



**Spelthorne
Borough Council**

Council Meeting
Thursday, 14 December 2023



6 December 2023

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held at The Council's Offices, Knowle Green, Staines-upon-Thames on **Thursday, 14 December 2023** commencing at **7.00 pm** for the transaction of the following business.

Daniel Mouawad
Chief Executive

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

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

AGENDA

Description	Page nos.
<p>1. Apologies for absence To receive any apologies for non-attendance.</p>	
<p>2. Disclosures of Interest To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members aside from those members that are also Surrey County Councillors.</p>	
<p>3. Minutes To confirm as a correct record the minutes of the Council meeting held on 19 October 2023.</p>	7 - 16
<p>4. Announcements from the Mayor To receive any announcements from the Mayor.</p>	
<p>5. Announcements from the Leader To receive any announcements from the Leader.</p>	
<p>6. Announcements from the Chief Executive To receive any announcements from the Chief Executive.</p>	
<p>7. Questions from members of the public The Leader, or their nominee, to answer any questions raised by members of the public in accordance with Standing Order 13. As at Agenda publication date no questions have been received.</p>	
<p>8. Changes to the Allocation of Seat for Committees Council is asked to approve the revised allocation of committee seats to the Conservative Group following the Ashford Town By-election in September 2023.</p>	17 - 24
<p>9. Changes to the Constitution Council is asked to agree the proposed changes to the Council's Constitution that would take immediate effect. This item has previously been considered by the Standards Committee and the minutes of that meeting, with their comments is attached as Appendix 19.</p>	25 - 210

- 10. Corporate Plan**
Report to follow.
- 11. Statement of Licensing Policy 2024-2029**
Council is asked to approve the adoption of the revised Statement of Licensing Policy 2024-2029. 211 - 264
- 12. Gambling Act Policy 2022-2025**
Council is asked to approve the adoption of the Gambling Act Policy 2022-2025. 265 - 302
- 13. Determination of 2024/25 Council Tax Base for Tax Setting**
Council is asked to approve the gross and net Council Tax Base for 2024/25 as recommended by the Corporate Policy & Resources Committee. 303 - 308
- Approval is sought to meet the legal requirements to set the Council Tax Base and publish it between 01 December 2023 and 31 January 2024 to Surrey County Council and The Surrey Policy Commissioner.
- 14. 2024-25 to 2027-28 Outline Budget Report**
Council is asked to: 309 - 334
1. Note the current projected draft budget gaps set out in 1.80-1.81 of the report,
 2. Approve the exploration of the range of options over the four year period set out in the report to close the budget gap. These options include seeking to maximise transformation savings including digital transformation, smarter use of physical assets, delivering cashable savings, prioritisation and collaboratives savings and in the last instance to use its reserves to deliver a balanced budget for 2024-25 and noting that there is some headroom to protect front line services and vulnerable residents, either in 2024/25 or future years; and
 3. Confirm support for the initiatives suggested in the report which will allow Officers to work on closing the gaps for the years 2024-25 to 2027-28.
- 15. Asset Management Strategy & Asset Management Plan**
Council is asked to: 335 - 384
1. Approve the adoption of the Asset Management Strategy and the Asset Management Plan.
- 16. Appointment of Independent Members to Standards Committee**
Council is asked to approve the recruitment of Gareth Young as the 385 - 390

Chair of the Standards Committee for two years, until December 2025.

17. Reports from the Committee Chairs

To receive and agree the reports from the Committee Chairs. 391 - 402

18. Motions

To receive any motions from Councillors in accordance with Standing Order 16. 403 - 404

19. General questions

The Leader, or their nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 14.

As at the date of the Agenda publication no questions have been received.

MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 19 October 2023 at 7.00 pm

Present:

Councillors:

E. Baldock	J. Button	K.M. Grant
M. Arnold	J. Caplin	S. Gyawali
M.M. Attewell	R. Chandler	K. Howkins
C. Bateson	D. Clarke	N. Islam
S.N. Beatty	J.T.F. Doran	A. Mathur
M. Beecher	S.M. Doran	L. E. Nichols
S. Bhadye	S.A. Dunn	K. Rutherford
M. Bing Dong	H.R.D. Williams	O. Rybinski
L. Brennan	M. Lee	J.R. Sexton
M. Buck	R. Geach	J. Turner
T. Burrell	D. Geraci	B. Weerasinghe
J.R. Boughtflower	M. Gibson	Woodward

Apologies: Apologies were received from Councillors H. Boparai and A. Gale

Councillor D. Saliagopoulos, The Mayor, in the Chair

81/23 Minutes

The minutes of the Council meeting held on 19 July 2023 and the Extraordinary Council meetings held 27 July 2023 and 14 September 2023 were agreed as a correct record of proceedings.

82/23 Disclosures of Interest

Councillors Attewell and Sexton advised that they were also Surrey County Councillors.

Councillor Nichols advised that he was a Director on the Knowle Green Estate Board.

83/23 Announcements from the Mayor

The Mayor provided the following announcements to the Council:

“I hope Members have enjoyed a good Summer. It is hard to believe that we are now in Autumn.

Since the last Council meeting my Consort and I have been around visiting the borough and beyond.

As you would expect, as we are so fortunate to have our River communities, we have attended many regattas and have met hundreds of young people and volunteers. We have some really great Rowing and Sailing Clubs in this borough. I particularly recall meeting a 95 year old gentleman who rowed in Lower Sunbury and was actually in the winning boat of the day! I had the honour of meeting Mr Alan Pascoe, ex Olympian, at his beautiful home in lower Sunbury. He opened his gardens for local fundraising. We have been meeting up with the other Mayors of Surrey and attending their Civic Services. I would like to thank my Committee who have been supporting me in the Mayor's Charities fundraising ideas. Alderman Robin Sider, BEM (who is here this evening I see in the public gallery!), Cllr Darren Clarke, and Cllr Michele Gibson. Also to our officers who have kept the wheel of the Mayorial role going. Our first Fundraiser is on Friday 3rd November ‘ a “Greek Night” at Thameside Brewery. If you have never seen a live Greek Band or indeed eaten Greek Food, then please do come along.

Its been an honour to have been invited, and have become, a Honorary Rotarian for Staines. Last week I attended the presentations of the Duke of Edinburgh Award to our young people in the borough. This Council chamber was full to the rafters - the biggest crowd I have ever seen in this Chamber. Parents and families watching the achievements of some very very talented young people in this borough. I also had a group of young Rainbow brownies visit - the evening was spent with the children learning how to put their hand up and speak on the microphone. Its given us an idea and I would like to encourage other schools and groups to come and meet me, and hold our taster meetings in this chamber. We need to encourage our young people to get involved in how the Council works and indeed with a view to becoming councillors in the future!

We visited our twinning town, Melun in France for their “Brie Festival”. I came away from there thinking we need to ensure that this continues - especially for the benefit of our young people with educational exchanges and cultural trips.

Finally, I have been visiting lots of our elderly population in the Care and Nursing Homes in the borough. I would recommend any member this evening, if you have a Nursing Home in your Ward, please go and meet them. You are made so welcome and I promise you they really appreciate hearing from local community leaders. We have a very busy Agenda this evening. I will be providing you with a you a more in-depth report at our December meeting as we are well into the halfway point of my appointment. Thank you very much Councillors and officers”.

84/23 Announcements from the Leader

The Leader made the following announcements:

“We recently issued our formal response to the Ministerial letters which we received from Rachel Maclean MP which instructed the Council to not withdraw its Local Plan from Examination. Our letter to the Minister explained that we do not believe intervention from Government is appropriate in this case and addressed the issues raised in her letter. The Council has secured agreement for a further pause in the process from the Local Plan Inspector and now awaits a response from the Minister. Whilst we anticipate the revised National Planning Policy Framework (NPPF) this Autumn, we are considering what other amendments and modifications may be required to the draft plan, so we can get a plan that is absolutely right for our Borough and its future.

The Spelthorne Civic Awards Trust is asking for nominations for individuals who have given a minimum of 12 years' voluntary service in the Borough so that they can be considered for a Civic Award. Candidates do not have to live in the Borough but their voluntary work should have benefitted Spelthorne residents. More information is on our website.

Surrey Police and the Office of the Police and Crime Commissioner are teaming up to give local residents the chance to have their say on policing in their local communities from 6.30 - 8.30pm on 1 November at Staines Rugby Club. Residents will have the opportunity to put their questions to the Commissioner Lisa Townsend, Chief Constable Tim De Meyer and the Inspector responsible for local policing in Spelthorne, Borough Commander Matthew Walton.

A new Customer Portal has been launched to allow residents to manage all their council accounts, requests, applications and payments in one place at a time that suits them. Creating an account saves residents time as their contact information is pre-filled on the forms and they can view the progress of previous requests. They can also sign-up for alerts for a range of services including bin collections and planning applications.”

85/23 Announcements from the Chief Executive

The Chief Executive made the following announcements:

“I should like to place on record that I am particularly proud of the ‘Team Spelthorne’ achievements over the last 12 months, protecting and supporting our most vulnerable residents, as recently detailed in the issuing of an Annual Report.

