living Crisis on the Council's development projects, in particular inflation on building costs, availability of labour and shorter fixed price guarantees from building suppliers. Coupled with the substantial increase in the Bank of England base rate, and the short-term impact on the gilts market, the cost of borrowing has increased from an average of 2.3% to over 5.2% in the last twelve to eighteen months, and this has resulted in a significant increase in loan finance costs for financing of new capital works.
- 2.4 Previous Council decisions to impose height restrictions on the Oast House & Thameside developments has resulted in an opportunity cost to the Council of £70m over the next 50 years, or the equivalent of an average of £1.25m per annum.

- 2.5 Many of the development projects were acquired by the Council several years ago, and due to a mixture of delays including at the planning stage and Council imposed moratoriums, the projected income from these projects has not materialised as originally planned, creating a triple whammy, on the Council's finances, which will put pressure on future income over the short to medium term.
- 2.6 Going forward, it is imperative that the Council avoids taking projects to the Planning Committee, only for them to be refused as this is costing the Council a substantial amount of money, approximately £140k for the Whitehouse Residential project that was approved by Development Subcommittee and turned down by the Planning Committee. However, it should be noted the latter committee have different considerations to take into account, and need to make a planning based decision. They are required to set aside the financial implications of the Council as landowner to one side.
- 2.7 Officers are also concerned about the ongoing impact of the Cost-of-Living crisis, as the increase in the Bank of England base rates impacts on those residents with low interest fixed rate mortgages that have or are coming to an end and will need to be replaced with high interest fixed mortgages, which will squeeze household incomes even further and could impact on collection rates for the Councils Council Tax and reduce the income from Fees & Charges, notable the car parks and green waste and the ongoing underlying subsidy of the Council's Meals on wheels service.
- 2.8 Following the recommendations of the Corporate Policy & Resources Committee to cease the direct affordable housing and private rental schemes, at their meeting on 11 September, officers are updating the estimated Capital Programme to reflect these changes to enable Council to make an informed decision at their meeting in October.
- 2.9 Alongside this work, officers will continue to closely monitor all these risks.
- 2.10 As reported last quarter, Officers continue to monitor the impact of inflation on the material and labour costs for our development contracts, which is forecast to have a £40m+ adverse impact on the Council's Capital budgets over the four years and this will have a knock-on impact on our revenue budgets due to increased interest charges, as notified by the Public Works Loan Board (PWLB) and greater costs to be financed.
- 2.11 For the quarter ended 30 June 2023 the approved Capital Programme was £360.8m (March: £339.3m), The latest forecast outturn position is £357.4m (March: £335.4m), giving a projected aggregate (£3.4m) underspend (March: (£3.9m) underspend restated) as per Appendix A below. Until planning consent is granted, and final terms have been negotiated for build contracts, there is likely to be ongoing adverse fluctuation due to construction market volatility.
- 2.12 The projected aggregate over/underspend by Committee as per Appendix B is as follows:
- (a) Administrative – projected (£22k) underspend (March: (195k) underspend).
  - (b) Community Wellbeing & Housing – projected £nil over/underspend (March: £nil over/underspend restated). **No change from last quarter.**

- (c) Environment & Sustainability – projected £104k overspend (March: £104k overspend) **No change from last quarter.**
- (d) Corporate Policy & Resources Committee – projected (£3.5m) underspend (March: (£3.8m) underspend restated).
- (e) Neighbourhood Services & Enforcement – £nil over/underspend (March: £nil over/underspend – restated) **No change since last quarter.**

### 2.13 Capitalisation of borrowing costs

2.14 Due to the suspension of the Council’s Direct Affordable Housing Strategy officers are assessing each development property and calculating the expected impact on revenue budgets in 2023/24 and beyond, should Council endorse the decision at their meeting in October.

### 3. Variance analysis

3.1 We report on any significant movement in forecast variance over £50k or 20% of budget, whichever is the highest, or if there has been a significant development since last quarter, by committee as follows:

3.2 Administrative – projected (£22k) underspend (March: (£195k) underspend).

3.3 Community Wellbeing & Housing – £nil over/underspend (March: £nil over/underspend - restated). **No change from last quarter.**

3.4 Environment & Sustainability – £104k overspend (March: £104k overspend), **no change from last quarter.**

(a) Laleham Park Upgrade – £104k overspend (March: £104k overspend) **no change from last quarter.**

3.5 Corporate Policy & Resources – (£3.5m) underspend (March: (£3.8m) underspend restated).

(a) Ashford MSCP – £nil under/overspend this quarter (March: £1.3m overspend) The approved budget was increased in the quarter to £18,570,000.

(b) Benwell House Phase 1 Development costs – Underspend (£2.6m) (March: (£2.6m) underspend). **No change from last quarter.**

(c) Benwell House Phase 1 land costs - £422k overspend, (March: £422k overspend restated, please refer to 1.3 (b) (ii) above. **No change from last quarter.**

(d) Benwell House Phase 2 design costs – £nil under/overspend as this is the first quarter of reporting this capital project.

(e) Benwell House Phase 2 land costs - £201k overspend (March £201k overspend restated, please refer to 1.3 (b) (ii) above. **No change from last quarter.**

(f) Former Decathlon unit – (£2.0m) Underspend (March: (£2.0m) underspend) **No change from last quarter.**

(g) Harper House – (£61k) underspend (March: £nil under/overspend) Contract now finalised.

- (h) Oast House – (£6.1m) underspend (March: (£6.1m) underspend). **No change since last quarter.**
- (i) Thameside House – (£160k) underspend (March: (£160k) underspend restated) please note comments in 1.3 (b) (iii) above. **No change from last quarter.**
- (j) Tothill MSCP – £nil under/overspend (March: £nil under/overspend) please note the comments in 1.3 (b) (iv) above. **No change from last quarter.**
- (k) Victory Place – £6.0m overspend (March: £6.0m overspend) **No change from last quarter.**
- (l) Whitehouse Residential – £110k underspend (March: £110k underspend) **No change from last quarter.**
- (m) West Wing - £70k overspend (March: £70k overspend) **No change from last quarter.**
- (n) 91/93 High Street – (£1.2m) underspend (March: underspend (£1.2m)) Original design is financially unviable and is being reviewed before being resubmitted for approval, **Therefore, no change from last quarter.**

3.6 Neighbourhood Services & Enforcement - Over/underspend £nil (March: over/underspend £nil). **No change from last quarter.**

#### **4. Financial implications**

4.1 Once a project is completed, any underspend on the approved Capital Programme enables the Council to invest the monies to gain additional treasury management investment income or to fund additional schemes.

4.2 Working closely with our Treasury Management advisors, Officers are currently saving the Council more than £1,300k per annum in interest charges, through prudent use of short-term interest rates to fund regeneration development projects.

#### **5. Risk considerations**

5.1 The significant risks for our capital programme continue to be the delay in commencing our development projects, seeing costs rise as the construction industry experiences significant inflationary increases in building and labour costs. Further, the recent upward trend in interest base rates is impacting on our development properties, as the Council funds these projects from short term borrowing, before fixing the loan interest via the Public Works Board on completion of each project.

#### **6. Procurement considerations**

6.1 Where necessary, actions will be implemented to effectively manage any procurements that are in progress'.

#### **7. Legal considerations**

7.1 None.

#### **8. Other considerations**

8.1 During 2023/24 Officers will be expected to progress their capital projects, and where projects have not commenced, may be requested to cancel the project and reapply for capital funds, so that the unused funds can be utilised elsewhere by Council, or to reduce expected borrowing requirements, rather than having funds tied up in capital projects that are not progressing.

## **9. Equality and Diversity**

9.1 This Council is committed to delivering equality, improving diversity and being inclusive in all our work as a service provider and an employer.

9.2 We incorporate equality into our core objectives, making every effort to eliminate discrimination, create equal opportunities and develop good working relationships between different people.

## **10. Sustainability/Climate Change Implications**

10.1 Spelthorne Borough Council has declared a climate emergency and each capital project will be looking to reduce its carbon footprint within the financial constraints imposed on it.

## **11. Timetable for implementation**

11.1 Not applicable.

## **12. Contact**

12.1 Paul Taylor [p.taylor@spelthorne.gov.uk](mailto:p.taylor@spelthorne.gov.uk)

**Background papers:** There are none.

### **Appendices:**

**Appendix A** – Summary Capital Monitoring Report by Committee as at 30 June 2023.

**Appendix B** – Detailed Capital Monitoring Report by Committee as at 30 June 2023.



## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Committee	REVISED BUDGET	MANAGER'S PROJECTED OUTTURN	PROJECTED VARIANCE
Community Wellbeing & Housing- DFG Annual Programme	59,600	59,600	0
Community Wellbeing & Housing	49,900	49,900	0
Administration	806,500	784,300	-22,200
Corporate Policy & Resources	353,931,563	350,415,463	-3,516,100
Environment & Sustainability	5,957,500	6,061,000	103,500
	<b>£360,805,063</b>	<b>£357,370,263</b>	<b>-£3,434,800</b>

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## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Portfolio / Service Head	Cost Centre	Description	Current Cumulative Budget	Managers Projected Outturn at 30 June	Cumulative Budget vs Projected Outturn Variance	Comments
<b><u>Housing Investment Programme</u></b>						
<b><u>Community Wellbeing &amp; Housing- DFG Annual Programm</u></b>						
Karen Sinclair	40203	Disabled Facilities Mandatory	943,200	943,200	0	
			0			
Karen Sinclair	40204	Disabled Facilities Discretion	59,600	59,600	0	
		Grants received from Central Government	-943,200	-943,200	0	
		<b>Net Cost of Disabled Facilities Grants</b>	<b>£59,600</b>	<b>£59,600</b>	<b>£0</b>	Annual Programme
<b>Total For HIP</b>			<b>£59,600</b>	<b>£59,600</b>	<b>£0</b>	
<b><u>Other Capital Programme</u></b>						
<b><u>Community Wellbeing &amp; Housing</u></b>						
Karen Sinclair	42014	LOCATA	49,900	49,900	0	Implementing Summer 23
<b>Committee Total</b>			<b>£49,900</b>	<b>£49,900</b>	<b>£0</b>	

## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Portfolio / Service Head	Cost Centre	Description	Current Budget	Cumulative Budget	Managers Projected Outturn at 30 June	Cumulative Budget vs Projected Outturn Variance	Comments
<b>Environment &amp; Sustainability</b>							
<b>Sandy Muirhead</b>	<a href="#">41617</a>	River Thames Scheme	1,300,000	1,300,000		0	The capital for the River Thames scheme is within the capital strategy and providing the Development Consent Order is approved construction can then begin late 25/26 so spend likely either late 25/26 or early 26/27.
<b>Jackie Taylor</b>	<a href="#">41302</a>	Car Park Mgmt. System Update	250,000	250,000		0	Currently on hold pending the review of our off street parking provision
<b>Jackie Taylor</b>	<a href="#">41308</a>	Car Park Mgmt. & Issue System	50,000	50,000		0	Currently on hold pending the review of our off street parking provision
<b>Jackie Taylor</b>	<a href="#">41501</a>	New Food Waste Vehicles	400,000	400,000		0	Delivery is expected in September 2023
<b>Jackie Taylor</b>	<a href="#">41503</a>	Replacement Refuse Vehicle	80,000	80,000		0	Delivery is expected later in the year due to supply issues
		External Funding	-45,000	-45,000		0	This income is an insurance payback and offsets the item above
<b>Jackie Taylor</b>	<a href="#">41507</a>	Waste & Cleansing Vehicles	3,220,000	3,220,000		0	Budget is expected to be used by end of the year
<b>Jackie Taylor</b>	<a href="#">41606</a>	County Transit Site	127,000	127,000		0	Project on hold until site can be agreed. This is a contribution towards cost of a site in another part of the County.
<b>Jackie Taylor</b>	<a href="#">41608</a>	River Ash Broadwalk	150,000	150,000		0	Tender due to go out in August 23 with award scheduled for October 2023, installation expected November 2023
		Bronzefield reserve Funding	-150,000	-150,000		0	
<b>Jackie Taylor</b>	<a href="#">41609</a>	Replacement Spelride Bus	100,000	100,000		0	More electric minibuses are now available for consideration and a tender exercise is already underway
<b>Jackie Taylor</b>	<a href="#">41615</a>	Laleham Nursery Portacabins	116,000	116,000		0	Budget is now to be used for capital improvements to the nursery building and not to purchase porta cabins. We are putting applications through for CIL funding whilst portacabins are not now to be purchased this funding will
<b>Jackie Taylor</b>	<a href="#">41616</a>	Replacement CCTV Cameras	35,000	35,000		0	Quotes have been received and will be evaluated to ensure best value when purchasing new CCTV cameras...
<b>Jackie Taylor</b>	<a href="#">41620</a>	Wheelie Bins - annual programme	50,000	50,000		0	Wheelie bins purchased as and when supply demands through the year
<b>Total</b>			<b>£5,683,000</b>	<b>£5,683,000</b>		<b>£0</b>	
<b>Tracey Willmott-French</b>	<a href="#">41314</a>	Air Quality	24,500	24,500		0	The scenario modelling is now completed, along with the further modelling wanted by Councillors at Moor Lane (near the M25) and residential roads alongside the A30 Georgian Close. Pollution Control were due to write the specification brief ready to go out to tender in November, but this had to be delayed due to other high priority work with shorter timeframes. Such work included an investigation into a waste oil contamination issue, progressing a liquid waste spill clean-up, responding to the Local Plan, and reviewing environmental reports submitted in
<b>Total</b>			<b>£24,500</b>	<b>£24,500</b>		<b>£0</b>	
<b>Coralie Holman</b>	<a href="#">41026</a>	Laleham Park Upgrade	£250,000	£353,500		£103,500	
<b>Total</b>			<b>£250,000</b>	<b>£353,500</b>		<b>£103,500</b>	
<b>Committee Total</b>			<b>£5,957,500</b>	<b>£6,061,000</b>		<b>£103,500</b>	

## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Portfolio / Service Head	Cost Centre	Description	Current Budget	Cumulative Budget	Managers Projected Outturn at 30 June	Cumulative Budget vs Projected Outturn Variance	Comments
<b>Corporate Policy &amp; Resources</b>							
Coralie Holman	<a href="#">41024</a>	Spelthorne Leisure Centre Development	48,370,000	48,370,000	48,370,000	0	Superstructure completes end Sept 23. On budget. Reporting 5 weeks behind programme Resequencing programme to mitigate delays. No cost implications
Coralie Holman	<a href="#">41328</a>	Ashford MSCP Residential Scheme	18,570,000	18,570,000	18,570,000	0	Planning application now submitted. The scheme is to be discussed with Development Sub Committee on 31 July. Scheme design to be amended or value engineered to be KGE viable.
Coralie Holman	<a href="#">413280</a>	Ashford MSCP - Homes for England Grant	-4,630,027	-4,630,027	-4,630,027	0	
Coralie Holman	<a href="#">42042</a>	Benwell Development cost Phase 1	13,800,000	13,800,000	11,200,000	-2,600,000	Construction Complete- final account under negotiation with main contractor and it is anticipated to be completed before end of FY23/24. Forecast budget for build and fees. Allocation of PM time/interest to be provided by Finance.
Coralie Holman		Benwell 1 Land & Building	6,883,700	6,883,700	7,306,000	422,300	
Coralie Holman	<a href="#">42052</a>	Whitehouse -Land Cost, Design Fees & Construction Phase B	5,229,721	5,229,721	5,119,721	-110,000	Planning application submitted 18 Dec 22 and validated 16 Jan 23, now awaiting planning determination prior to construction costs being confirmed . Scheme is KGE viable with Homes England grant funding.
Coralie Holman	<a href="#">42052</a>	Whitehouse - Homes for England Grant	-1,385,657	-1,385,657	-1,385,657	0	
Coralie Holman	<a href="#">42054</a>	Thameside House	64,290,000	64,290,000	64,130,000	-160,000	Scheme design to be discussed with Development Sub Committee on 31 July. The design and costs likely to be amended following DSC input.
Coralie Holman	<a href="#">42055</a>	West Wing	5,780,000	5,780,000	5,850,000	70,000	No change to financials. Project complete. Final account being negotiated with contractor - delay due to insurance claim for water damage.
Coralie Holman	<a href="#">42056</a>	Whitehouse Hostel - Phase A	4,400,000	4,400,000	4,400,000	0	Project complete - final account under negotiation with main contractor and it is anticipated to be completed by end of 2023
Coralie Holman	<a href="#">42057</a>	Victory Place (Ashford Hospital car park site)	36,730,000	36,730,000	42,760,000	6,030,000	Scheme being taken to Development Sub Committee on 04 September for approval to proceed. Anticipated costs of main build are £35m. The current memorandum of Understanding with the NHS needs to be amended to allow affordable housing due to the HE Funding being essential for viability.
Coralie Holman	<a href="#">42057</a>	Victory Place - Homes for England Grant	-10,310,000	-10,310,000	-10,310,000	0	
Coralie Holman	<a href="#">42060</a>	Oast House	105,200,000	105,200,000	99,100,000	-6,100,000	Reviewing reduced scheme alongside 2nd phase new block on Site C with DSC. HE funding being explored. Consequently project subject cost fluctuation and programme delay.
Coralie Holman	<a href="#">42060</a>	Oast House - HE Funding	-23,250,000	-23,250,000	-23,250,000	0	
Coralie Holman	<a href="#">42060</a>	Oast House - NHS Funding	-45,000,000	-45,000,000	-45,000,000	0	
Coralie Holman	<a href="#">42062</a>	Harper House Redevelopment	3,451,000	3,451,000	3,390,000	-61,000	No change to financials. Project complete - negotiating final account to be paid.
Coralie Holman	<a href="#">42063</a>	Elmsleigh Centre	5,350,000	5,350,000	5,350,000	0	To be reviewed upon Local Plan & Staines development framework. Previous budget of £18m split for projects at 91-93 High Street, Tothill Redevelopment & Decathlon. £5.35m left over after allocations.
Coralie Holman	<a href="#">42065</a>	91/93 High Street	6,000,000	6,000,000	4,792,000	-1,208,000	Original scheme is unviable. Will review as a 2 unit conversion. Budget to be confirmed in due course once new design is finalised.
Coralie Holman	<a href="#">42066</a>	Tothill MSCP	82,000,000	82,000,000	82,000,000	0	Development options are being taken to Development Sub Committee on 04 September for committee input into design. Budget will be firmed up following councillor feedback.
Coralie Holman	<a href="#">42066</a>	Tothill MSCP - HE Funding	-20,000,000	-20,000,000	-20,000,000	0	
Coralie Holman	<a href="#">42067</a>	Decathlon Unit, Elmsleigh	150,000	150,000	150,000	0	Full capital budget not required as current plan is for SCC to take on lease and redevelop in return for rent free lease for Staines Library. £150k required to install new passenger lift.
Coralie Holman	<a href="#">42069</a>	Ashford Community Centre	3,500,000	3,500,000	3,500,000	0	This is with strategic planning team for further advise on the project.
Coralie Holman	<a href="#">42070</a>	Cedar Rec Toilet Block	250,000	250,000	250,000	0	This project is on hold and to commence subject to the Community Lettings Policy being reviewed by Councillors. A task group is to be set up to discuss the CLP. An updated forecast will be prepared once the CLP has been agreed.
Coralie Holman	<a href="#">42071</a>	Greeno Rec	1,200,000	1,200,000	1,200,000	0	This project is on hold and to commence subject to the Community Lettings Policy being reviewed by Councillors. A task group is to be set up to discuss the CLP. An updated forecast will be prepared once the CLP has been agreed.
Coralie Holman	<a href="#">42072</a>	Manor Park Pavilion	750,000	750,000	750,000	0	This project is on hold and to commence subject to the Community Lettings Policy being reviewed by Councillors. A task group is to be set up to discuss the CLP. An updated forecast will be prepared once the CLP has been agreed.
Coralie Holman	<a href="#">42073</a>	Revelstoke	400,000	400,000	400,000	0	No change to plan
Coralie Holman	<a href="#">42076</a>	Sandhill Meadow Bridge	200,000	200,000	200,000	0	Residential Association undertaking work. SBC to employ a monitoring consultant. Payment is on a staged basis. Timings to be confirmed when Residential Association finalise construction budget.
Coralie Holman	<a href="#">42074</a>	Property acquisition for families	35,000,000	35,000,000	35,000,000	0	
Coralie Holman	<a href="#">42074</a>	Local Authority Housing Fund Grant	-1,259,074	-1,259,074	-1,259,074	0	

## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Portfolio / Service Head	Cost Centre	Description	Current Cumulative Budget	Managers Projected Outturn at 30 June	Cumulative Budget vs Projected Outturn Variance	Comments
Coralie Holman	<a href="#">42074</a>	Recruit an additional Development Manager - Affordable Housing	600,000	600,000	0	
	<a href="#">42074</a>	Funding for the additional Development Manager from Street Acquisitions budget (Growth)	-600,000	-600,000	0	
Coralie Holman	<a href="#">42075</a>	Benwell P2design	8,662,000	8,662,000	0	Planning submitted. Budget to be firmed up following planning approval and tender process.
Coralie Holman		Benwell P2 Land	3,239,400	3,440,000	200,600	
Paul Taylor	<a href="#">43609</a>	Centros Upgrade	360,500	360,500	0	On Track to spend the budget, although 6 months behind the schedule to deliver.
<b>Committee Total</b>			<b>£353,931,563</b>	<b>£350,415,463</b>	<b>-£3,516,100</b>	

## CAPITAL MONITORING REPORT AT 30 JUNE 2023

Portfolio / Service Head	Cost Centre	Description	Current Cumulative Budget	Managers Projected Outturn at 30 June	Cumulative Budget vs Projected Outturn Variance	Comments
<b>Administration</b>						
Alistair Corkish	43610	General Hard/Software - annual programm	166,500	166,500	0	Expected to be fully spent by end of this financial year
Alistair Corkish	43614	Network Infrastructure	170,000	170,000	0	Expected to be fully spent by end of this financial year
<b>Total</b>			<b>£336,500</b>	<b>£336,500</b>	<b>£0</b>	
Sandy Muirhead	43626	Customer Services Contact Cent	40,000	40,000	0	The remaining budget will be spent on further development of webchat and Ai and redevelopment of the IVR. Redevelopment of the IVR This will involve re-recording the options
Sandy Muirhead	43629	Net call Contact Centre	70,000	70,000	0	This will form part of the digital upgrade to be completed in 23/24
		Website Upgrade	85,000	85,000		
Sandy Muirhead	43636	Acquisition of GovTech	20,000	20,000	0	Acquisition of Gov Tech will automate all Ctax and Benefit applications resourcing may delay this until second half of 23/24
Sandy Muirhead	43512	SharePoint redesign & Relaunch	155,000	132,800	-22,200	SharePoint launch is being delayed as a result of staff recruitment delays. New member of staff has started in July 2022 but due to workload spend is expected in 23-24 and there will be recruitment of a further staff member as the process it taking longer than expected as services need support. Need to note Woking BC has 5 people working on SharePoint.
Sandy Muirhead	43515	Corporate EDMS Project	100,000	100,000	0	A substantial amount of the work for this project will also be covered off by the SharePoint budget (Cost centre 43512 above)
<b>Total</b>			<b>£470,000</b>	<b>£447,800</b>	<b>-£22,200</b>	
<b>Committee Total</b>			<b>£806,500</b>	<b>£784,300</b>	<b>-£22,200</b>	
<b>Total For Other</b>			<b>£360,805,063</b>	<b>£357,370,263</b>	<b>-£3,434,800</b>	
Total Expenditure			468,378,021	464,943,221	-3,434,800	
Total Funding			-107,572,958	-107,572,958	0	
<b>GRAND TOTAL</b>			<b>£360,805,063</b>	<b>£357,370,263</b>	<b>-£3,434,800</b>	

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# Corporate Policy & Resources Committee



16 October 2023

<b>Title</b>	<b>Q1 Revenue Monitoring Report as at 30 June 2023</b>
<b>Purpose of the report</b>	To note
<b>Report Author</b>	Paul Taylor Chief Accountant
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Corporate Priority</b>	Community Affordable housing Recovery Environment Service delivery
<b>Recommendations</b>	<p><b>The Committee is asked to:</b></p> <p><b>1 -note the forecast underspend of (£182,081) for 2023-24 as at 30 June 2023 and</b></p> <p><b>2 – approved the timing difference budget virement between landlord costs and the sinking fund which will be reversed in 2024-25.</b></p>
<b>Reason for Recommendation</b>	