On top of the wide array of excellent services we provide, Team Spelthorne has successfully supported over 3,000 residents with hospital discharges, prevented over 200 cases of homelessness and established a Food & Welfare Network in close partnership with our voluntary sector and food banks. Our ‘cost-of-living crisis’ work has encompassed setting up warm hubs

at our community centres and delivering over 3,000 activity sessions to reduce social isolation across the borough.

Our work was externally recognised when this authority received its report from the Local Government Association in February 2023. Our Corporate Peer Challenge Review acknowledged the ‘brilliant’ exemplary work that we undertake to keep our communities at the heart of everything we strive to do.

Spelthorne Borough Council has received a number of awards, including being named the All-England winner of the Future Ready category at the Federation of Small Businesses Local Government Awards. We were also shortlisted at the LGC Awards and at the MJ Awards for our work in tackling homelessness.

Spelthorne is a Council that cares for its residents, and I want to recognise the commitment and hard work of colleagues, volunteers, and partners over the past year, and thank Councillors for their continued support in driving forward and delivering services that are making a real difference to residents across the Borough.

Turning to a poignant annual event that provides an opportunity to reflect on the service and sacrifice of all those who have defended our freedoms and protected our way of life, Spelthorne Borough Council will be marking Remembrance Day on Friday 10 November at 11am and are holding a short ceremony outside the Council Offices. Madam Mayor, Councillors and local dignitaries are invited to attend along with colleagues.

Then on Sunday 12 November, Councillors and Officers will be representing the Borough at Remembrance Services in Ashford, Laleham, Littleton, Shepperton, Staines, Stanwell and Sunbury. Details of all these events are on our website”.

86/23 Questions from members of the public

The Mayor reported that, under Standing Order 14, two questions had been received from a member of the public.

Question from Alderman Robin Sider:

“In this years South and South East in Bloom competition, both the Sunbury Walled Garden and the Cemeteries of Ashford, Sunbury and Staines each received a Gold Award in this fiercely contested and prestigious competition.

Will the Leader of the Council join me in congratulating Neighbourhood Services on these magnificent achievements and share my view that such awards clearly demonstrate the pride and commitment that council employees have to our Borough”

Response from the Leader:

“Alderman Sider, I would like to thank you for your question.

Yes, I would join you in congratulating Neighbourhood Services on their success in the South and South East in Bloom Competition. Such a great achievement and I know that the residents value the beautiful communal places that we have in our Borough. It is testament to our officers’ dedication and pride that they take in maintaining these areas and I am pleased that they have been given the recognition that they deserve”.

Question from Emma Pattinson:

“Having read the consultation report which was commissioned to support the Bathing Water Designation application to DEFRA for Shepperton Open Water Swim, will Spelthorne Council write a letter in support of that application?”

Response from Councillor Beecher, Chair of Environment & Sustainability Committee

“Thank you for your question, Ms Pattinson

This Council appreciates the benefits that open water swimming can bring to individuals and Shepperton Open Water Swim’s desire to designate Ferris Meadow Lake as bathing water for that purpose. Any such designation cannot, however, be separated from the River Thames Scheme which, as Councillors know, is a vital flood alleviation project aimed at protecting thousands of Spelthorne’s residents and businesses, from Staines to Sunbury. That Scheme will also be a significant green infrastructure project bringing leisure and biodiversity benefits to the Borough along its length. The Scheme is now fully funded and is moving towards a Development Consent Order Process (for planning permission) as it is deemed to be a Nationally Significant Infrastructure Project.

Earlier this year, the River Thames Scheme was made aware of concerns regarding the proposed flow of the Spelthorne flood alleviation channel through Ferris Meadow Lake before entering the River Thames, and the effect this would have on open water swimming which has greatly expanded since the COVID pandemic. Whilst the number swimming in the lake has increased, it is our understanding that just 6.5% of those people live in our Borough, with other users coming from areas such as Elmbridge, London Boroughs and as far away as Portsmouth. In view of the concerns raised, the Scheme is currently undertaking a feasibility study to investigate the possibility of re-routing the Spelthorne section of the flood alleviation channel to avoid fully or partially connecting through Ferris Meadow Lake.

Until the results of the feasibility study are known we not in a position to know how any such diversion could affect our wider Borough and whether this would result in any significant additional costs to the Scheme. If Spelthorne was to support the designation of the lake as bathing water prior to the

outcome of that study, there is a risk that partners might look to this Council to increase its contribution to cover any additional costs of any associated diversion route needed. Taking this into account, together with the vital importance of the wider Scheme to protect this Borough's residents from flooding, it would be prudent for this Council to wait for the outcome of the feasibility study (which is expected in the first quarter of 2024) and a full assessment of the proposals for a Bathing Water Designation before we make any formal comment on whether we would support any such proposal. Once this information is received Councillors in this chamber will be in possession of all the information needed to debate this issue and respond more effectively to any application to DEFRA in relation to the Bathing Water Directive and whether we can offer support for such an application”.

87/23 Addendum to the 2023-24 to 2026-27 Capital Programme for Suspension of the Direct Housing Projects

Council considered a report that sought approval of the revised Capital Programme for 2023-24 to 2026-27.

It was proposed by Councillor Gibson, seconded by Councillor Sexton that the recommendations be amended to:

1. Council is asked to approve the proposed revised Capital Programme for 2023-24 to 2026-27, as set out in Appendix B, for suspension of the direct housing projects;
2. The recommendation is to approve the revised 4-year Capital Programme, and only that. That is a reduction of £283.4m in net capital spend over the 4 years from 2023-24 to 2026-27 from £338.4 million (net) to £55.1 million (net); and
3. Any transfers of capital to revenue will be agreed at a later date.

Council **resolved** to agree the amended recommendations.

Council **resolved** to approve the revised Capital Programme for 2023-24 to 2026-27.

88/23 Addendum Treasury Management Strategy Statement 2023-24

Council considered a report that sought approval to revise the Authorisation Limit and the Operational Boundary within the Treasury Management Strategy Statement.

Council were asked to note the updates to the Treasury Management Strategy for 2023-24 as set out in the report.

Council **resolved** to:

1. Approve the Authorisation Limit being reduced from £1,450m to £1,167m;
2. Approve the Operational Boundary being reduced from £1,350m to £1,067m; and
3. To note the update to the Treasury Management Strategy for 2023-24 as set out in the report.

89/23 Members Allowances Scheme 2023-2024

Council considered a report that sought approve of the recommendations of the Independent Remuneration Panel on the Members' Allowances Scheme for 2023-24, as set out in the report.

Council **resolved** to approve the recommendations of the Independent Remuneration Panel on the Members' Allowances Scheme for 2023-24.

90/23 Grants Funding Panel

Council considered a report that sought approval to include the Grant Funding Panel and the associated Terms of Reference within the Council's Constitution.

Council **resolved** to:

1. Approve the inclusion of the Grants Panel with the Terms of Reference as agreed by the Community Wellbeing and Housing Committee in the Council's Constitution,
2. Approve delegated authority be given to the Chief Executive in consultation with the Chair and Vice-Chair of the Community Wellbeing and Housing Committee to agree the names of those members on the Grants Panel; and
3. Approve that the Chair and Vice-Chair be authorised to nominate a substitute from the panel to cover for them in their absence.

91/23 Reports from the Committee Chairs

Council considered the Chair's reports that outlined matters Committees had considered since the last Council meeting.

Councillor Nichols asked the following question of Councillor Williams, Chair of Economic Development:

"Can we be confident as councillors that the changes to the Local Enterprise Partnership Scheme due April 2024 is not going to cause detriment to businesses in Spelthorne?"

The Chair of the Economic Development Committee replied:

“Unfortunately, I am unable to give any reassurance at the moment, we will have to wait and see”.

Council **resolved** to note the Chair’s reports that outlined the matters the Committees had considered since the last Council meeting.

92/23 Motions

In accordance with Standing Order 16 the Council had not received any written Notices of Motions.

93/23 General questions

The Mayor reported that no general questions had been received.

94/23 Exclusion of Public and Press (Exempt Business)

It was proposed by Councillor Sexton, seconded by Councillor Bateson and resolved that the public and press be excluded during consideration of the following items, in accordance with paragraph 3 of Part 1 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.

95/23 Leisure Operator Procurements

Council considered a report that:

1. Asked Council to note the full evaluation process to identify the preferred Operator (Bidder B) as the Leisure Centre Operator,
2. Sought approval for Council to enter into a management agreement (subject to the required standstill period) with Bidder B to manage Sunbury Leisure Centre and the new Spelthorne Leisure Centre on behalf of the Council for a period of 10 years from the opening of the new centre and with the option (at the sole discretion of the Council and subject to satisfactory performance) to extend the contract for a further period of 5 years; and
3. Sought approval to authorise the Group Head of Assets to agree terms in respect of any necessary leasehold arrangements with the Preferred Bidder in respect of the new Spelthorne Leisure Centre and Sunbury Leisure Centre and to authorise the Group Head Corporate Governance to enter into a contract with the Preferred Bidder.

Council **resolved** to note recommendation No. 1 and approve recommendations 2 & 3 as outlined in the report.

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Council



14 December 2023

Title	Changes to the Allocation of Seats for Committees
Purpose of the report	To make a decision
Report Authors	Farida Hussain, Group Head of Corporate Governance Karen Wyeth, Principal Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision as it is a statutory requirement.
Recommendations	<p>Council is asked to approve:-</p> <p>1. the proposed allocation of committee seats to the Conservative Group following the Ashford Town By-election in September 2023.</p>
Reason for Recommendation	To allocate seats to the Council's committees in accordance with the principles set out in the Local Government and Housing Act 1989.

1. Summary of the report

This report seeks approval to increase the number of seats on committees for the Conservative Group following the by-election held in September 2023 for the vacant seat in the Ashford Town Ward.

- 1.1 The seats on the Council's committees should be allocated in accordance with the principles set out in the Local Government and Housing Act 1989 to the political groups amongst the Members of the Council so far as it is reasonably practicable.
- 1.2 The number of seats on each Committee allocated to each group must bear the same proportion as the proportion the members of that group has to the total members of the entire Council. Following their success in the Ashford Town Ward By-election, the number of councillors within the Conservative Group increased from twelve (12) to thirteen (13), giving them a 33.3% share of the total number of Spelthorne Borough Councillors.

- 1.3 The increase in the number of members within the Conservative Group has increased their overall seat allocation from 42 to 44 (31.5% to 33.33%). The two additional seats are in the Development Sub-Committee and the Community Wellbeing & Housing Committee.
- 1.4 A decision was made by Council on 25 May 2023 that the number of members on each Committee could be increased as required to ensure that all political groups receive the overall number of seats as per the proportionality calculations. To ensure that the Conservative Group receive the 44 seats that they are now entitled to (as referred to in 1.3), both the Development Sub-Committee and the Community Wellbeing & Housing Committee will need to be increased from 11 seats to 12 to accommodate the two additional seats the Conservative Group has gained.

2. Options analysis and proposal

- 2.1 Option 1: Approve the allocation of seats as shown in Appendix 2.
Option 2: Do nothing. This is not recommended as this would be in contravention of the principles set out in the Local Government and Housing Act 1989. Financial implications.

3. Financial Implications

There are no financial implications to this report. Should either Options 1 or 2 be approved by Council, this does not impact the number of Chairs or Vice-Chairs appointments and therefore no additional special responsibility allowances will need to be paid following the Members' Allowances Scheme.

4 Risk considerations

- 3.1 There is a need to allocate the appointment of Members to seats, in so far as it is reasonably practicable, with regard to the statutory principles set out in the Local Government and Housing Act 1989. Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.

4. Procurement considerations

- 4.1 There are no relevant procurement considerations.

5. Legal considerations

- 5.1 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political groups on its committee where the members of the Committee are split into different political groups.
- 5.2 The Act requires that the Council should allocate seats on committees in accordance with the principles set out in paragraph 2.1 of this report.
- 5.3 Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to committees to give effect to the nominations of the political groups concerned.

6. Other considerations

- 6.1 There are none.

7. Equality and Diversity

7.1 There are no Equality and Diversity implications.

8. Sustainability/Climate Change Implications

8.1 There are no implications.

9. Timetable for implementation

10.1 If the recommendations in this report are agreed, the revised number of seats allocated to the Conservative Group will take immediate effect.

10. Contact

10.1 Committee Services committeeservices@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1: Allocation of seats agreed at Council May 2023

Appendix 2: Allocations of seats post By-election September 2023

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Appendix A	Corporate Policy and Resources* &	Development Sub-Committee*	Community Wellbeing and Housing	Economic Development	Environment and Sustainability	Neighbourhood Services and Enforcement	Administrative	Appointments*	Audit	Licensing	Planning	Standards*		Total seats
	No of seats	15	11	11	9	15	9	12	5	7	13	15	9	
Conservative	5	3	3	3	5	3	4	2	2	4	5	3		42
Liberal Democrat	4	3	3	2	4	2	3	1	2	3	4	2		33
Green	1	1	1	0	1	0	1	0	0	1	1	0		7
Independent Spelthorne	3	2	2	2	3	2	2	1	1	2	3	2		25
Labour	3	2	2	2	3	2	2	1	1	2	3	2		25
Totals	16	11	11	9	16	9	12	5	6	12	16	9		132.00
	1.00				1.00				-1.00	-1.00	1.00			
* not included in the chair/vice-chair proportionality														
& the chair and vice-chair of each service committee is a member														
Service committees = Community Wellbeing and Housing; Economic Development; Environment and Sustainability; Neighbourhood Services and Enforcement														
(Corporate Policy and Resources is a service committee, but this is not relevant to the appointment of committees)														
Co-opted members are not included in these calculations														

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Appendix B	Corporate Policy and Resources*&	Development Sub-Committee*	Community Wellbeing and Housing	Economic Development	Environment and Sustainability	Neighbourhood Services and Enforcement	Administrative	Appointments*	Audit	Licensing	Planning	Standards*		
No of seats	15	11	11	9	15	9	12	5	7	13	15	9		131
Conservative	5	4	4	3	5	3	4	2	2	4	5	3		44
Liberal Democrat	4	3	3	2	4	2	3	1	2	3	4	2		33
Green	1	1	1	0	1	0	1	0	0	1	1	0		7
Independent Spelthorne	3	2	2	2	3	2	2	1	1	2	3	2		25
Labour	3	2	2	2	3	2	2	1	1	2	3	2		25
Totals	16	12	12	9	16	9	12	5	6	12	16	9		134.00
	1.00	1.00	1.00		1.00				-1.00	-1.00	1.00			
* not included in the chair/vice-chair proportionality														
& the chair and vice-chair of each service committee is a member														
Service committees = Community Wellbeing and Housing; Economic Development; Environment and Sustainability; Neighbourhood Services and Enforcement														
(Corporate Policy and Resources is a service committee, but this is not relevant to the appointment of committees)														
Co-opted members are not included in these calculations														

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Council



14 December 2023

Title	Amendments to the Constitution
Purpose of the report	To agree the proposed changes to the Council's Constitution
Report Author	Farida Hussain, Group Head of Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision
Recommendations	Council is asked: Approve the proposed amendments to the Constitution as set out in this report and attachments and authorise the Group Head Corporate Governance to update the Constitution accordingly.
Reason for Recommendation	To ensure that the Constitution is an effective document for the operation of a Committee System.

1. Summary

1.1 This report seeks Council to approve proposed amendments to the Constitution which have the support of the Committee System Working Group.

2. Key issues

2.1 The Committee System of governance was adopted by this Council on 27 May 2021. Council agreed changes to those Parts of the Constitution which were needed in order to operate the Committee system on 25 March 2021. A review of the remaining Parts of the Constitution was undertaken in early 2022 and amendments agreed in July 2022.

2.2 The Local Government Association (LGA) Corporate Peer Challenge of Spelthorne Borough Council in November 2022 explored Council governance issues as part of its remit. One of the peer teams' key recommendations was for the Council to undertake a review of the working of the committee system by looking at best practice elsewhere, to consider how to create a system that is fit for purpose (Recommendation 9). Officers looked at best practice, as suggested by the LGA, in the Constitutions of the Royal Borough of Kingston and Sutton Borough Councils.

- 2.3 One area of detail that the peer review team suggested could be included in this review of the committee system was the number of committees. This aspect is being considered separately from the matters which are the subject of this review, and a report on the committee structure will be brought to a future meeting of the Committee and ultimately Council.
- 2.4 Since the last review in 2022 and in addition to those aspects raised by the peer review team, both officers and councillors have raised other issues which need clarification in the Constitution by the amendment or addition of words. It is hoped that the proposed amendments will provide clarity to officers, members and the public alike on the operation of the committee system. Other changes are intended to improve transparent and inclusive decision-making.
- 2.5 The proposed changes to the Constitution were discussed with the Committee System Working Group on 1 November. The Working Group supported the changes proposed in this report, in principle.
- 3. Constitutional amendments**
- 3.1 Attached at **Appendix 1** is a summary of all the amendments which are recommended for approval. The amendments relate to a number of the Parts which make up the Constitution. Clean copies of these amended Parts are attached as appendices. Tracked change versions of these documents are available to Members in the Mod.Gov app library.
- 4. Timetable for implementation**
- 4.1 The amendments will take effect upon agreement by Council.

Background papers: There are none.