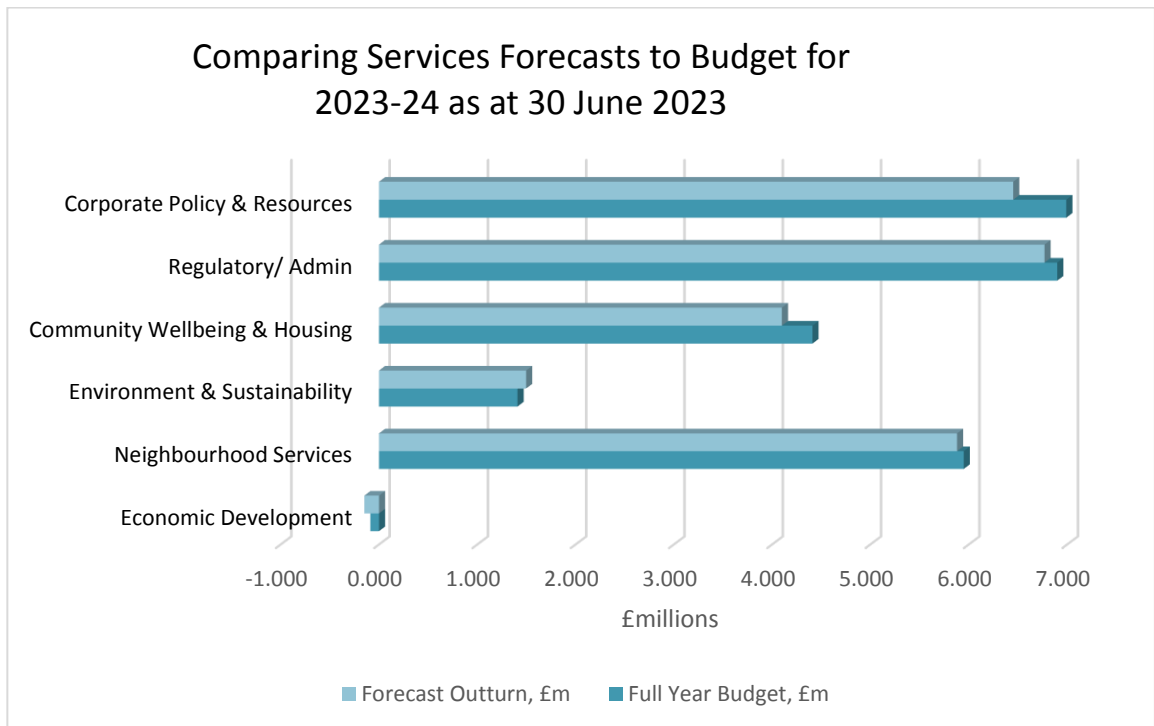
## 1. Summary of the report

- 1.1 This report for the quarter ended 30 June 2023 does not reflect any changes in forecast expectations as a result of the revised Direct Housing Strategy document that will go before Council on 16 October, having previously been approved by the Corporate Policy and Resources Committee on 11 September 2023.
- 1.2 Officers are working on the revised Capital Programme to quantify the financial impact on the revenue budget for 2023-24 of suspending the directly delivery of the housing programme, as capital holding costs of between £10-13m are released to the revenue budgets, which will involve Council in approving amendments to the to current approved 2023-24 Revenue Budget.
- 1.3 Based on the work currently being carried out on the Medium Term Financial Plan, officers have identified a number of funding sources over the next two years to cover these costs, including the use of reserves, which will be discussed in parallel reports on this Agenda and approved by Council.

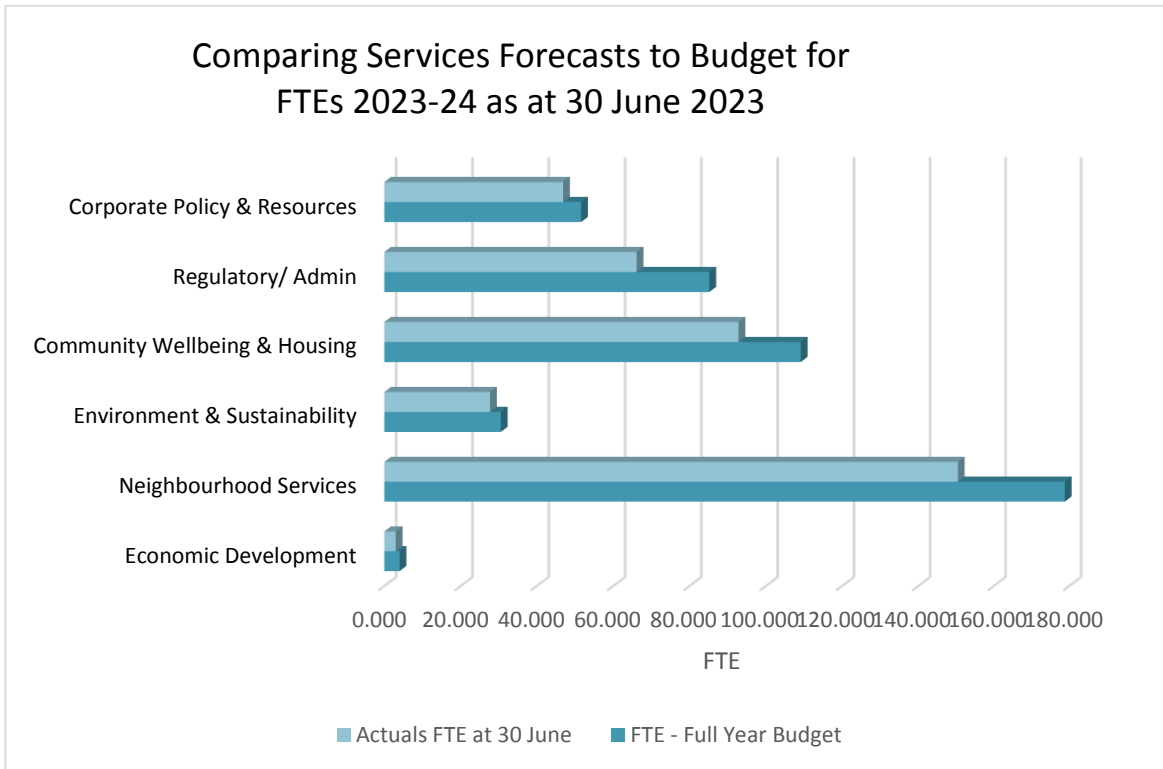
- 1.4 Shown below is a summary of the projected use of resources and forecast outturn position for the Council as at 30 June 2023, in respect of the financial year 2023-24, and is estimating a net underspend of (£182,081) as set out in appendix A.
- 1.5 The main issues to be aware of, which are detailed in the report below are:
- (a) Unapportionable Central Overheads – (£390k) underspend on superannuation payments, due to lower staff numbers than planned.
  - (b) Housing Needs - (£135k) underspend due to staff vacancies and additional grant funding received, where grant funding is underutilised, subject to the conditions of the grant award, it will be transferred at the year end to revenue grants unapplied for future use.
  - (c) Housing Benefits Admin - (£115k) underspend due to staff vacancies and additional grant funding received, where grant funding is underutilised, subject to the conditions of the grant award, it will be transferred at the year end to revenue grants unapplied for future use.
  - (d) Car Parks - (£154k) underspend due to staff vacancies, on street parking expenditure now with SCC and under recovery of income.
  - (e) Grounds Maintenance - £185k under recovery of verge cutting income from Surrey CC.
  - (f) Investment Property Income – (£366k) over recovery of rental income from a new lease with a tenant and unexpected filming rights income.
  - (g) Regeneration income - £139k under recovery of rents because of two rent free periods negotiated with our tenants.
  - (h) Landlord costs - £569k overspent due to the awarding of a rent incentive to a new tenant.
    - i) Offset by a £344k reduction in the use of the Sinking Fund Reserve as the full transfer is no longer required.
    - (i) Budget virement between Landlord Costs and the Sinking Fund – the original budget £5.9m has been increased to £11.0m, this is due to a delay in the call down of £4m due to a legal time limit, and this will now be drawn down in 2024/25 and mean that the £2.5m planned release of the sinking fund, will now be a £1.5m contribution to the sinking fund.  
This is a timing difference and the net effect over 2023-24 and 2024-25 is neutral.  
The remainder relates to the delayed Charter Building & Roundwood Avenue refurbishments that were put into the sinking fund at 31 March 2023, as approved by the Corporate Policy & Resources Committee.
- 1.6 The current aggregate underspend is likely to change over the coming months and officers are predicting that there will be a small under/overspend at the 31 March 2024 and therefore no recommendation will be taken to move the underspend to reserves in this quarter.
- 1.7 As shown in table 2.3 below, the actual FTE's 387.1 are 72.25 FTE's below budget. In order to maintain service levels, Budget Managers are having to recruit agency staff, contractors and casual workers to fill these vacancies on a short term basis.

## 2. Key issues

- 2.1 The report considers the Council's financial position in the light of the COVID-19 pandemic legacy, the unfolding issues of the increase in Bank of England base rates, the Cost-of-Living crisis, and the Council's Medium Term Financial Plan (MTFP) that indicates that the Council is facing substantial pressure on cash flow and its budgets in the future. As with the financial crisis in 2008, officers are expecting the Council and the UK economy to take several years to recover from these issues.
- 2.2 The services budgets and forecast outturn are shown in the chart below and the key variances are summarised in the tables below, with a more detailed information on the variances by committee shown in section 3.



- 2.3 From Appendix A below, the aggregate budgeted FTEs (459.35) compared to actual FTEs (387.1) at 30 June 2023 is shown below across each Committee:



**3. Committee commentary and variance analysis**

3.1 The net underspend at Committees Service Level of (£1,021,980) as at 30 June 2023 by Committee is shown below:

	2023/24 Budget Revised £	2023/24 Forecast Outturn £	2023/24 Variance of Forecast from Revised Budget £
Regulatory / Administrative Committees	6,898,400	6,769,055	(129,345)
Corporate Policy & Resources	6,990,400	6,451,558	(538,842)
Community Wellbeing & Housing	4,410,800	4,099,550	(311,250)
Neighbourhood Services	5,949,300	5,880,709	(68,591)
Economic Development	(87,900)	(148,790)	(60,890)
Environment & Sustainability	1,409,700	1,496,638	86,938
<b>NET EXPENDITURE AT SERVICE LEVEL</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(1,021,980)</b>

3.2 The following tables identify significant (greater than £20,000) differences from budget for services within each Committee. Where the aggregate

variance for the cost-of-service nets off to a figure less than £20,000, full details are disclosed for the sake of transparency.

Figures shown without brackets represent an overspend or under-recovery of income; figures with brackets represent an (underspend) or (over-recovery) of income.

**(a) Regulatory/ Administrative Committee**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Corporate Management	40.0	Apprenticeship levy payments of £68k partially off-set by lower payments expected against Market Supplement budget resulting in a £39.4k overspend.
Customer Services	(100.0)	Underspends due to restructure of the service and vacant posts, partially being covered by agency & temporary staff.
Information & Comms Technology	(71.0)	(£31.0k) over recovery of income from reimbursed salary costs from Woking BC relating to secondment of a member of staff. Overspend of £75k on Cyber Treatment Plan fully funded from the Government Grant received. (£40.0K) underspend on salaries due to vacant positions, offset by additional overtime and temp. workers.
Legal	(39.6)	Over recovery of fees income recharged internally.
<b>Total significant net variances</b>	<b>(91.4)</b>	For the complete list of (£169.3k) favourable variances including those under £20k, please refer to appendix C

**(b) Corporate Policy & Resources Committee**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Asset Management Administration	(43.4)	Underspend due to restructure of the team and vacant posts to establish how resources can be more efficiently allocated across the team.
Development Properties	26.1	Unbudgeted expenditure on electricity and water bills, premises insurance and security.
Facilities Management	(52.6)	(£48.3k) Underspend due to reduction in volume of printing externally and printers' maintenance costs were lower than anticipated.
Planned Maintenance Programme	(0.5)	An overspend of £96.7k on additional consultant fees to conduct surveys for heat decarbonisation and energy efficiency works which was fully funded by the Low Carbon Skills Grant received (£96.6k).
Project Management	(30.0)	Underspends due to vacancies.
Unapportionable Central Overheads	(390.0)	Monthly superannuation payments to Surrey County are lower than budgeted, which reflects the Council's overall underspending on staffing costs.