Appendices:

Appendix 1 – Summary of proposed amendments
Part 1 - Introduction to the Constitution
Part 2 – Article 5, The Mayor
Part 2 – Article 10, The Officers
Part 3 (b) – Terms of Reference of Committees
Part 3 (d) – Delegations to officers
Part 3 (f) – Roles of Different Councillors
Part 4 (a) – Council Standing Orders
Part 4 (c) – Substitution Scheme
Part 4 (e) - Contract Standing Orders
Part 4 (g) – Access to Information Rules
Part 4 (i) – Procedure Rules for Task and Working Groups
Part 5 (a) – Councillor Code of Conduct
Part 5 (d) – Planning Code
Part 5 (h) – Monitoring Officer Protocol
Part 5 (k) – Conflicts of Interest
Part 5 (m) – Disclosure and Barring Checks

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Throughout the Constitution references to he/she or his/hers to be changed to they or their.			
Part 1 – Introduction to the Constitution			
The Mayor	The Mayor will attend such civic and ceremonial functions as the Council and they determine appropriate.	The Mayor will attend such civic and ceremonial functions as the Council and they determine appropriate <i>both within and outside the Borough.</i>	For clarification
Service Committees	All references to Service Committees throughout the Constitution.	References amended to Strategic Committees	To clarify that these committees deal with strategic decisions not operational service decisions.
The Council	No reference to Committee system	The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.	To give context to the way the Council operates.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 2			
Article 5 - The Mayor	to attend such civic and ceremonial functions as the Council and they determine appropriate.	to attend such civic and ceremonial functions as the Council and they determine appropriate <i>both within and outside the Borough</i>	For clarification
Article 10 – The Officers	Functions of the Monitoring Officer	Addition of: Maintain the Register of Interests as per the Monitoring Officer Protocol. Clarification that the MO may investigate allegations of breaches of the Code of Conduct or may appoint another person to investigate.	For clarification to reflect / cross-reference provisions elsewhere in Constitution
Part 3b – Terms of Reference			
General	Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.	Each Committee is limited in authority to grant expenditure to £1 million for any particular project (<i>with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee</i>) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being	To clarify an exception to the rule. This reflects existing wording in Corporate Policy and Resources Terms of Reference and was agreed by Council on 23 February 2023.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b General	Not applicable – new wording	<p>authorised separately to avoid this limit set by this rule.</p> <p>Addition for all Committees To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.</p>	To clarify the role of Committees in relation to expenditure on Capital Programme projects.
All Strategic Committees	To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.	<p>To <i>adopt</i>, monitor and review Council policies and strategies <i>which fall within the remit of that Committee</i>.</p> <p>To recommend changes or new policies to the Corporate Policy and Resources Committee <i>where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.</i></p>	<p>To delegate functions to the appropriate Committee.</p> <p>To clarify the correct body for taking decisions relating to Policy Framework matters.</p>
Corporate Policy and Resources	Move responsibility from Corporate Policy and Resources to Community Wellbeing	To receive periodic reports for noting from Spelthorne Healthy Communities Board on funding decisions.	Agreed to report to CPR at Council October 2022. Community Wellbeing is the more appropriate Committee to receive periodic reports.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b Audit and Standards Committees membership	Audit - 7 councillors reflecting political balance and one independent member Standards - 9 Councillors reflecting political balance + 2 Independent Members	Audit - 7 councillors reflecting political balance and one independent <i>non-voting</i> member Standards - 9 Councillors reflecting political balance + 2 Independent <i>non-voting</i> Members	To clarify that independent members on Committees cannot vote
Audit	N/A	Inclusion of: To approve risk related Policies that are not reserved to Council; and To receive an annual report on RIPA activity	To include additional matters that fall within their remit
Licensing	N/A	Each Member of the committee is required to complete in full an induction programme; undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b Licensing	The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	The determination of an application for variation (<i>excluding Minor Variations</i>) of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	For clarity and to accord with Govt guidance that decision making on MVs is delegated to licensing officers
Planning	N/A	Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.
Standards Committee	N/A	To monitor and review the operation of the Constitution in accordance with Article 13.	X-ref to Article 13 for clarity
All relevant Committees		To include within relevant Committees' Terms of Reference, establishment of Working Groups where these apply and to include the	To make it clear which Working Groups are established by which Committee and have a central

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3d – Delegations to Officers			
Delegations to Officers	New	To authorise the Chief Executive or a Deputy Chief Executive or Group Head, in consultation with the relevant Chair and Vice-Chair, to carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in its Scheme of Delegation at Part 3d. Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.	To cover unidentified 'missing' functions which are not delegated to a Committee (i.e. in its TOR) or an officer. This can occur when new legislation is introduced and delegations have not yet been updated to reflect it.
2.1	To instigate, conduct and settle proceedings or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and	To instigate, conduct and settle proceedings, <i>complaints</i> , or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body <i>or by way of local resolution</i> , and/or in relation to any matters associated thereto, but in respect of settlements/ex gratia	To be able to deal with disputes expediently and efficiently.

Constitution Changes 2023

	anything above this level be referred to the Corporate Policy and Resources Committee.	payments this is limited to £50,000, and anything above this level be referred to the Corporate Policy and Resources Committee.	
Section	Current Text	Proposed	Reason for change
Part 3d 4.2d	None. Additional delegation to Group Head for Assets in consultation with the Chief Finance Officer (CFO).	To make the application for planning permission in relation to Regulation 3 of the Town and Country Planning General Regulations 1992, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.	To clarify transparency by providing a distinction between the role of the Local Planning Authority and the council as developer. CFO authority at other parts of this delegation in relation to disposals /acquisitions of land and impact of approval to break options or surrenders are limited to £100k.
7.5	Inclusion of new delegation for Licensing Manager.	To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003. (Licensing Manager)	Aligns with statute and the Council's agreed Licensing Policy
7.6	Inclusion of new delegation for Licensing Manager.	To adjourn a Licensing Sub-Committee for administrative reasons. (Licensing Manager)	To avoid the need for members to attend the Offices for a hearing that needs to be adjourned for administrative reasons such as the illness of a party or other unavailability of parties whose presence is required to ensure a

Constitution Changes 2023

			fair hearing. Members agreement to such an adjournment will be sought and confirmed by email.
Section	Current Text	Proposed	Reason for change
Part 3d 12.11	Inclusion of new delegation	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy. (Senior EHO)	To enable inconsequential changes to the Policy to be made by officers.
Part 3f – Roles of Different Councillors			
Role of Chairs	To liaise with staff in formulating agendas and future work plans, and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To liaise with staff, <i>in association with the Vice-Chair</i> , in formulating agendas and future work plans <i>to enable delivery of the Corporate Plan</i> , and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To require consensus of lead members on Committee matters. To emphasise the need to link Committee objectives to delivery of the Corporate Plan.
Part 4a – Standing Orders (SO)			
Part 4a SO 6.2 and 8.2 – National Anthem	The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.	Deleted.	Recommendation of majority of Group Leaders, with the exception of Conservatives.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 8.5 – Spelthorne Joint Committee	Exclusion of Borough Councillors who are also County Councillors to be appointed to Spelthorne Joint Committee	Deleted	SJC was dissolved in February 2023
SO 9 Substitute Members	A Councillor may nominate another Councillor of their own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c)	<p>9.1 A Councillor <i>or their Group Leader</i> may nominate another Councillor of their own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c).</p> <p>9.2 <i>In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).</i></p>	<p>To facilitate substitutions, where the councillor not attending is unable to advise their absence.</p> <p>To enable representation on Committees carrying out quasi-judicial functions only, in the case of two member groups where neither member is able to attend a meeting.</p>
SO 13.3, 14.1 and 16.3 – Questions and Motions	<p>Giving Notice:</p> <p>13.3 – Public questions – 12 noon 8 working days prior to the day of the Council meeting</p> <p>14.1 – Cllr questions – 12 noon 7 working days prior to the day of the Council meeting</p>	Align all deadlines to 12 noon 8 working days prior to the day of the Council meeting	To assist the public and councillors by having one deadline for all matters to be raised at meetings of Council.

Constitution Changes 2023

	16.3 – Motions - 12 noon 7 working days prior to the day of the Council meeting		
Section	Current Text	Proposed	Reason for change
Part 4a SO 13.6 – Scope of Public Questions	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has a responsibility or which affects the Borough; (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information. 	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has <i>powers or duties</i> or which affects the Borough; or (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information or (d) <i>Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or</i> (e) <i>relates to the behaviour or conduct of an individual member, members or staff;</i> (f) <i>Concerns a planning or licensing application or</i> (g) <i>Is apparent that the question has been directed by a councillor or</i> (h) <i>Contains sub questions.</i> 	<p>To clarify the types of public questions which are not appropriate and therefore not accepted for Council.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
<p>Part 4a SO 16.6 to 16.10 Motions on Notice – Referral of a Motion to Committee</p>	<p>New Standing Order</p>	<p>Full wording in amended document. In summary: Addition of ability for CEX and Monitoring Officer in consultation with Mayor to decide that a Motion is more appropriate for consideration by a Committee and it will be placed on the agenda for the next available meeting of that Committee.</p> <p>That a Motion including a proposal to take a significant policy decision contrary to the Budget and Policy Framework or likely to incur expenditure over £40k shall be referred to Committee for consideration. The matter will come to a future meeting of Council with a full report on the policy, budget and financial implications and the recommendation from the Committee.</p> <p>The CPR Committee may issue guidance on the application of the above SO with regards the level of expenditure.</p>	<p>To improve accountability by the relevant Committees for decision-making.</p> <p>To enable members to be fully appraised of the implications of a proposal before making a decision contrary to Budget and Policy Framework. This accords with Budget and Policy Framework procedure rules.</p> <p>Highlighting – this value is subject to guidance from CPR</p>

Constitution Changes 2023

		The proposer and seconder of a Motion referred to Committee shall have notice of the Committee at which the Motion is to be considered and an opportunity to explain the Motion at the meeting in accordance with the rules of debate.	
Section	Current Text	Proposed	Reason for change
Part 4a SO 21- Voting	None. Addition of sub-paragraphs on the effect of absence during an item under discussion and late arrival, and the ability to participate in a vote.	<p>Addition:</p> <p>21.2 In the interests of natural justice, councillors are required to be present for the entire consideration of any item under discussion, in order to participate in the vote. If a councillor needs to absent themselves during an item, for any period of time, they should seek a short adjournment from the Mayor, which will not be unreasonably refused.</p> <p>21.3 In a situation where a councillor arrives late for the start of a Council or Committee meeting, the Chair of the meeting, (having consulted with the senior officer present) has discretion as to whether it is appropriate to permit that councillor to participate in any vote on a matter for which they have not been present for its entirety.</p>	<p>To clarify the expectation for councillors to be present for an entire item in order to vote at Council, but that a short adjournment may be requested to absent themselves if necessary.</p> <p>To provide the ability for a councillor arriving a few minutes late to a meeting to still participate in the vote on a matter.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 23.2 – Standing to speak	When councillors speak at Council they must stand and address the meeting through the Mayor, unless the Mayor’s permission has been obtained for the relevant Councillor to remain seated. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	When councillors speak at Council they must stand, <i>if they are able to</i> , and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	To recognise that some members may not be able to stand.
SO 29 – Application of SOs to Committees	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where different rules apply	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where <i>specific</i> rules apply.	To clarify that there are specific rules for Committees which replace the Council SOs.
SO 30.2 – ordinary meetings	This programme may be amended and additional meetings called as required throughout the year to ensure the efficient conduct of business. Amendments to the programme shall be agreed by the Chair of the relevant Committee.	This programme may be amended and additional meetings <i>proposed by Chief Officers in consultation with the Chair and Vice-Chair, may be</i> called as required throughout the year to ensure the efficient conduct of business. <i>Any proposed</i> amendments to the programme shall be agreed by the Chair <i>and Vice-Chair</i> of the relevant Committee.	To widen the ability for additional meetings to be proposed in consultation with members, and to include the Vice-Chair in the agreement to amend ordinary meetings. To clarify who may propose additional meetings.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 30.3 – Extraordinary Committee meetings	Addition of the Monitoring Officer to those persons who may call Extraordinary Committee meetings.	30.3 <i>Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:</i> a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting. b) <i>the Monitoring Officer, in agreement with the Chair and Vice-Chair.</i> c) the Monitoring Officer or the Section 151 Officer in pursuance of their statutory or <i>constitutional</i> duties.	To enable the calling of Extraordinary meetings for business that the MO deems cannot wait until the next ordinary meeting of the Committee cycle.
SO 34.1	34.1 g and h – Agenda setting/Forward Planning by Committee and Chair/Vice-Chair	g - Matters raised by members of the Committee or Sub-Committee <i>in accordance with Standing Order 34.2.</i> h - Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, <i>in association with the Vice-Chair.</i>	To require consensus on items suitable for the agenda of a Committee. Recommendation of Peer Review members.
SO 34.2	Ward issues at Committee	Delete	This is not well utilised or offered at other Local Authorities. Peer Review members recommended removal. Ward issues can be raised

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a New SO 34.2 re forward planning	N/A	<p>Additional wording</p> <p>All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.</p>	<p>1. Directly with the relevant Group Head</p> <p>2. By way of a Motion to Council</p> <p>3. By way of a question to Council</p> <p>To give the decision to the whole Committee on items to be added to its Forward Plan.</p> <p>Recommendation of Peer Review members. (based on Sutton Standing Orders)</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 35 – attendance of members at meetings	Additional wording to current.	35.1 a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that committee; 35.3 Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings; 35.4 where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.	Consequential changes to reflect proposed alteration to SO 16.6 – 16.9 and to clarify other circumstances in which a member may attend a meeting of which they are not an appointed member. (based on Sutton SO 20-2-20.3)
SO 37 – appointment of Sub-Committees	37.1 All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee. 37.2 Membership of Sub-Committees does not need to be restricted to Members of the relevant parent Committee	<i>37.1 All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.</i> <i>37.2 In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-</i>	To clarify whether Committee or Council may appoint sub-ctees

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 38.1 – Duration of Meetings	N/A	Additional wording: <i>This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.</i>	These Committees need to conclude the business on the day of the meeting, so need exclusion from concluding business after three hours.
SO 40.1 to 40.5 Public questions at Committee /Sub-Committee	<p>Questions have to relate to a matter on the agenda.</p> <p>Notice to be given 5 working days before a meeting.</p> <p>Questions limited to two per agenda item.</p> <p>Limited reasons for rejection.</p>	<p>Questions permitted on any matter within a committee's remit.</p> <p>Notice to be given by 12 noon 8 working days before a meeting.</p> <p>Questions limited to 3 per meeting.</p> <p>Reasons for rejection expanded to reflect those for public questions put to Council (SO 13.6 above).</p> <p>(Detailed wording on amended document)</p>	<p>To improve opportunities for public engagement.</p> <p>This aligns with SO 13.3</p> <p>To ensure the main business on the agenda of the Committee can be dealt with at the meeting.</p> <p>To ensure only appropriate matters are accepted for Committee consideration.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4c – Substitution Scheme			
Para 2 - exclusions	No Committees/sub-committees are excluded from the Scheme	Addition of: <i>Substitutes will not be permitted at meetings of the:</i> <i>(a) Licensing Sub-Committee;</i> <i>(b) Appointments Committee, unless a member is substituting for an entire matter.</i>	A 4 th reserve member is appointed to a Licensing sub-committee in the event a member is unavailable, so no substitutes are required. Appts Committees meet on 2-3 occasions in respect of one matter and members need to be present for all the meetings.
Para 5. – exceptions to para 4 on numbers of substitutes	Non-aligned members may nominate a substitute from another political group.	Addition of: Exceptions to substitute rules: 5b Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee.	Request from Green Group.
Para 6. Giving Notice	Written notice of the substitution must be delivered by the Ordinary Member to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	Written notice of the substitution must be delivered by the Ordinary Member <i>or their Group Leader</i> to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	To facilitate substitutions. Reflects proposed change to SO 9.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4e - Contract Standing Orders			
Table 1 Procedural Rules	Authority for entering into contracts where value is between £5k to £40k	Procurement Business Case is approved by Group Head. <i>This also applies where the Group Head is acting as a Director of a wholly owned Council company.</i>	To align the limits as a Director with the role of Group Head.
Part 4g – Access to Information Rules			
Scope		Addition of: <i>Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.</i>	To clarify the standing of these informal groups and that these Access rules do not apply.
Part 4i – Procedure Rules for Task and Working Groups			
New	N/A	New part to the Constitution – included with the report as Part 4i.	To set out the rules under which these informal groups may be set up and how they operate.
Part 5a - Councillor Code of Conduct			
1. Respect	I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.	I treat local authority employees <i>with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.</i> I treat employees and representatives of partner organisations and those	To reflect the position in the Member-Officer relations Protocol with regards to a breach of the protocol by a member.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
volunteering for the local authority with respect and respect the role they play.			
Part 5d – Planning Code			
Various		More detail and clarity given to those parts of the Code relating to decision making on development of the Council’s own land. Detailed wording on amended document.	To ensure probity and aid transparency of decision making on applications made under Reg 3 of the Town and Country Planning Regs 1992.
Part 5h – Monitoring Officer Protocol			
1.5	The Monitoring Officer has appointed Karen Limmer, Temporary Principal Solicitor, as the Deputy Monitoring Officer. Karen Limmer will perform the functions of the Monitoring Officer where Farida Hussain is unable to act.	The Monitoring Officer has appointed a Deputy Monitoring Officer(s). The Deputy Monitoring Officer will perform the functions of the Monitoring Officer where they are unable to act.	Officer names removed as liable to change more frequently than the Constitution is updated.
Part 5k – Conflicts of Interest			
3.1	N/A	Addition of a further situation to consider: <i>appointment as a non-executive Director to a Council owned company.</i>	To bring to members attention the potential for conflict of interest in this situation.
Section	Current Text	Proposed	Reason for change
Part 5m - DBS checks			
8.	‘and a copy shall be retained.’	Copies of the DBS certificate shall <i>not be retained by the Council.</i>	There is no need for copies to be retained until the end of a

Constitution Changes 2023

Part 5m 11.	Copies of the DBS certificate shall be destroyed securely at the end of the councillor's term of office.		councillor's term of office. Non-retention complies with GDPR.
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CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

PART 1 – Summary and explanation

The Council's Constitution

This introduction, together with all the documents that follow, make up the Constitution of Spelthorne Borough Council. The Constitution is the governance framework within which the Council operates. It is approved at a meeting of the Borough Council and kept under review. It sets out how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose. Nothing in this Constitution supersedes legislation.

What's in the Constitution?

The Constitution is divided into 15 articles (Part 2) which set out the basic rules governing the Council's business. These are followed by three sections:

Part 3 - Decision Making - this section includes details of the Council's decision-making mechanisms and a scheme of delegation setting out who is responsible for taking which decision;

Part 4 - Procedure Rules – this section details how decisions are to be taken;

Part 5 - Codes and Protocols – this section sets out the expected standards of behaviour for Officers (employees of the Council) and Elected Members (councillors) and the corporate Management of the Council.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-15 explain the rights of the public and how the key parts of the Council operate. These are:

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- The Leader of the Council (Article 6)
- Service, Regulatory and Other Committees (Article 7)
- The Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)

- Suspension, interpretation and publication of the Constitution (Article 14)

How the Council operates

Councillors

The Council is composed of 39 councillors elected every four years. Only registered electors of the borough or those living, working or owning property in the borough are eligible to seek election for the office of Councillor. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council's website.