<b>Total significant net variances</b>	<b>(490.4)</b>	For the complete list of (£498.9k) favourable variances including those under £20k, please refer to appendix D
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**(c) Community Wellbeing & Housing Committee**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Community Centres	(36.2)	Underspend (£39.7k) because of vacant posts which will be filled by the end of summer.
Meals on Wheels	26.9	Overspend £29k due to contract cost increased
Spelthorne Family Support	(17.4)	Underspends of (£35k) on staffing due to vacant post, partially covered by temporary staff and from costs recharged for work on Afghan Refugees. £36.4k under recovery of income mainly due to lower reimbursement expected from Surrey County Council.
Housing Needs	(135.4)	(£137.4k) underspend due to staff vacancies and grant funding for the Intensive Support Officer; Rough Sleeper Co-ordinator; and Rough Sleeper Support Worker.
Homelessness	(0.5)	£59.1k under recovery of Rent Assured Income, offset by underspend of £51.5k on Rent Assured costs, making a net under recovery of 7.6k on Rent Assured.
Housing Benefits Admin	(115.1)	£60.5k underspend due to vacancies; income (£63.9k) above budget due to additional grants received which may be transferred to reserves.
Housing Benefits Payments	(37.9)	Housing Support Fund - (£133.0k) additional grant income received, offset by additional expenditure of £95.1k, currently providing a net over recovery of income of (£37.9k), which officers will need to deal with in the next 6-9 months.
Spelthorne Leisure Centre	(21.5)	Over recovery of income (£22.7k) due to the Council's profit share increasing because of inflation.
<b>Total significant net variances</b>	<b>(337.1)</b>	For the complete list of (311.3k) favourable variances including those under £20k, please refer to appendix E

**(d) Neighbourhood Services Committee**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Car Parks	(154.7)	Underspend (£142.0k) due to staff vacancies, Underspend (£123.0k) as the on-street parking expenditure has passed to Surrey CC, offset by a £110.39k under recovery of income.
Cemeteries	(49.7)	(£49.7k) over recovery of income as officers are forecasting an increased in budget burial numbers over the course of the year.
Grounds Maintenance	185.0	£185.0k under recovery of income due to loss of highways maintenance contract with both Runnymede BC & Surrey County Council. Staffing budget was already reduced to reflect that but this was missed out as picked up by the Group Head after the budget process.
<b>Total significant net variances</b>	<b>(19.4)</b>	For the complete list of (£68.6k) favourable variances including those under £20k, please refer to appendix F

(e) **Economic Development Committee**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Economic Development	(60.9)	(£60.9k) underspend on salaries due to vacant post
<b>Total significant net variances</b>	<b>(60.9)</b>	For the complete list of (£60.9k) favourable variances including those under £20k, please refer to appendix G

(f) **Environment & Sustainability**

<b>Service</b>	<b>Variance £'000</b>	<b>Comment</b>
Planning Development Control	13.9	(£43k) underspend due to staff vacancies, £123k overspend due to additional planning appeal costs on the Debenhams application.
Planning Policy	58.8	Overspend on other expenditure including consultants doing work for hearings; awaiting outcome of ECM in Sept in connection with Local Plan; Software costs exceeded budget.
<b>Total significant net variances</b>	<b>72.7</b>	For the complete list of £87.0k adverse variances including those under £20k, please refer to appendix H

**4. Net Asset Income (Commercial and Regeneration Assets)**

4.1 The tables below show the latest monitoring position for the Council's investment, regeneration and other assets, the net income is used to meet net additional expenditure resulting from reduced government grant, Surrey County Council funding and other pressures.

See the commentary supporting tables 4.1 (b) and (c) for detailed explanations of the variance.

**Commercial & Regeneration Assets 2023-24;**

	<b>Revised Budget £'000</b>	<b>Forecast Outturn £'000</b>	<b>Variance £'000</b>
Income	(46,129)	(46,355)	(227)
Less:			-
Landlord Costs	11,638	12,207	569
<b>Net Rental Income Receivable</b>	<b>(34,491)</b>	<b>(34,148)</b>	<b>343</b>
Loan Interest Payable	24,449	24,449	-
Minimum Revenue Provision	12,077	12,077	-
Sinking Funds - Cont. to	1,037	1,037	-

Sinking Funds - Cont. from	(11,023)	(10,679)	344
Set Asides	630	630	-
<b>Net Income to fund revenue Budget</b>	<b>(7,321)</b>	<b>(6,634)</b>	<b>687</b>

Contribution from the Sinking Fund – the original budget £5.9m has been increased to £11.0m, this is due to a delay in the call down of a contractual obligation amounting to £4m due to a legal time limit, and this will now be drawn down in 2024-25 and mean that the £2.5 planned release of the sinking fund, will be a £1.5m contribution to the sinking fund.

This is a timing difference and the net effect over 2023-24 and 2024-25 is neutral.

The remainder relates to Charter Building & Roundwood Avenue refurbishments that were put into the sinking fund at 31 March 2023, as approved by the Corporate Policy & Resources Committee.

**Table 4.1b Commercial Assets  
2023-24;**

	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000
Income	(41,711)	(42,077)	(366)
Less:			-
Landlord Costs	10,119	10,743	624
<b>Net Rental Income Receivable</b>	<b>(31,592)</b>	<b>(31,334)</b>	<b>258</b>
Loan Interest Payable	22,283	22,283	-
Minimum Revenue Provision	11,172	11,172	-
Sinking Funds - Cont. to	887	887	-
Sinking Funds - Cont. from	(9,493)	(9,149)	344
Set Asides	600	600	-
<b>Net Income to fund revenue Budget</b>	<b>(6,144)</b>	<b>(5,542)</b>	<b>602</b>

**Table 4.1c Regeneration Assets  
2023-24;**

	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000
Income	(4,417)	(4,278)	139



Less:			-
Landlord Costs	1,519	1,465	(54)
<b>Net Rental Income Receivable</b>	<b>(2,898)</b>	<b>(2,814)</b>	<b>85</b>
Loan Interest Payable	2,166	2,166	-
Minimum Revenue Provision	906	906	-
Sinking Funds - Cont. to	150	150	-
Sinking Funds - Cont. from	(1,530)	(1,530)	-
Set Asides	30	30	-
<b>Net Income to fund revenue Budget</b>	<b>(1,177)</b>	<b>(1,093)</b>	<b>85</b>

## 5. Interest receivable and other income

5.1 Interest earnings £64k under recovery is due to lower than forecast cash balances for the year, offset by increased returns on investment following a rapid rise in the Bank of England Base Rate over the last quarter.

Since 1 July, there have been further upward movements in the Bank of England Base Rate, with a further rate increase predicted in the early autumn, and therefore, it could be possible to see a significant swing the other way in the following monitoring reports.

5.2 Loan interest charged to Knowle Green Estates Ltd, following the revised cost profile for Benwell Phase 1 & 2, the Council have had to raise a credit note in respect of the interest charged for 2022/23 and revised the forecasts for 2023-24 as a result.

## 6. Grants & Contributions to/from Reserves

6.1 There are no significant changes to the above in the budget.

6.2 There have been no unbudgeted movements in reserves.

## 7. Knowle Green Estates Ltd (KGE):

7.1 On 19 July, the Board of KGE approved the revenue monitoring report for the 2023-24 as at 30 June, which showed an adverse variance of £383, on a net service budget of £428,400, i.e., less than 0.09% variance.

## 8. Spelthorne Direct Services Ltd

8.1 The Board reviewed the revenue monitoring report for 2023-24 as at 30 June, and whilst the actual performance against budget showed an over recovery of (£19k), due to increase sales (additional customers) and lower costs, there were two major issues on the horizon, the variability of recycling costs and income, and additional startup costs on new contracts that take a few months to unwind through the profit and loss account.

8.2 Therefore, it was felt prudent to kept the forecast aligned to the approved 2023-24 budget at an over recovery of (£44k).

## 9. Financial implications

9.1 Financial implications are as set out within the report and appendices and are subject to the final audit for the Council and its subsidiaries.

## 10. Procurement

10.1 Comments please

## 11. Risk considerations

- 11.1 **Risk 1:** As referred to at para 2.4 and elsewhere in this report, the Council is facing substantial pressure on cash flow and its budgets in the future, in the context of several wider externalities, government funding limitations and ongoing financial uncertainty.
- (a) **Mitigation:** Local measures that the Council can take to alleviate these external pressures continue to be reported and a residual risk remains given the external and evolving nature of this issue.
- 11.2 **Risk 2:** Budget underspends due to staff vacancies are being reported across a range of Service areas/Committee and if these budget variances continue for the remainder of the year this will impact the final outturn revenue budget for 2023/24. It could also result in underutilisation of the Council's financial resources at a time when demands on Council Services continue to grow.
- (a) **Control/Mitigation:** An analysis of variance forecast at 31 March 2024 has been undertaken as part of the revenue budget monitoring process and it is being reported at para 1.4 that Officers are predicting a small under/overspend at the 31 March 2024. Service areas with higher levels of variances along with specific explanations are highlighted to support ongoing monitoring. For transparency there is inclusion of the budget position for all Service/budget areas.
- 11.3 **Risk 3:** Explanations provided by Cost Centre Managers for budget variances (whether adverse or favourable) may not provide sufficient insight to support future service planning and budget management.
- (a) **Control/Mitigation:** A mechanism for challenge is in place across Finance, Group Heads and Cost Centre Managers to seek rationale and reasonable explanations where variances have been identified and are being reported.
- 11.4 **Risk 4:** Budget underspend due to staff vacancies reinforces a significant wider risk and issue facing local government in terms of recruitment and retention challenges. Reduced resources could also have an adverse impact on service delivery in terms of skills, knowledge, expertise, capacity and resilience.
- (a) **Control/Mitigation:** (i) Corporate Establishment Review undertaken in 2023 (ii) Alternative models for service provision and sourcing resource pursued to ensure delivery of service needs in meeting mandatory and discretionary service requirements (iii) Annual Service planning process
- 11.5 **Risk 5:** Under recovery of income has been reported across some service areas
- (a) **Control/Mitigation:** See earlier reference under risk 3 above.

## 12. Legal considerations

12.1 Comments please

## 13. Other considerations

13.1 There are no further considerations.

## 14. Equality, Diversity and Inclusion

14.1 There are no specific areas to highlight. However, equality, diversity and inclusion (EDI) are central to everything that Council does and are woven throughout Council's Corporate Plans.

**15. Sustainability/Climate Change Implications**

15.1 There are no significant implications arising from the report.

**16. Timetable for implementation**

16.1 Not applicable.

**17. Contact Details**

17.1 Paul Taylor Chief Accountant [P.taylor@spelthorne.gov.uk](mailto:P.taylor@spelthorne.gov.uk)

**Background papers:** There are none.

**Appendices:**

Appendix A – Net Revenue Budget Monitoring 2023-24 30 June 2023

Appendix B – Net Revenue Budget Monitoring by Committee 2023-24 30 June 2023

Appendix C - Net Revenue Budget Monitoring Reg & Admin Committee 2023-24 30 June 2023

Appendix D - Net Revenue Budget Monitoring CP&R Committee 2023-24 30 June 2023

Appendix E - Net Revenue Budget Monitoring CWH Committee 2023-24 30 June 2023

Appendix F – Net Revenue Budget Monitoring NS&E Committee 2023-24 30 June 2023

Appendix G - Net Revenue Budget Monitoring ED Committee 2023-24 30 June 2023

Appendix H – Net Revenue Budget Monitoring E&S Committee 2023-24 30 June 2023

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## Net Revenue Budget Monitoring - 2023/24

As at end of 30 JUNE 2023

	2023/24 Budget Revised	2023/24 Forecast Outturn	2023/24 Variance of Forecast from Revised Bgt	Staffing Budget	Staffing Actual
	£	£	£	FTE	FTE
Gross Expenditure	60,745,800	59,923,604	(822,196)		
Less Housing Benefit grant	(21,821,000)	(21,954,000)	-		
Less Specific fees and charges income	(13,354,100)	(13,420,884)	(66,784)		
<b>Net Expenditure - broken down as below</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(888,980)</b>		
Regulatory / Administrative Committees	6,938,400	6,769,055	(169,345)	85.21	66.15
Corporate Policy & Resources	6,950,400	6,451,558	(498,842)	51.60	46.88
Community Wellbeing & Housing	4,410,800	4,099,550	(311,250)	109.17	92.86
Neighbourhood Services	5,949,300	5,880,709	(68,591)	178.83	150.48
Economic Development	(87,900)	(148,790)	(60,890)	4.00	3.00
Environment & Sustainability	1,409,700	1,496,638	86,938	30.54	27.73
<b>NET EXPENDITURE AT SERVICE LEVEL</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(1,021,980)</b>	<b>459.35</b>	<b>387.10</b>
Interest Earnings	(2,420,000)	(2,356,000)	64,000		
Investment Property Income	(41,711,400)	(42,077,349)	(365,949)		
Regeneration Property Income	(4,417,300)	(4,278,085)	139,215		
Landlord Costs	11,638,100	12,207,481	569,381		
Debt Interest Payable	25,172,800	25,172,800	-		
Minimum Revenue Provision	12,396,800	12,396,800	-		
Set Aside	630,000	630,000	-		
Capitalisation of Interest on Development Properties	(1,400,000)	(1,400,000)	-		
Interest KGE	(818,700)	(724,000)	94,700		
<b>NET EXPENDITURE AFTER INTEREST EARNINGS</b>	<b>24,641,000</b>	<b>24,120,367</b>	<b>(520,633)</b>		
<b>Appropriation from Reserves</b>					
Reserves - Revenue Contributions to Capital Outlay	750,000	750,000	-		
Sinking fund contributions	1,037,100	1,037,100	-		
Release of funding from sinking funds	(11,023,100)	(10,679,100)	344,000		
<b>BUDGET REQUIREMENT</b>	<b>15,405,000</b>	<b>15,228,367</b>	<b>(176,633)</b>		
<b>Grants</b>					
Section 31 Grants	(874,900)	(874,900)	-		
RSG	(91,000)	(90,765)	235		
New Homes Bonus	(101,000)	(101,000)	-		
Core Spending Power Guarantee	(1,483,000)	(1,479,281)	3,719		
Covid 19 Retail Discount	-	-	-		
Lower Tier Services Grant	(79,500)	(78,012)	1,488		
Ctax Admin Support Grant	-	(10,890)	(10,890)		
DLUHC LA Housing Fund	-	-	-		
Retained Business Rates	(1,929,000)	(1,929,000)	-		
Allocation from National Non-Domestic Rate pool	(450,000)	(450,000)	-		
Empty property premia	(500,000)	(500,000)	-		
NNDR Tariff Payment	-	-	-		
<b>Contributions to Reserves</b>					
Earmarked Reserves (Revenue Grants non-specific)	-	-	-		
CIL Reserve	-	-	-		
S106 Reserve	-	-	-		
Shared Prosperity	-	-	-		
<b>Contributions from Reserves</b>					
HLS Scheme	(109,300)	(109,300)	-		
Planning Performance Agreement	(36,800)	(36,800)	-		
Green Initiative Fund	(48,800)	(48,800)	-		
Local Plan Reserve	(75,000)	(75,000)	-		
Cost of Living Reserve	(362,000)	(362,000)	-		
BRR Retention (Economic Development)	(128,000)	(128,000)	-		
Cont. from IFRS16 Reserve	(472,000)	(472,000)	-		
	-	-	-		
	-	-	-		
<b>NET BUDGET REQUIREMENT</b>	<b>8,664,700</b>	<b>8,482,619</b>	<b>(182,081)</b>		
General Fund Reserves- Supplementary Estimate					
Collection Fund Surplus/(deficit)	100,000	100,000	-		
Income from Council Tax	(8,764,700)	(8,764,700)	-		
<b>Net Position - Over/ (Under) budget</b>	<b>-</b>	<b>(182,081)</b>	<b>(182,081)</b>		