Councillors are democratically accountable to the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through Council and committee meetings.

The overriding duty of councillors is to the whole Borough. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, they have a special duty to their constituents, including those who did not vote for them.

Councillors must comply with a Code of Conduct (see Part 5) to ensure high standards in the way they undertake their duties. The Council has appointed a Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.

The Council

All councillors meet together as the Council, which is the ultimate governing body of Spelthorne Borough Council

The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.

It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. Meetings of the Council are normally open to the public, except when 'exempt' or 'confidential' matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this). The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors and presenting petitions. The procedures are set out in Standing Orders (See Part 4).

Each year usually in May, at the Annual Council meeting, Council appoints councillors and representatives to committees and other bodies.

Appointments to all committees comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.

Also at the Annual Council meeting, the Council appoints councillors to the roles of Mayor, Deputy Mayor, Leader and Deputy Leader.

The Mayor

The Mayor is the first citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as the Council, and they, determine appropriate both within and outside the Borough. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

The Leader

The Leader holds the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough.

The Deputy Leader is able to exercise the functions of the Leader when they are unavailable.

The Leader will chair meetings of the Corporate Policy and Resources Committee.

How decisions are made

The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.

The Strategic Committees

The Council will establish a number of Strategic Committees to be responsible for the Council's principal functions.

The terms of reference of the Committees are set out in Part 3 of this Constitution. Corporate Policy and Resources Committee is made up of the Leader, Deputy Leader, and 14 other councillors. The other committees are made up of a Chair, Vice-Chair and up to 14 other councillors. The committee membership is determined by the Council.

Committees meet at approximately 6-8 weekly intervals in public (except where personal, exempt or confidential matters are being discussed) to take policy and strategic decisions not reserved to Council or delegated to other committees or senior employees.

Appointments to the Committees will be made at the Annual Meeting each year.

The Regulatory and other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of any of the Strategic

Committees; for example: Planning Committee, Licensing Committee, Audit Committee and Standards Committee.

Joint Committees

In conjunction with other authorities and public bodies the Council may establish and participate in Joint Committees. These joint arrangements are described in Article 10 of this Constitution.

Statutory Scrutiny functions

Statutory requirements mean that the Council must make arrangements for scrutiny of certain matters, namely:

- matters relating to the health of the authority's population. Recommendations may be made to health bodies or other relevant authorities;
- the power to scrutinise the activities of those responsible for crime and disorder strategies.

In addition, the Council will also scrutinise the exercise by relevant authorities of flood risk management functions which may affect the local authority's area.

The Council's scrutiny functions will be undertaken by the appropriate Strategic Committee.

Responsibility for the statutory scrutiny functions relating to health will be undertaken by Surrey County Council.

The Council's Staff

The Council employs people (called 'officers' or staff) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and councillors. Officers will comply with the Staff Code of Conduct set out in Part 5 of this Constitution.

The Public's Rights

The Public have a number of rights in their dealings with the Council. These are set out in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, they may have additional rights. These are not covered in this Constitution. The Council welcomes participation by the public in its work. For further information on your rights as a citizen, please contact the Group Head of Corporate Governance.

Definitions

The headings in this Constitution are inserted for convenience only and shall not affect its construction.

A reference to a particular law is a reference to it as it is in force for the time being, taking account of any amendment, extension or re-enactment and includes any subordinate legislation for the time being in force made under it.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

Unless the context otherwise requires, words in the singular shall include the plural, and in the plural shall include the singular.

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Article 5 – The Mayor

5.1 Election of Mayor

The Mayor and Deputy Mayor will be elected by the Council annually from amongst the councillors.

5.2 Role and function of the Mayor

1. The Mayor will have the following responsibilities
 - a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - c. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which all members are able to hold decision makers to account;
 - d. to promote public involvement in the Council's activities;
 - e. to be the conscience of the Council;
 - f. to attend such civic and ceremonial functions as the Council, and they, determine appropriate both within and outside the Borough;
 - g. to support other councillors to enable them to carry out their civic duties effectively.
2. In the absence of the Mayor, the Deputy Mayor will assume the responsibilities of the Mayor.
3. The Mayor will not be a member of any committee appointed by the Council.

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Article 10 – Officers

10.1 Management Structure

(a) General

The Council may engage such staff as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council) governance support, public relations.
Deputy Chief Executives (2)	Responsibility for the service areas of the Council identified in the Council's management structure.
Chief Finance Officer	Responsibility for the proper administration of the Council's financial affairs. Responsible for reporting to the Council if councillors or staff make or are about to make a decision involving unlawful expenditure, loss or deficiency, or if proposed expenditure is likely to exceed available resources.
Monitoring Officer	Standards, lawfulness, the Council's Constitution, advice and assistance.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Group Head of Corporate Governance	Monitoring Officer
Deputy Chief Executive (Terry Collier)	Chief Finance Officer

Such posts will have the functions described in Article 12.2–12.4 below

(d) Deputy Monitoring Officer and Deputy Chief Finance Officer

A Deputy Monitoring Officer and Deputy Chief Finance Officer will be appointed from the Council's staff to perform the functions of the Monitoring Officer and Chief Finance Officer respectively, where the Monitoring Officer or Chief Finance Officer, as appropriate, is unable to act.

(e) Deputy Chief Officers

The Council will engage persons for the posts of Group Head within its management structure, who will be designated deputy chief officers, as defined in section 2(8) of the Local Government and Housing Act 1989.

10.2 Functions of the Head of Paid Service

The Head of Paid Service will:-

- (a) Discharge of functions by the Council.** The Head of Paid Service is responsible for the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers;
- (b) Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of chief finance officer if a qualified accountant;

10.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a)** maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public;
- (b)** maintain the Register of Members' Interests;
- (c)** after consulting with the Head of Paid Service and Chief Finance Officer, report to the Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (d)** contribute to the promotion and maintenance of high standards of conduct through provision of advice and support to the Standards Committee
- (e)** investigate allegations of breaches of the Members Code of Conduct following a referral from the Standards Sub-Committee and following consultation with the Independent Person, or appoint another person to investigate;

- (f) provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.
- (g) ensure that Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

10.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

- (a) after consulting with the Head of Paid Service and the Monitoring Officer, report to the Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully;
- (b) have responsibility for the administration of the financial affairs of the Council;
- (c) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- (d) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles;
- (e) provide financial information to the media, members of the public and the community.

10.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

10.6 Conduct

Officers will comply with the Staff Code of Conduct and the Protocol on Councillor-Staff Relations set out in Part 5 of this Constitution.

10.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

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TERMS OF REFERENCE

All Committees will have the following functions in respect of their respective areas:

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Strategic Committees). Where a function does not clearly fall within the remit of one particular Strategic Committee, the Corporate Policy and Resources Committee shall direct which Committee shall deal with the function, or deal with the matter itself.
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project (with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.
- To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.

CORPORATE POLICY & RESOURCES COMMITTEE

Membership

15 members reflecting political balance, comprising the Chairs and Vice-Chairs of the Strategic Committees and with the Leader and Deputy Leader appointed as Chair and Vice-Chair of this Committee.

Functions

This committee has responsibility for the following functions of the Council:

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and putting forward a draft budget to Council for approval
- Overseeing and managing the Council's financial strategies, plans, and regulations
- Formulating the Council's Community and Corporate Plans for recommendation to Council
- Formulating and co-ordinating the Council's Policy Framework and making recommendations to Council accordingly
- Considering periodic budgetary monitoring and variation reports and making any recommendations to the Council as necessary
- Revenues and benefits
- Property asset management including investment, purchases and disposals, and compulsory purchases
- Decisions on Community Infrastructure Levy (CIL) funds allocation on those proposals related to major infrastructure projects where significantly large sums of monies (approximately £1million or more) are being committed or on schemes which carry a degree of complexity as recommended by the CIL Task Group.
- Matters that cross the remits of two or more 'Strategic Committees and/or to resolve conflict
- To adopt, monitor and review Council policies and strategies that do not fall within a Strategic Committee's remit.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- Any other matters which do not clearly fall within the remit of any of the other Strategic Committees or delegated to officers.

Development Sub-Committee

Objective:

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the implementation of the Council's planned programme of capital works, both housing and large - scale non-housing schemes, as well as decision making in respect of the management of the Council's Assets.

Membership

11 Members reflecting political balance.

Functions

1. Acquisitions
 - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new property acquisitions
 - (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions
 - (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with particular acquisitions in accordance with relevant Council procedure rules.

2. Disposals
 - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold (or long leasehold) disposal of property assets
 - (b) Following (a) above, to give an initial steer on whether to investigate further those potential disposals
 - (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with particular freehold (or long leasehold) disposals in accordance with relevant Council procedure rules.

3. Management of Strategic Investments and residential developments
 - (a) To approve leasehold disposals (lettings) in residential developments, investment and retail properties (where officer/member delegation financial limits are exceeded)
 - (b) To approve the transfer of residential property assets from and to Knowle Green Estates Ltd if deemed necessary for the appropriate and effective management of the estate
 - (c) To receive quarterly reports on the management of the investment assets, including rental income, potential letting opportunities, significant assignments and any other estate management issues based on officer recommendations.
 - (d) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
 - (e) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.