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## Net Revenue Budget Monitoring by Committee - 2023/24

## Expenditure and Income Summary 30 JUNE 2023

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>
<b>Regulatory / Administrative Committees</b>					
Employees	4,820,000	4,758,355	(61,645)	85	66
Other Expenditure	2,590,000	2,660,700	70,700		
Income	(471,600)	(650,000)	(178,400)		
	<b>6,938,400</b>	<b>6,769,055</b>	<b>(169,345)</b>	<b>85</b>	<b>66</b>
<b>Corporate Policy &amp; Resources</b>					
Employees	5,484,100	5,004,821	(479,279)	52	47
Other Expenditure	2,080,600	2,174,973	94,373		
Income	(614,300)	(728,236)	(113,936)		
	<b>6,950,400</b>	<b>6,451,558</b>	<b>(498,842)</b>	<b>52</b>	<b>47</b>
<b>Community Wellbeing &amp; Housing</b>					
Employees	4,993,400	4,705,200	(288,200)	109	93
Other Expenditure	27,710,800	27,829,400	118,600		
Housing Benefit grant income	(21,821,000)	(21,954,000)	0		
Income	(6,472,400)	(6,481,050)	(141,650)		
	<b>4,410,800</b>	<b>4,099,550</b>	<b>(311,250)</b>	<b>109</b>	<b>93</b>
<b>Neighbourhood Services</b>					
Employees	7,262,600	7,088,834	(173,766)	179	150
Other Expenditure	3,119,700	3,009,280	(110,420)		
Income	(4,433,000)	(4,217,405)	215,595		
	<b>5,949,300</b>	<b>5,880,709</b>	<b>(68,591)</b>	<b>179</b>	<b>150</b>
<b>Economic Development</b>					
Employees	232,400	171,510	(60,890)	4	3
Other Expenditure	328,000	328,000	0		
Income	(648,300)	(648,300)	0		
	<b>(87,900)</b>	<b>(148,790)</b>	<b>(60,890)</b>	<b>4</b>	<b>3</b>
<b>Environment &amp; Sustainability</b>					
Employees	1,663,100	1,591,008	(72,092)	31	28
Other Expenditure	461,100	601,522	140,422		
Income	(714,500)	(695,893)	18,607		
	<b>1,409,700</b>	<b>1,496,638</b>	<b>86,938</b>	<b>31</b>	<b>28</b>
<b>NET EXPENDITURE AT SERVICE LEVEL</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(1,021,980)</b>	<b>459</b>	<b>387</b>
Total Employees	<b>24,455,600</b>	<b>23,319,729</b>	<b>(1,135,871)</b>		
Total Other Expenditure	<b>36,290,200</b>	<b>36,603,875</b>	<b>313,675</b>		
Housing Benefit grant income	<b>(21,821,000)</b>	<b>(21,954,000)</b>	<b>0</b>		
Total Income	<b>(13,354,100)</b>	<b>(13,420,884)</b>	<b>(199,784)</b>		
<b>NET EXPENDITURE</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(1,021,980)</b>		

<b>Total Expenditure</b>	<b>60,745,800</b>	<b>59,923,604</b>	<b>(822,196)</b>
<b>Total Income</b>	<b>(35,175,100)</b>	<b>(35,374,884)</b>	<b>(199,784)</b>
<b>Net</b>	<b>25,570,700</b>	<b>24,548,720</b>	<b>(1,021,980)</b>

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# Regulatory/ Administrative Committees

# Appendix C

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	110,000	110,000	0	1.75	1.75	
Other Expenditure	104,200	104,200	0			
Income	0		0			
<b>Audit</b>	<b>214,200</b>	<b>214,200</b>	<b>0</b>	<b>1.75</b>	<b>1.75</b>	
Employees	269,300	269,300	0	6.00	5.60	Part time staff member working on higher grade to cover the full time post.
Other Expenditure	24,700	24,700	0			
Income	0		0			
<b>Committee Services</b>	<b>294,000</b>	<b>294,000</b>	<b>0</b>	<b>6.00</b>	<b>5.60</b>	
Employees	334,000	349,000	15,000	4.00	2.00	Vacant post is being covered by Agency staff with higher costs
Other Expenditure	5,700	5,700	0			
Income	0		0			
<b>Corporate Governance</b>	<b>339,700</b>	<b>354,700</b>	<b>15,000</b>	<b>4.00</b>	<b>2.00</b>	
Employees	257,000	296,400	39,400			Apprenticeship levy payments of £68k partially off-set by lower payments expected against Market Supplement budget
Other Expenditure	372,700	372,700	0			
Income	0		0			
<b>Corporate Management</b>	<b>629,700</b>	<b>669,100</b>	<b>39,400</b>	<b>0.00</b>	<b>0.00</b>	
Employees	290,900	293,200	2,300	5.69	5.69	
Other Expenditure	125,000	125,000	0			
Income	0		0			
<b>Corporate Publicity</b>	<b>415,900</b>	<b>418,200</b>	<b>2,300</b>	<b>5.69</b>	<b>5.69</b>	

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# Regulatory/ Administrative Committees

# Appendix C

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	1,149,000	1,049,000	(100,000)	26	19	Restructure of the service is in progress. Underspent expected due to vacant posts, partially being covered by agency & temporary staff.
Other Expenditure	466,700	466,700	0			
Income	(311,500)	(311,500)	0			
<b>CServ Management &amp; Support</b>	<b>1,304,200</b>	<b>1,204,200</b>	<b>(100,000)</b>	<b>26.07</b>	<b>18.67</b>	
Employees	32,200	32,200	0			
Other Expenditure	403,300	403,300	0			
Income	0	0	0			
<b>Democratic Rep &amp; Management</b>	<b>435,500</b>	<b>435,500</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	42,300	88,500	46,200			Govt. new burden grant for elections
Other Expenditure	108,200	91,800	(16,400)			
Income	0	(31,900)	(31,900)			
<b>Elections</b>	<b>150,500</b>	<b>148,400</b>	<b>(2,100)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	200,600	196,300	(4,300)	3.89	3.60	
Other Expenditure	86,500	86,500	0			
Income	(1,000)	(1,000)	0			
<b>Electoral Registration</b>	<b>286,100</b>	<b>281,800</b>	<b>(4,300)</b>	<b>3.89</b>	<b>3.60</b>	
Employees	363,000	347,000	(16,000)	6.56	5.76	
Other Expenditure	52,800	52,800	0			
Income	0	0	0			
<b>HR</b>	<b>415,800</b>	<b>399,800</b>	<b>(16,000)</b>	<b>6.56</b>	<b>5.76</b>	

# Regulatory/ Administrative Committees

# Appendix C

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	864,400	824,400	(40,000)	16.25	13.08	Savings expected due to vacant posts expected to be covered by additional overtime payments & Temporary staff. Overspent to be funded through Govt. grant to deliver 'Cyber treatment plan' Govt. Grant of £75k to deliver 'Cyber treatment plan' and remainder salary costs reimbursement expected from Woking BC relating to secondment of a member of staff
Other Expenditure	453,900	528,900	75,000			
Income	0	(106,000)	(106,000)			
<b>Information &amp; Comms Technology</b>	<b>1,318,300</b>	<b>1,247,300</b>	<b>(71,000)</b>	<b>16.25</b>	<b>13.08</b>	
Employees	0	0	0			
Other Expenditure	388,400	388,400	0			
Income	0	(900)	(900)			
<b>Insurance</b>	<b>388,400</b>	<b>387,500</b>	<b>(900)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	74,400	73,955	(445)	1.83	1.83	
Other Expenditure	31,500	31,800	300			
Income	(140,700)	(140,700)	0			
<b>Land Charges</b>	<b>(34,800)</b>	<b>(34,945)</b>	<b>(145)</b>	<b>1.83</b>	<b>1.83</b>	
Employees	758,800	750,800	(8,000)	11.78	6.78	Vacant posts are being covered by agency staff which are usually paid in arrears. Higher recharged fees income expected against the budget
Other Expenditure	(33,800)	(22,000)	11,800			
Income	(18,400)	(58,000)	(39,600)			
<b>Legal</b>	<b>706,600</b>	<b>670,800</b>	<b>(35,800)</b>	<b>11.78</b>	<b>6.78</b>	
Employees	74,100	78,300	4,200	1.39	1.39	
Other Expenditure	200	200	0			
Income	0	0	0			
<b>Payroll</b>	<b>74,300</b>	<b>78,500</b>	<b>4,200</b>	<b>1.39</b>	<b>1.39</b>	

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# Regulatory/ Administrative Committees

# Appendix C

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
<b>Misc Expenses</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
<b>Section 106</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
<b>Community Infrastructure Levy</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Total Employees	<b>4,820,000</b>	<b>4,758,355</b>	<b>(61,645)</b>	<b>85.21</b>	<b>66.15</b>	
Total Other Expenditure	<b>2,590,000</b>	<b>2,660,700</b>	<b>70,700</b>			
Total Income	<b>(471,600)</b>	<b>(650,000)</b>	<b>(178,400)</b>			
Net Total	<b>6,938,400</b>	<b>6,769,055</b>	<b>(169,345)</b>	<b>85.21</b>	<b>66.15</b>	

# Corporate Policy & Resources

## Appendix D

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	795,200	786,200	(9,000)	12.90	13.10	Restructure of the service has taken place earlier in the year which has resulted in more staff members within the budget which has generated savings
Other Expenditure	(13,600)	(13,600)	0			
Income	(103,000)	(95,800)	7,200			
<b>Accountancy</b>	<b>678,600</b>	<b>676,800</b>	<b>(1,800)</b>	<b>12.90</b>	<b>13.10</b>	
Employees	1,002,700	956,660	(46,040)	13.78	10.78	Underspend due to restructure of the team and vacant posts to establish how resources can be more efficiently allocated across the team.
Other Expenditure	(244,200)	(235,027)	9,173			
Income	(421,700)	(428,245)	(6,545)			
<b>Asset Mgn Administration</b>	<b>336,800</b>	<b>293,388</b>	<b>(43,412)</b>	<b>13.78</b>	<b>10.78</b>	
Employees	239,200	239,200	0	1.00	1.00	
Other Expenditure	3,200	3,200	0			
Income	0	0	0			
<b>Chief Executive</b>	<b>242,400</b>	<b>242,400</b>	<b>0</b>	<b>1.00</b>	<b>1.00</b>	
Employees	299,900	299,900	0	2.00	2.00	
Other Expenditure	1,000	1,000	0			
Income	0	0	0			
<b>Deputy Chief Executives</b>	<b>300,900</b>	<b>300,900</b>	<b>0</b>	<b>2.00</b>	<b>2.00</b>	

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# Corporate Policy & Resources

## Appendix D

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0	0.00	0.00	<p>As part of the Asset Strategy Review being undertaken a number of the development sites have now been fully appraised to understand holding costs, and how to mitigate these where possible or as a minimum reduce the costs. As part of this review historic some historic utility charges have been identified, which total around £7.5k and have not been budgeted for. The review has also highlighted the current arrangement of guardians being in Hanover house, not providing the anticipated cost savings, but has left the council with additional unbudgeted costs in respect of electricity consumption. We are taking proactive steps to bring the current arrangement with the guardians to an end and will be implementing shared security guarding with the contractor who deals with security at Thameside House. Whilst there will be some holding costs for the site as we move forward, these will be substantially reduced, will be forecast, and can be included within budget forecasting/setting from hereon. The Asset Managers have now taken on responsibility for securing short term lettings for the vacant premises. Holding costs are being reviewed as part of an exercise to understand the contribution needed from tenants, where a rental income is not realistic. This information will be factored into our approach to achieve appropriate short-term lettings to offset all holding costs when analysed on a portfolio basis. It may not be possible to achieve short term lettings on all sites, but when additional income from some vacant sites held for development purposes are netted off against all vacant property costs, we aim for the net outturn to be as a low as possible.</p>
Other Expenditure	305,800	331,939	26,139			
Income	0	0	0			
<b>Development Properties</b>	<b>305,800</b>	<b>331,939</b>	<b>26,139</b>	<b>0.00</b>	<b>0.00</b>	

# Corporate Policy & Resources

## Appendix D

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0	0.00	0.00	
Other Expenditure	36,500	42,651	6,151			
Income	(66,600)	(81,591)	(14,991)			
<b>General Property Expenses</b>	<b>(30,100)</b>	<b>(38,940)</b>	<b>(8,840)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	234,300	229,991	(4,309)	5.00	5.00	Underspend due to reduction in volume of printing externally and printers maintenance costs were lower than anticipated.
Other Expenditure	540,100	491,779	(48,321)			
Income	(23,000)	(23,000)	0			
<b>Facilities Management</b>	<b>751,400</b>	<b>698,770</b>	<b>(52,630)</b>	<b>5.00</b>	<b>5.00</b>	
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
<b>Knowle Green</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	99,000	99,400	400	2.00	2.00	
Other Expenditure	2,400	2,400	0			
Income	0		0			
<b>MaT Secretariat &amp; Support</b>	<b>101,400</b>	<b>101,800</b>	<b>400</b>	<b>2.00</b>	<b>2.00</b>	

# Corporate Policy & Resources

## Appendix D

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	174,500	173,870	(630)	3.00	3.00	Overspend is due to consultant fees to conduct surveys for heat decarbonisation and energy efficiency works that is off-set by the Low Carbon Skills Grant. Successfully applied for Public Sector Low Carbon Skills Fund Grant that was not budgeted for.
Other Expenditure	1,196,300	1,296,031	99,731			
Income	0	(99,600)	(99,600)			
<b>Planned Maintenance Programme</b>	<b>1,370,800</b>	<b>1,370,301</b>	<b>(499)</b>	<b>3.00</b>	<b>3.00</b>	
Employees	659,300	629,300	(30,000)	11.92	10.00	Savings expected due to vacant posts
Other Expenditure	(41,600)	(41,600)	0			
Income	0	0	0			
<b>Project Management</b>	<b>617,700</b>	<b>587,700</b>	<b>(30,000)</b>	<b>11.92</b>	<b>10.00</b>	
Employees	0	0	0			
Other Expenditure	0	1,500	1,500			
Income	0	0	0			
<b>Sea Cadets</b>	<b>0</b>	<b>1,500</b>	<b>1,500</b>	<b>0.00</b>	<b>0.00</b>	
Employees	1,980,000	1,590,300	(389,700)			Monthly superannuation payments to SCC are expected to be lower based on number of staff in the posts
Other Expenditure	294,700	294,700	0			
Income	0	0	0			
<b>Unapportionable CentralO/Heads</b>	<b>2,274,700</b>	<b>1,885,000</b>	<b>(389,700)</b>	<b>0.00</b>	<b>0.00</b>	
Total Employees	<b>5,484,100</b>	<b>5,004,821</b>	<b>(479,279)</b>	<b>51.60</b>	<b>46.88</b>	
Total Other Expenditure	<b>2,080,600</b>	<b>2,174,973</b>	<b>94,373</b>			
Total Income	<b>(614,300)</b>	<b>(728,236)</b>	<b>(113,936)</b>			
Net Total	<b>6,950,400</b>	<b>6,451,558</b>	<b>(498,842)</b>	<b>51.60</b>	<b>46.88</b>	



# Community Wellbeing & Housing

## Appendix E

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	£	£	£	FTE	FTE	
Employees	0	0	0			
Other Expenditure	0	(700)	(700)			
Income	0	0	0			
<b>SPAN</b>	<b>0</b>	<b>(700)</b>	<b>(700)</b>	<b>-</b>	<b>-</b>	
Employees	512,000	521,800	9,800	10.67	9.00	The Council is utilising North West Surrey Alliance Health funding to pay for centres to be open on Saturdays therefore the apparent deficit is fully covered
Other Expenditure	20,000	20,200	200			
Income	(95,200)	(95,200)	0			
<b>Community Care Administration</b>	<b>436,800</b>	<b>446,800</b>	<b>10,000</b>	<b>10.67</b>	<b>9.00</b>	
Employees	755,400	715,700	(39,700)	19.42	17.17	A job offer has been made to fill the current vacancy
Other Expenditure	284,400	297,100	12,700			
Income	(435,000)	(444,200)	(9,200)			
<b>Community Centres</b>	<b>604,800</b>	<b>568,600</b>	<b>(36,200)</b>	<b>19.42</b>	<b>17.17</b>	
Employees	169,700	170,500	800	4.17	3.61	This significant increase in costs (circa 60%) has arisen as a result of Appetito passing on their fuel and food cost increases
Other Expenditure	106,700	135,700	29,000			
Income	(192,400)	(195,300)	(2,900)			
<b>Meals on Wheels</b>	<b>84,000</b>	<b>110,900</b>	<b>26,900</b>	<b>4.17</b>	<b>3.61</b>	
Employees	554,900	519,900	(35,000)	10.80	8.80	Savings expected due to vacant posts, partially covered by temporary staff. Expenditure against clinical supervision and Car mileage. Income is expected to be lower against the budget mainly due to lower reimbursement expected from Surrey County Council
Other Expenditure	6,500	22,500	16,000			
Income	(561,400)	(525,000)	36,400			
<b>Spelthorne Family Support</b>	<b>0</b>	<b>17,400</b>	<b>17,400</b>	<b>10.80</b>	<b>8.80</b>	

# Community Wellbeing & Housing

## Appendix E

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	£	£	£	FTE	FTE	
Employees	0	0	0	-	-	
Other Expenditure	39,000	39,000	0			
Income	0	0	0			
<b>Community Development</b>	<b>39,000</b>	<b>39,000</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	0	0	0			
Other Expenditure	279,800	279,800	0			
Income	0	0	0			
<b>General Grants</b>	<b>279,800</b>	<b>279,800</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	1,470,000	1,332,600	(137,400)	27.78	27.08	The reason for the underspend on employees is that we have grant funding for the Intensive Support Officer; Rough Sleeper Co-ordinator; and Rough Sleeper Support Worker.
Other Expenditure	51,000	51,000	0			
Income	(2,000)	0	2,000			
<b>Housing Needs</b>	<b>1,519,000</b>	<b>1,383,600</b>	<b>(135,400)</b>	<b>27.78</b>	<b>27.08</b>	
Employees	509,600	501,500	(8,100)	13.27	8.77	Underspends due to lower numbers in Rent Assure Scheme
Other Expenditure	4,536,000	4,484,500	(51,500)			
Income	(4,497,500)	(4,438,350)	59,150			
<b>Homelessness</b>	<b>548,100</b>	<b>547,650</b>	<b>(450)</b>	<b>13.27</b>	<b>8.77</b>	
Employees	674,500	614,000	(60,500)	17.06	13.93	Reason for salary shortfall – We hold several vacancies in our team recruitment will take place but this needs to be in a staggered approach due to the number of recent people already recruited to our team.  Additional new burdens grants received from DWP. These grants are ringfenced to Housing Benefits but no control if and when they are issued
Other Expenditure	34,500	43,800	9,300			
Income	(300,000)	(363,900)	(63,900)			
<b>Housing Benefits Admin</b>	<b>409,000</b>	<b>293,900</b>	<b>(115,100)</b>	<b>17.06</b>	<b>13.93</b>	
Employees	0	0	0			Additional expenditure and grant income relates to Household support fund scheme
Other Expenditure	21,872,000	21,967,100	95,100			
Income	(21,821,000)	(21,954,000)	(133,000)			
<b>Housing Benefits Payments</b>	<b>51,000</b>	<b>13,100</b>	<b>(37,900)</b>	<b>-</b>	<b>-</b>	

# Community Wellbeing & Housing

# Appendix E

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	£	£	£	FTE	FTE	
Employees	331,600	313,500	(18,100)	6.00	4.50	Vacancies at start of the financial year, offset partially by use of overtime
Other Expenditure	25,700	27,800	2,100			
Income	0	0	0			
<b>Leisure Administration</b>	<b>357,300</b>	<b>341,300</b>	<b>(16,000)</b>	<b>6.00</b>	<b>4.50</b>	
Employees	0	0	0			SBC profit share has increased due to inflation
Other Expenditure	356,100	357,300	1,200			
Income	(315,200)	(337,900)	(22,700)			
<b>Spelthorne Leisure Centre</b>	<b>40,900</b>	<b>19,400</b>	<b>(21,500)</b>	<b>-</b>	<b>-</b>	
Employees	12,600	12,600	0			
Other Expenditure	5,200	5,900	700			
Income	(3,800)	(3,800)	0			
<b>Resource Centre</b>	<b>14,000</b>	<b>14,700</b>	<b>700</b>	<b>-</b>	<b>-</b>	
Employees	1,600	1,600	0			
Other Expenditure	23,800	28,300	4,500			
Income	(7,400)	(12,600)	(5,200)			
<b>Sports and Active Lifestyle</b>	<b>18,000</b>	<b>17,300</b>	<b>(700)</b>	<b>-</b>	<b>-</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	(47,600)	(49,900)	(2,300)			
<b>Sunbury Golf Club</b>	<b>(47,600)</b>	<b>(49,900)</b>	<b>(2,300)</b>	<b>-</b>	<b>-</b>	
Employees	0	0	0			
Other Expenditure	2,900	2,900	0			
Income	(8,000)	(8,000)	0			
<b>Museum</b>	<b>(5,100)</b>	<b>(5,100)</b>	<b>0</b>	<b>-</b>	<b>-</b>	

# Community Wellbeing & Housing

# Appendix E

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0			
Other Expenditure	27,100	27,100	0			
Income	0	0	0			
<b>Youth</b>	<b>27,100</b>	<b>27,100</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	1,500	1,500	0			
Other Expenditure	32,000	32,000	0			
Income	(3,000)	(3,000)	0			
<b>Arts Development</b>	<b>30,500</b>	<b>30,500</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	0	0	0			
Other Expenditure	8,100	8,100	0			
Income	(3,900)	(3,900)	0			
<b>Public Health</b>	<b>4,200</b>	<b>4,200</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
<b>Events</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
	<b>0</b>	<b>0</b>	<b>0</b>			
Employees	0		0			
Other Expenditure	0		0			
Income	0		0			
	<b>0</b>	<b>0</b>	<b>0</b>			
Total Employees	<b>4,993,400</b>	<b>4,705,200</b>	<b>(288,200)</b>	<b>109.17</b>	<b>92.86</b>	
Total Other Expenditure	<b>27,710,800</b>	<b>27,829,400</b>	<b>118,600</b>			
Total Income	<b>(28,293,400)</b>	<b>(28,435,050)</b>	<b>(141,650)</b>			
Net Total	<b>4,410,800</b>	<b>4,099,550</b>	<b>(311,250)</b>	<b>109.17</b>	<b>92.86</b>	

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# Neighbourhood Services

# Appendix F

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	516,800	374,800	(142,000)	13.00	7.35	Savings expected due to vacant posts which are unlikely to be filled mainly due to On-Street Parking Management service has moved with Surrey County Council No expenditure expected for On Street Parking management service which has moved with Surrey County Council Expected shortfall of Income by £261k mainly due to On Street Parking Management service has moved with Surrey County Council, partially off set by higher income relating to Off-Street Parking
Other Expenditure	919,000	796,000	(123,000)			
Income	(1,490,300)	(1,380,000)	110,300			
<b>Car Parks</b>	<b>(54,500)</b>	<b>(209,200)</b>	<b>(154,700)</b>	<b>13.00</b>	<b>7.35</b>	
Employees	76,000	76,000	0	1.67	0.83	The vacant post is filled and savings to be used to develop the service with additional payments.
Other Expenditure	181,400	181,400	0			
Income	0	0	0			
<b>Community Safety</b>	<b>257,400</b>	<b>257,400</b>	<b>0</b>	<b>1.67</b>	<b>0.83</b>	
Employees	0	0	0			
Other Expenditure	119,000	119,000	0			
Income	0	0	0			
<b>Depot</b>	<b>119,000</b>	<b>119,000</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	1,227,900	1,227,900	0	23.61	22.97	
Other Expenditure	156,000	156,000	0			
Income	(3,200)	(6,200)	(3,000)			
<b>Neighbourhood Serv Mgt Support</b>	<b>1,380,700</b>	<b>1,377,700</b>	<b>(3,000)</b>	<b>23.61</b>	<b>22.97</b>	
Employees	381,200	388,964	7,764	7.00	7.00	
Other Expenditure	16,000	16,000	0			
Income	(436,600)	(436,600)	0			
<b>Building Control</b>	<b>(39,400)</b>	<b>(31,636)</b>	<b>7,764</b>	<b>7.00</b>	<b>7.00</b>	