4. Management of Municipal Portfolio

- (a) To approve leasehold disposal (lettings) of municipal properties which exceed officer/member financial delegation limits
- (b) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
- (c) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.

5. Development

- (a) To fully review the business case for all potential development projects including scheme detail, build costs, risks and issues and financial performance including viability
- (b) To oversee the budget for each approved project and the effective implementation of the council's development programme
- (c) To approve the award of development contracts over the Public Contracts Regulations threshold or where the requirement is strategic/critical in accordance contract standing orders
- (d) To receive reports from officers and make decisions as set out on the Development-Gateway stages - Appendix A to this document. This includes instances (at any point in the Gateway stage process) where there has been any variance of projected costs over and above the agreed budget (whether the budget was set by the P&R Committee in a specific report, or in the Capital Programme).
- (e) To receive bi-monthly "Red, Amber and Green" rating reports on all approved development projects. To include high-level finance projections, risk registers and project timeline.
- (f) To receive bi-annual presentations of the longer-term expenditure plan across the development portfolio which is to indicate future funding streams and expectations.
- (g) To receive an annual report on progress and success, setting out performance against any targets (including projected expenditure and costs).

Appendix A – Development-Gateway stages

Five stages of sign off:

1. Acquisition/Feasibility
2. Outline design
3. Detailed design prior to planning permission application
4. Construction
5. Transfer to business as usual

Stage	Decision	Reference back to CP&R	Documentation required
Acquisition/feasibility	To undertake initial design development up to feasibility stage. Appointment of consultants if decision at	For actual purchase if appropriate.	Project brief

Part 3 section (b)

	committee level is under contract standing orders.		
Outline design	To progress to Concept design (RIBA stage 2) up to planning submission	If supplementary expenditure required	Outline design and project progress report
Detailed design	To sign off detailed design (RIBA stage 3-4) post grant of planning permission. Sign off tender for contractor if required under CSOs.	If supplementary expenditure required	Detailed design and project progress documentation
Construction	To award the contract for the contractor if required under CSOs. To progress to construction	If supplementary expenditure required	Tender report and project progression documentation
Transfer to business as usual	To make any transfer to KGE. Project sign off	Report to note on outcome	Project completion documentation.

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Membership

15 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Planning policy
- The Local Plan
- Recycling
- Biodiversity
- Climate change – including carbon management, mitigation and adaptation measures
- Pollution control including contaminated land and air quality
- Emergency planning
- Consideration of all Community Infrastructure Levy (CIL) funds allocation and determination in all cases, except for those proposals related to major infrastructure projects where significantly large sums of monies are being committed or on schemes which carry a degree of complexity which will be referred for decision to Corporate Policy and Resources Committee, as recommended by the CIL Task Group
- Establishment of the Community Infrastructure Levy Task Group
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area.
- To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee.
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.

Working Groups Terms of Reference

Community Infrastructure Levy (CIL) Working Group

1. Remit

The CIL Working Group is a Councillor/Officer group set up to work jointly and collaboratively to advise the appropriate Committee on CIL generally and make recommendations on bids for CIL monies allocated to it by the Borough Council.

The CIL Working Group will assess bids for Strategic CIL funding and will recommend to the Environment & Sustainability (E&S) Committee for approval. Bid assessment will consider a number of factors including project cost, match funding, deliverability, and relevance to the identified infrastructure needs set out in the Infrastructure Delivery Plan (IDP).

In exceptional circumstances the Working Group may recommend bids to the Committee and Corporate Policy and Resource Committee (CPRC) should it be appropriate to do so.

2. Membership of the Working Group

The CIL Working Group comprises:

- The Leader of Spelthorne Borough Council
- The Chair of E&S Committee
- The Chairs of each of the five Local Spending Boards

The Chair of the Working Group will be nominated by the Working Group.

The following Officer representation will apply:

- Strategic Planning Manager
- Infrastructure Delivery Co-ordinator

The Working Group will reserve the right to draw in representatives from other Borough, County, and external service areas as required to assist it in its work.

3. Meetings

The Strategic CIL Bidding Round will run between the months of April and June. The Working Group will meet as soon as practical after the close of the Bidding Round to consider applications. Once recommendations have been decided, these will be taken to the appropriate Committee as soon as practical for final decision-making. Where possible, final decisions should be published between September and October.

The Working Group may also meet as required throughout the year to discuss Strategic CIL allocations and to ensure effective and timely allocation of CIL monies.

4. Objectives

The Working Group objectives are:

- To ensure overall programming of infrastructure projects agreed by the appropriate Committee.
- To advise and recommend to the appropriate Committee schemes that will have maximum benefits to the community.
- To monitor receipts and expenditure of CIL monies, including the maintenance of reserves in the fund of approximately £1 million.

The Working Group will be responsible for:

- Recommending projects to the appropriate Committee which require CIL funding from resources allocated to it, following assessment in accordance with the agreed criteria.

- Regular monitoring and reporting to the E&S Committee on the delivery of projects including revisions to timescales and expenditure.
- Reporting to the E&S after completion of each project.

5. Output

Regular project progress updates to the E&S Committee on CIL priorities and funding of projects.

Adopted 26 April 2023

Climate Change Working Group

The Spelthorne Climate Change Working Group will consist of 7 members.

The Terms of Reference for the Working Group are:

1. To implement the climate change strategy and action plan agreed in 2022 to deliver our target of carbon neutrality by 2030.
2. To make recommendations to Environment and Sustainability Committee on areas for improvement which can impact on 'climate change' and to identify, and make recommendations on, developing new environmental policies where required which will help move the Council and Borough towards carbon neutrality by 2030.
3. To report to Environment and Sustainability Committee appropriate action plans and targets to deliver the Council's 2030 target of zero carbon emissions.
4. To monitor progress with delivering the action plans and achieving targets and report on progress to Cabinet on a quarterly basis.
5. To consider government and wider authorities' consultation on documents relating to 'climate change' and assist Cabinet in formulating its response.
6. For members of the Working Party to act as 'climate change' champions by leading by example and advocating action on climate change. The Council has an important community leadership role to play regarding the 'climate change' agenda.
7. To identify areas for further research and invite presentations, workshops and discussions with experts as appropriate to help inform the Council's policies and action plans.
8. The Climate Change Working Group will consider the best way of engaging with key partners and work closely with the Government, the Environment Agency, Surrey County Council, local businesses, residents and other partners across the county and Borough to meet the target of making the Borough carbon neutral by 2030.
9. To consider and formulate a communication strategy to promote the Council's activities on climate change.

Membership and Proceedings of the Working Group on Climate Change

1. To be a cross party working group
2. The Chair of the Environment and Sustainability Committee or appointee will chair the Group.
3. The Group will appoint its own vice chairman from within its membership.
4. The meetings of the Working Group will be internal and confidential to the Council. At the Chairman's discretion, some of the meetings will be open to all members of the Council to attend, particularly those to which outside speakers have been invited, to ensure wide engagement across the organisation.
5. The Working Group, can co-opt an external member to the Group, as required, to deal with, specialist areas. However, it remains the decision of the full Working Group as to what targets are recommended.
6. The Working Group will meet at least 4 weeks before an Environment and Sustainability Committee but potentially more frequently depending on workload and actions required.
7. The Working Group should aim to deliver a consensual view to Environment and Sustainability Committee Where this is not possible it should aim to report fairly on the divergent views of the group. Voting is not considered appropriate or necessary. Proactive and innovative suggestions are encouraged.
8. Liaison and engagement with a wide range of stakeholders is welcomed. The Working Group should seek a wide body of opinion to inform its considerations including exchanging views on pertinent matters and receiving suggestions as to how climate change can be addressed in areas over which Spelthorne Borough Council has limited control or significant influence.

Adopted 27 June 2023

ECONOMIC DEVELOPMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Economic development, business partnerships and town centre viability & regeneration
 - Heathrow liaison
 - Business transformation, support and inward investment
 - Tourism
 - Transport
 - To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee.
 - To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
 - To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
 - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
 - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
 - To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.
- + The scrutiny of Heathrow to be carried out jointly with Environment & Sustainability Committee

COMMUNITY WELLBEING & HOUSING COMMITTEE

Membership

11 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, allocations and support services
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people
- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- .To receive periodic reports from Spelthorne Healthy Communities Board on funding decisions.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services relevant to this Committee, to the community; in particular to exercise the Council's statutory scrutiny responsibilities arising under the Police and Justice Act 2006 in relation to crime and disorder.
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.

Grants Panel Terms of Reference

1. Purpose of the Panel

The Grants Panel provides an opportunity for people with specialist skills and knowledge to contribute to the development of the community, voluntary and faith sector by granting annual and one-off funding.

The Grants Panel Advisory Panel is designed to ensure that Spelthorne Borough Council meets the highest standards when considering applications and awarding grants and consistently supports those organisations which help to deliver the Council's corporate priorities and enhance the quality of life in the Borough.

It will:

- a) assess grant applications and make recommendations to the Community Wellbeing and Housing Committee (CWHC) as to whether they should be funded.