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# Neighbourhood Services

# Appendix F

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0			
Other Expenditure	2,500	2,700	200			
Income	(1,600)	(1,688)	(88)			
<b>Food Safety</b>	<b>900</b>	<b>1,012</b>	<b>112</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0		0			
Other Expenditure	24,900	24,900	0			
Income	0	0	0			
<b>Bus Station</b>	<b>24,900</b>	<b>24,900</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0		0			
Other Expenditure	62,800	62,800	0			
Income	(390,300)	(440,000)	(49,700)			Income is expected to be higher due to more burials
<b>Cemeteries</b>	<b>(327,500)</b>	<b>(377,200)</b>	<b>(49,700)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	1,183,500	1,169,456	(14,044)	20.72	20.72	
Other Expenditure	54,500	56,536	2,036			
Income	0	(417)	(417)			
<b>Environmental Health Admin</b>	<b>1,238,000</b>	<b>1,225,575</b>	<b>(12,425)</b>	<b>20.72</b>	<b>20.72</b>	
Employees	0	0	0			
Other Expenditure	100,700	92,400	(8,300)			
Income	(4,300)	(4,300)	0			
<b>Environmental Protection Act</b>	<b>96,400</b>	<b>88,100</b>	<b>(8,300)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	227,300	217,814	(9,486)	4.61	4.61	
Other Expenditure	8,900	9,178	278			
Income	(127,400)	(127,400)	0			
<b>Licensing</b>	<b>108,800</b>	<b>99,592</b>	<b>(9,208)</b>	<b>4.61</b>	<b>4.61</b>	

# Neighbourhood Services

# Appendix F

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0			No budget for provision of medicals for Taxi drivers & DBS checks
Other Expenditure	3,300	11,308	8,008			
Income	(65,000)	(65,100)	(100)			
<b>Taxi Licensing</b>	<b>(61,700)</b>	<b>(53,792)</b>	<b>7,908</b>	<b>0.00</b>	<b>0.00</b>	
Employees	668,800	652,800	(16,000)	19.00	14.00	Vacant posts are being covered by agency staff which are usually paid in arrears
Other Expenditure	161,300	161,300	0			
Income	(47,700)	(46,600)	1,100			
<b>Street Cleaning</b>	<b>782,400</b>	<b>767,500</b>	<b>(14,900)</b>	<b>19.00</b>	<b>14.00</b>	
Employees	0		0			
Other Expenditure	1,500	1,500	0			
Income	0		0			
<b>Public Conveniences</b>	<b>1,500</b>	<b>1,500</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			Budget will be exceeded; big increase in abandoned dogs; rise in kennelling fees; needs to be reviewed
Other Expenditure	16,100	26,457	10,357			
Income	(5,300)	(5,300)	0			
<b>Rodent &amp; Pest Control</b>	<b>10,800</b>	<b>21,157</b>	<b>10,357</b>	<b>0.00</b>	<b>0.00</b>	
<b>Note: SAT = Spelride</b>						Vacant post is being covered by temporary staff with additional payments
Employees	188,400	188,400	0	6.00	5.00	
Other Expenditure	49,600	49,600	0			
Income	(72,400)	(72,400)	0			
<b>SAT</b>	<b>165,600</b>	<b>165,600</b>	<b>0</b>	<b>6.00</b>	<b>5.00</b>	
Employees	0	0	0			
Other Expenditure	3,600	3,600	0			
Income	0	0	0			
<b>Abandoned Vehicles</b>	<b>3,600</b>	<b>3,600</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	24,600	24,600	0			
Income	(41,200)	(41,200)	0			

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# Neighbourhood Services

# Appendix F

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
<b>Allotments</b>	<b>(16,600)</b>	<b>(16,600)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0		0			
Other Expenditure	21,600	21,600	0			
Income	0		0			
<b>Environmental Enhancements</b>	<b>21,600</b>	<b>21,600</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	1,223,000	1,223,000	0	33.22	29.00	Vacant posts are being covered by agency staff which are usually paid in arrears
Other Expenditure	661,700	661,700	0			No income expected due to loss of Highways maintenance contract with both Runnymede BC & Surrey County Council. Staffing budget was already reduced to reflect that but this was missed out as picked up by the Group Head after the budget process.
Income	(249,300)	(64,300)	185,000			
<b>Grounds Maintenance</b>	<b>1,635,400</b>	<b>1,820,400</b>	<b>185,000</b>	<b>33.22</b>	<b>29.00</b>	
Employees	0	0	0	0.00	0.00	
Other Expenditure	109,800	109,800	0			Lammas recreation grounds licence income received in arrears for last 2 years
Income	(75,000)	(90,000)	(15,000)			
<b>Parks Strategy</b>	<b>34,800</b>	<b>19,800</b>	<b>(15,000)</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0		0	0.00	0.00	
Other Expenditure	10,000	10,000	0			
Income	(27,400)	(27,400)	0			
<b>Public Halls</b>	<b>(17,400)</b>	<b>(17,400)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	



# Neighbourhood Services

# Appendix F

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	1,569,700	1,569,700	0	50.00	39.00	Vacant posts are being covered by agency staff which are usually paid in arrears
Other Expenditure	410,900	410,900	0			
Income	(1,049,000)	(1,061,500)	(12,500)			
<b>Refuse Collection</b>	<b>931,600</b>	<b>919,100</b>	<b>(12,500)</b>	<b>50.00</b>	<b>39.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	(347,000)	(347,000)	0			
<b>Waste Recycling</b>	<b>(347,000)</b>	<b>(347,000)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Total Employees	<b>7,262,600</b>	<b>7,088,834</b>	<b>(173,766)</b>	<b>178.83</b>	<b>150.48</b>	
Total Other Expenditure	<b>3,119,700</b>	<b>3,009,280</b>	<b>(110,420)</b>			
Total Income	<b>(4,433,000)</b>	<b>(4,217,405)</b>	<b>215,595</b>			
Net Total	<b>5,949,300</b>	<b>5,880,709</b>	<b>(68,591)</b>	<b>178.83</b>	<b>150.48</b>	

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# Economic Development

# Appendix G

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	232,400	171,510	(60,890)	4.00	3.00	1 vacant post - recruitment started for replacement.
Other Expenditure	196,700	196,700	0			
Income	(106,000)	(106,000)	0			
<b>Economic Development</b>	<b>323,100</b>	<b>262,210</b>	<b>(60,890)</b>	<b>4.00</b>	<b>3.00</b>	
Employees	0		0			
Other Expenditure	131,300	131,300	0			
Income	(200,000)	(200,000)	0			
<b>Staines Market</b>	<b>(68,700)</b>	<b>(68,700)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0		0			
Other Expenditure	0		0			
Income	(342,300)	(342,300)	0			
<b>Staines Town Centre Management</b>	<b>(342,300)</b>	<b>(342,300)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Total Employees	<b>232,400</b>	<b>171,510</b>	<b>(60,890)</b>	<b>4.00</b>	<b>3.00</b>	
Total Other Expenditure	<b>328,000</b>	<b>328,000</b>	<b>0</b>			
Total Income	<b>(648,300)</b>	<b>(648,300)</b>	<b>0</b>			
Net Total	<b>(87,900)</b>	<b>(148,790)</b>	<b>(60,890)</b>	<b>4.00</b>	<b>3.00</b>	

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# Environment & Sustainability

## Appendix H

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0			
Other Expenditure	95,500	95,500	0			
Income	0	0	0			
<b>Emergency Planning</b>	<b>95,500</b>	<b>95,500</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	9,700	9,700	0			
Income	0	0	0			
<b>Energy Initiatives</b>	<b>9,700</b>	<b>9,700</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0	0.00	0.00	
Other Expenditure	6,600	2,177	(4,423)			A2D management charge on Long Lane Rec flat has been cancelled on 20th June thus savings is due.
Income	(25,900)	(7,293)	18,607			Housing no longer retains the use of the Long Lane Rec flat after SBC councillors agreed to make it available to the Stanwell Events Foodbank. The new lease is now for £500 per annum which is much lower than the previous lease when it was used for temporary accommodation .
<b>Parks Properties Project</b>	<b>(19,300)</b>	<b>(5,116)</b>	<b>14,184</b>	<b>0.00</b>	<b>0.00</b>	
Employees	1,193,400	1,122,126	(71,274)	22.41	20.60	Unfilled Vacancy; MAT agreement 12/4/23 to convert FTE of .81 to 2x.50 posts
Other Expenditure	189,100	274,275	85,175			Legal Fees will be overbudget; may be another public enquiry re: former Debenhams site
Income	(603,000)	(603,000)	0			
<b>Planning Development Control</b>	<b>779,500</b>	<b>793,401</b>	<b>13,901</b>	<b>22.41</b>	<b>20.60</b>	
Employees	469,700	468,882	(818)	8.13	7.13	Currently holding open a post; offset by P/T Local Plan Manager doing overtime
Other Expenditure	151,500	211,170	59,670			Consultants doing work for hearings; awaiting outcome of ECM in Sept in connection with Local Plan; Software costs exceeded budget
Income	(85,600)	(85,600)	0			
<b>Planning Policy</b>	<b>535,600</b>	<b>594,452</b>	<b>58,852</b>	<b>8.13</b>	<b>7.13</b>	

# Environment & Sustainability

## Appendix H

<b>Results to 30-Jun-23</b>	<b>Budget Revised</b>	<b>Forecast Outturn</b>	<b>Variance of Forecast from Revised Bgt</b>	<b>Staffing Budget</b>	<b>Staffing Actual</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>FTE</b>	<b>FTE</b>	
Employees	0	0	0			
Other Expenditure	8,700	8,700	0			
Income	0	0	0			
<b>Water Courses &amp; Land Drainage</b>	<b>8,700</b>	<b>8,700</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
<b>Staines Upon Thames Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Employees	0	0	0			
Other Expenditure	0	0	0			
Income	0	0	0			
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	
Total Employees	<b>1,663,100</b>	<b>1,591,008</b>	<b>(72,092)</b>	<b>30.54</b>	<b>27.73</b>	
Total Other Expenditure	<b>461,100</b>	<b>601,522</b>	<b>140,422</b>			
Total Income	<b>(714,500)</b>	<b>(695,893)</b>	<b>18,607</b>			
Net Total	<b>1,409,700</b>	<b>1,496,638</b>	<b>86,938</b>	<b>30.54</b>	<b>27.73</b>	

## CORPORATE POLICY &amp; RESOURCES COMMITTEE

16 October 2023



<b>Title</b>	<i>Cost of Living Support Fund</i>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Stephen Mortimer-Cleevely & Karen Sinclair
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community, Environment and Service Delivery
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ul style="list-style-type: none"> <li>• Note the amount of funds available for Cost-of-Living Support.</li> <li>• To decide on the most appropriate and proportionate distribution of these funds (<b>Option 2 is the preferred option</b>)</li> <li>• To agree the proposed governance applied to this fund.</li> </ul>
<b>Reason for Recommendation</b>	The Council allocated funds to the aid residents through the cost-of-living crisis, of £200,000 which was set aside in a reserve. In conjunction with colleagues in the Social Care £9,000 was allocated to families with children with life limiting conditions. The Council has £191,000 remaining in the reserve.

## 1. Summary of the report

- 1.1 Committee is asked to agree on the appropriate use of this fund.
- 1.2 Committee is asked to agree on the governance of this fund.

## 2. Key issues

The Council has £191,000 available to allocate in the Cost-of-Living Support Reserve. At Community Wellbeing and Housing Committee on 26<sup>th</sup> September 2023. The Committee are considering, on the Agenda of this meeting, a paper that recommends partial use of this reserve to provide funding for the temporary continuation of the 6 day a week offer at the Council's community centres, for our communities. In total this equates to maximum budget of £42,015 for another year of delivery commencing 1<sup>st</sup> October 2023. This leaves available £148,985 if the Committee decide that this is an appropriate allocation of this Cost-of-Living Support Reserve. This paper seeks to gain a recommendation as to the proposed allocation and governance of this remaining fund.

An action from the Food & Welfare meeting on 20<sup>th</sup> September 2023 was to put together a committee report in relation to the Cost-of-Living Fund that has yet to be allocated.

The foodbanks raised that they were aware of its existence and were keen to access this fund as winter approaches.

Officers would like it to be considered as an urgent item, if we miss this committee cycle, we are likely to miss the ability to support the mitigation of the worst of the winter pressures for our residents, through additional support for our community stakeholders.

### **3. Options analysis and proposal**

3.1 The options considered within this report are: -

#### **Option 1 – Do nothing**

Retain the money set aside for assisting residents cope with the cost-of-living pressures and do not allocate. This is not recommended as it is clear there is a ongoing and continuing need for local communities to be assisted, particularly as we move back into winter. Mortgage interest rates and rent levels are very high and many people are struggling to pay energy bills and food bills along with council tax liabilities etc.

#### **Option 2– Recommended**

Use The Spelthorne Healthy Communities Partnership Board to allocate the remaining money. This Board has representatives from Spelthorne Borough Council, local voluntary sector groups, Health partners, local churches and foodbanks. The Council have previously endorsed the Board as an appropriate body to facilitate money to community groups and organisations most in need. Clear and transparent criteria have been agreed for those applying for funding. Of most importance, the money can speedily be allocated once approval is given. See Appendix 1.

#### **Option 3**

Use the existing Council grants panel to agree distribution of the funds. Whilst the grants panel has clear criteria, its objectives are broad and not as focussed on assisting the health and wellbeing as the Spelthorne Healthy Partnerships Board objectives. The grants panel meets annually and makes its recommendations go to full Council around Spring 2024. This would mean the organisations and individuals that need the cost-of-living funding most would not benefit at this critical time of year, going into Winter when heating and other costs rise.

### **4. Financial implications**

4.1 There are none bar additional officer resource. As stated above it is anticipated that there are £148k of uncommitted funds available in the reserves to be deployed. Funds set aside in reserves can only be spent once, unless further funds are set aside in the future.

### **5. Risk considerations**

5.1 Doing nothing in this challenging landscape around food and fuel poverty could result in more challenging circumstances for our residents.

### **6. Procurement considerations**

None identified.



**7. Legal considerations**

7.1 None yet identified.

**8. Other considerations**

**9. Equality and Diversity**

**10. Sustainability/Climate Change Implications**

10.1 Distribution of these funds through current mechanisms minimises the use of new resources.

**11. Timetable for implementation**

11.1 ASAP in order to enable the Council and partners to be able to distribute the funds to households in need before winter arrives. The earliest this decision can be finalised is 16<sup>th</sup> October 2023.

**12. Contact**

12.1 Stephen Mortimer-Cleevely.

**Appendices:**

**Appendix 1** Spelthorne Healthy Communities Partnership Board Terms Of Reference and Checklist

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# SPELTHORNE HEALTHY COMMUNITIES PARTNERSHIP

## Membership, Terms of Reference and Operating Arrangements

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### SPELTHORNE HEALTHY COMMUNITIES PARTNERSHIP

#### 1. Purpose

The purpose of the group is to explore new ways of delivering services and interventions that address the wider determinants of health and wellbeing. This is Spelthorne Borough Councils model of governance based on the principles of integration as cited in The Health & Care Act 2022 and encouraged in the Fuller Stocktake.

The aim being to improve the health and wellbeing outcomes for Spelthorne residents. The group will discuss, share and determine spending on the health & wellbeing priorities for Spelthorne in conjunction with stakeholders across the system. The group will also help raise awareness and support the communication of health & wellbeing information in Spelthorne.

#### 2. Founding Members

representatives from the following organisations:

- (a) Spelthorne Borough Council including the chair and vice chair of Community Wellbeing committee, Deputy CEO, Group Head for Community Wellbeing, and Strategic Lead Officers. (Lead Officers for the purpose of decision making).
- (b) Surrey County Council representatives including Adult Social Care and Children's Services. A SCC councillor who is appointed by Joint Committee at the start of each municipal year.
- (c) Voluntary organisations such as Voluntary Support North Surrey, Action for Carers, Foodbanks and Catalyst.
- (d) A representative from North West Surrey Alliance (ICP), with the potential for GP representation (capacity allowing).
- (e) A representative from one of the third sector community care borough wide forums or groups (for, children with disabilities, older people and adults with physical and sensory disabilities–Appendix 1) or other suitable representative from the community.
- (f) A representative from CSH.
- (g) Faith groups

- (g) Other members from relevant organisations will be invited where appropriate and dependant on topical projects. These may include Surrey and Borders Partnership NHS Foundation Trust, or Ashford & St Peter's Hospital's NHS Trust

**Members commit to attending meetings or to ensure that they send a representative at an appropriate level if they are unable to attend a meeting.**

### **3. Terms of Reference**

The responsibilities of the Spelthorne Healthy Communities Partnership are to:

- (a) oversee progress towards the Spelthorne priorities as outlined in the Spelthorne Health & Wellbeing Strategy and to identify any new priorities that should be addressed.
- (b) drive change in neighbourhoods and support the delivery of what works well locally in step with our communities.
- (c) support the delivery of improved outcomes for residents.
- (d) encourage a focus on learning by doing.
- (e) create a pragmatic structure that can evolve over time that continues to be focussed on delivery and outcomes.
- (f) develop an enabling environment and entrepreneurial culture.
- (g) meetings will be purposeful, and outcomes driven.
- (h) retain a 'pooled budget' that can facilitate community led health interventions.
- (i) facilitate the rapid use of the agreed budget up to a £5,000 per initiative in consultation with lead officer and another founding member of the partnership referenced in paragraph 2.
- (j) for budget requests over £5,000 the Spelthorne Healthy Communities Partnership Board, in quorum, will decide based on completed checklist criteria.
- (k) consider any issues raised by members of the group or the wider community and to determine what needs to be done to resolve these issues.
- (l) provide an opportunity for the sharing of relevant information between agencies.
- (m) link to other local, partnership groups as appropriate

(These responsibilities are underpinned by a statement of principles on equalities (shown in Appendix 2) to ensure that the work of the group pays due regard to issues of equality, diversity and inclusion.

### **4. Operating Procedures**

#### **(a) Support**

Administrative support will be carried out by Spelthorne Borough Council.

**(b) Chair**

The Chair will initially be the Spelthorne Borough Council Group Head for Community Wellbeing in conjunction with the chair of Community Wellbeing Committee. With the opportunity for any of the founding members to take on a rolling chair arrangement with continued administrative support from SBC.

**(c) Frequency of meetings**

Spelthorne Healthy Communities Partnership shall meet at least quarterly.

**(d) Reporting to the community**

The Group will feed back to its partners on its activities and to the community through this group as well as ad hoc communications such as press releases issued by partner organisations.

**(e) Decision making**

The Group will seek to operate by consensus for spend £5,000 and under lead officers and one other founding member can make a decision.

**5. Lifetime of the Group**

The Group is not time limited and will seek to evolve according to the needs of the community and partner organisations.

## APPENDIX 1

### Roles of Forums and Groups in Spelthorne Healthy Communities Partnership

1. To identify the unmet need of local people for health and wellbeing.
2. To assess the effectiveness of existing services and interventions in meeting local need and make proposals for improvements or variation in service delivery.
3. To identify gaps and unmet needs in services, and to ensure that development proposals and recommendations are made to Spelthorne Healthy Communities Partnership.
4. To receive relevant consultation documents, commenting back to relevant organisations and to the Spelthorne Healthy Communities Partnership.
5. To provide a focal point for multi-agency debate with users and carers on health and wellbeing, with a view to improving communications, information sharing, evaluation, identifying best practice, service development and funding issues.
6. To actively engage in a range of methods of consultation with users and carers working, where possible, toward their full participation in Forums, and the appointment of service users as Forum Chair.
7. To take part in any sub-groups or task focused groups as necessary.
8. To encourage full membership of all sections of the community, as set out in the Equality Act 2010. All members are given equal status and access.
9. To ensure essential representation by the Chairman or nominated representative at Spelthorne Healthy Communities Partnership.
10. To receive feedback from and report to Spelthorne Healthy Communities Partnership via the Chairman or nominated representative.
11. To review Terms of Reference when necessary.

**APPENDIX 2**  
**SPELTHORNE HEALTHY COMMUNITIES PARTNERSHIP**  
**EQUALITIES STATEMENT**

Spelthorne Health and Wellbeing Group will work together to ensure that any decisions or actions it takes have due regard to age, gender, ethnicity, disability, sexual orientation and identity, religious belief and that no one is discriminated against unlawfully or unfairly.

Spelthorne Healthy Communities Partnership:

- Promoting equality of opportunity for all, and recognising and valuing the diversity of the Spelthorne community.
- Promoting good relations between people from different backgrounds through its work.
- Listening to and understanding the needs of all people in Spelthorne.

This commitment builds on that of each individual partner organisation and their responsibilities under the relevant equalities legislation for promoting equality of opportunity in policy development, service provision, training and employment. Members will continue to assess Spelthorne Borough Council policies and functions according to their own procedures and, where concerns arise, will raise these with the rest of the Group.

Through this commitment, the Group aims to encourage diverse and equal representation of all communities in Spelthorne. Within the Group, it is the responsibility of each individual member to respect and value differences between themselves and other members.

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## Spelthorne Borough Council Services Committees Forward Plan and Key Decisions

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

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

Please direct any enquiries about this Plan to [CommitteeServices@spelthorne.gov.uk](mailto:CommitteeServices@spelthorne.gov.uk).

## Spelthorne Borough Council

### Service Committees Forward Plan for 01 April 2023 to 31 March 2024

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 16 10 2023	Contractors Report	Non-Key Decision	Private	
Corporate Policy and Resources Committee 16 10 2023	Development Delivery Options for Council Owned Land and Property	Non-Key Decision	Private	Coralie Holman, Group Head Assets, Bruno Barbosa, Parking Services Manager, Jackie Taylor, Group Head - Neighbourhood Services
Corporate Policy and Resources Committee 16 10 2023	Update on County Deal	Non-Key Decision	Public	Daniel Mouawad, Chief Executive
Community Wellbeing and Housing Committee  Corporate Policy and Resources Committee 16 10 2023	Staffing Report - Independent Living	Non-Key Decision	Private	Stephen Mortimer-Cleevely, Strategic Lead, Independent Living
Corporate Policy and Resources Committee 16 10 2023	Treasury Management Strategy	Non-Key Decision	Public	
Corporate Policy and Resources Committee 16 10 2023	Reserves Strategy	Non-Key Decision	Public	Paul Taylor, Chief Accountant

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee  Corporate Policy and Resources Committee 16 10 2023  Council 19 10 2023	Leisure Operator Procurements	Non-Key Decision	Public	
	Cost of Living Support Fund	Non-Key Decision	Public	
Council 19 10 2023	Updated Capital Programme	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 27 11 2023	Asset Management Strategy Update	Non-Key Decision	Public	Coralie Holman, Group Head Assets
Corporate Policy and Resources Committee 16 10 2023	2023/24 Q1 Capital Monitoring	Non-Key Decision	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 16 10 2023	2023/24 Q1 Revenue Monitoring	Non-Key Decision	Public	Paul Taylor, Chief Accountant

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 27 11 2023	Treasury Management Mid-Year Report	Non-Key Decision	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 27 11 2023	Annual Commercial Property Report 2022/23 Annual Commercial Property Report 2022/23	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Katherine McIlroy, Asset Manager
Corporate Policy and Resources Committee 27 11 2023	Determination of 2024/25 Council Tax Base for Tax Setting Determination of 2024/25 Council Tax Base for Tax Setting	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 27 11 2023	Regulation of Investigatory Powers Act Policy	Non-Key Decision	Public	Farida Hussain, Group Head- Corporate Governance
Council 14 12 2023	Corporate Plan	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Lee O'Neil, Deputy Chief Executive
Council 14 12 2023	Asset Management Strategy	Non-Key Decision	Public	Coralie Holman, Group Head Assets

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 22 01 2024	Assets Investment & Regeneration Portfolio Strategy 2024/25 to 2028/29 Assets Investment & Regeneration Portfolio Strategy 2024/25 to 2028/29	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Coralie Holman, Group Head Assets
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Calendar of Meetings 2024/25 Calendar of Meetings 2024/25	Non-Key Decision	Public	Karen Wyeth, Principal Committee Manager
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Detailed Budget 2024/25 Detailed Budget 2024/25	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Fees & Charges 2024/25 Fees & Charges 2024/25	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Capital Programme 2024/25 to 2027/28 Capital Programme 2024/25 to 2027/28	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Capital Strategy 2024 to 2025 Capital Strategy 2024 to 2025	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Treasury Management Strategy 2024/25 Treasury Management Strategy 2024/25	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Pay Policy Statement 2024/25 Pay Policy Statement 2024/25	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Debbie O'Sullivan, HR Manager
Corporate Policy and Resources Committee 22 01 2024  Council 22 02 2024	Pay Award 2024/25 Pay Award 2024/25	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Angela Tooth, Human Resources Officer

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