- b) maintain an overview of the reach of Spelthorne Council's grant-making and suggest ways in which any gaps might be addressed

- c) Review the performance of grant recipients on an annual basis where a Service Level Agreement is in place

- d) Signpost applicants to alternative sources of funding

- e) Co-ordinate regular events to promote funders and grant sources to the CVS sector.

2. Terms of Reference

The Terms of Reference for the Grants Panel are:

- a) A minimum of 3 elected members and three Spelthorne Council officers with relevant skills or knowledge will comprise the panel

- b) These will be appointed to the panel by being proposed and seconded by existing panel members and following a vote of existing members. Members should be nominated on the basis of specific skills that they will bring to the panel.

- c) a quorum shall be four members

- d) the chair must be an elected member and will be elected by majority vote

- e) Councillors on the Panel will be asked to register/declare any interests before considering the applications and making any recommendations.

f) all decisions will be made by a majority vote and in instances of there being no majority, the chair will gain the power to make one casting vote

g) the panel will meet at least once a year, though “virtual” meetings may be held via telephone or email exchange at any time. The quorum and voting rules will still apply and, normally, at least 5 working days will be allowed from the start to the conclusion of such meetings, in order to allow an adequate opportunity for all Panel members to take part.

h) panel members will be expected to attend at least 50% of “physical” meetings. Members missing three consecutive meetings without giving good reason may be deemed to have resigned and their position may be filled

i) the panel may invite anyone to attend a meeting(s) to give specialist input

j) the annual revenue grants process will be the subject of a report to CWHC and acceptance by Full Council at its annual budget-setting meeting

NEIGHBOURHOOD SERVICES AND ENFORCEMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Street cleansing services
- Street Scene
- Waste strategy and management
- Parking Services
- Parks, open spaces and allotments
- Building Control
- Cemeteries
- Community safety and crime & disorder
- Civil Enforcement (JET)
- Workplace Health & Safety enforcement of businesses in the community
- Licensing matters save for those specifically reserved to the Licensing Committee,
- Environmental health functions including food safety, housing conditions and pollution control, with the exception of air quality and contaminated land.
- Planning enforcement
- To adopt, monitor and review relevant Council policies and strategies which fall within the Committee's remit.
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

ADMINISTRATIVE COMMITTEE

Membership

12 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Performance management, Project management & service delivery options/transformation
- Making such appointments to Outside Bodies which are not reserved to Council
- Customer Services
- Corporate Services including Communications, Legal Services, ICT, Democratic Services and Electoral Services
- Human Resources Policy
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Scheme (Part 4b of this Constitution).

POLICE AND CRIME COMMISSIONER'S PANEL

The Panel is a joint committee, made up of both appointed and co-opted members. All county, district and borough councillors are eligible to be Panel members.

In Surrey, there are 12 appointed members equating to the 12 councils. One councillor from Spelthorne Borough Council (appointed annually by Council) is a member of the Panel. In addition, there must be at least 2 co-opted members on the Panel (co-opted by the Panel itself, not the constituent councils) but the size of the Panel must not exceed 20 members in total. Surrey County Council is the lead authority administering the work of the Panel.

The Panel is established as an Overview and Scrutiny body and therefore has the legal powers to:

- Require any papers in the Police and Crime Commissioner's (PCC) possession (except those that are operationally sensitive).
- Require the PCC (and their staff) to attend the Panel to answer questions.
- Request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
- Make reports and recommendations on any action or decision of the Commissioner.

The Police Reform and Social Responsibility Act 2011 details the functions that the Panel exercises as follows:

- Review the draft police and crime plan, or draft variation, given to the Panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
- Review the PCC's annual report and make a report or recommendations on the report to the PCC.
- Review or scrutinise decisions made or other action taken by the PCC in connection with the discharge of the PCC's functions.
- Publish any report and recommendations made to the PCC.
- Review certain senior appointments made by the PCC.
- Review Chief Constable appointments, with the power to veto the appointment with a two-thirds majority.
- Review and report on the PCC's proposals to remove a Chief Constable.
- Review the PCC's level of precept, with the power to veto the proposed precept with a two-thirds majority.
- Suspend the PCC if they are charged with certain criminal offences.
- Appoint an acting PCC if necessary.
- Initial handling and informal resolution of complaints about the conduct of the PCC or their Deputy.

REGULATORY COMMITTEES

AUDIT COMMITTEE

(7 councillors reflecting political balance and one independent non-voting member)

1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process:
 - To approve (but not direct) the internal audit's strategy plan and performance.
 - To approve risk related Policies that are not reserved to Council.
 - To receive an annual report on RIPA (Regulation of Investigatory Powers Act)_activity.
 - To review summary internal audit reports and the main issues arising and to seek assurance that action has been taken where necessary.
 - To consider the reports of external audit and inspection agencies.
 - To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud, bribery and anti-corruption arrangements.
 - Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
 - To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and to take actions required to improve it.
 - To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
 - To review the financial statements, external auditors' opinion and reports to councillors, and monitor management action in response to the issues raised by external audit.

2. To receive Corporate Project Management updates

LICENSING COMMITTEE

13 members reflecting political balance

Each Member of the committee is required to: complete in full an Induction Programme, undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.

1. Subject to staff delegations, In relation to the Licensing Act 2003:
 - a. The determination of an application for a premises licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a club premises certificate where relevant representations have been made and not withdrawn;
 - c. The determination of an application for a provisional statement where relevant representations have been made and not withdrawn;
 - d. The determination of an application for variation (excluding Minor Variations) of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;
 - e. The determination of an application to vary the designated premises supervisor following objections from a Responsible Authority;
 - f. The determination of an application for the transfer of a premises licence following objections from a Responsible Authority;
 - g. Consideration of an objection from a Responsible Authority made to an interim authority notice;
 - h. The decision to give counter notice following objections from a Responsible Authority to a temporary event order;
 - i. The determination of an application for the grant of a personal licence following objections from the Responsible Authority;
 - j. The determination of an application for a review of a premises licence.
2. In relation to the Gambling Act 2005:
 - a. The determination of an application for a licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a variation of a licence where relevant representations have been made and not withdrawn;
 - c. The determination of an application for the transfer of a licence where relevant representations have been received from the Gambling Commission;

- d. The determination of an application for a provisional statement where relevant representations have been received and not withdrawn;
 - e. The determination of an application for a review of a licence;
 - f. The determination of an application for club gaming / club machine permits where objections have been made and not withdrawn;
 - g. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;
 - h. The decision to give a counter notice to a temporary use notice.
3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:
- a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
 - b. To grant or refuse applications for variations;
 - c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;
 - d. To revoke licences
 - e. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1982.
4. In relation to taxi and private hire licensing:
- a. the adoption of all policies relating to taxi and private hire licensing.
 - b. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where staff consider it appropriate to refer the matter to the Committee or Sub-Committee;
 - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
 - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
6. To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.

7. To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.

All members of the Licensing Committee may serve on a Sub-Committee and delegated authority is given to the Monitoring Officer, in consultation with the Chairman of the Licensing Committee, to select members to serve on a Sub-Committee on a case by case basis.

PLANNING COMMITTEE

(15 Members reflecting political balance)

Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.

Subject to staff delegations, any applications for planning permission under Part III of the Town and Country Planning Act 1990 to which any of the following below apply AND subject to no decisions being issued within 21 days of the application's appearance on the Publicity Schedule;

- 1 Where councillor representations are received in writing within the specified "call in" period within the approved scheme.
- 2 Where the Planning Development Manager decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.
- 3 Where the application is submitted by the Council or by the Council with another person (individual or corporate).
- 4 Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 5 Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 6 Approval of over 9 (nine) net additional residential units by new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m² net additional building floor space or 1 hectare net additional land area in connection with new Surrey County Council minerals and waste applications (gravel extraction/restoration).
- 9 Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 5000m².
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

STANDARDS COMMITTEE

(9 Councillors reflecting political balance + 2 Independent non-voting Members)

Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 8 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.
- to consider any issues referred by the Monitoring Officer under the Disclosure and Barring Service Checks for Members Protocol (Part 5m).
- to establish the Committee System Working Group with the Terms of Reference set out below.
- to monitor and review the operation of the Constitution in accordance with Article 13,

- to promote, manage and agree a programme of member development.

Hearings Panels (comprising three councillors drawn from the membership of the Standards Committee and chaired by an independent member) established under the Council's published arrangements for dealing with complaints may:

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the councillor's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;
- recommend to the councillor's group leader that the councillor be removed from a Committee, or an outside body (as appropriate);or,
- a combination of any of the above.

Working Group's Terms of Reference

Committee System Working Group

Membership

The membership to comprise one councillor from each political group and any non-aligned members.

Responsibilities

Monitoring of objectives

To consider whether the system is meeting the Council's objectives. To recommend any amendments to the system to the Standard's committee where such is required to meet those objectives.

Recommendation of amendments

To consider whether any adjustments or amendments are required to ensure the smooth operation of the system and to make recommendations to the Standards Committee where required.

Decision Making

This working group has no formal decision-making powers. Any matters which require a Councillor decision will require a report to the Standards Committee for their decision.

APPOINTMENTS AND APPEALS COMMITTEE

Membership

5 members reflecting political balance. The members of this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

In undertaking the annual appraisal of the Chief Executive, a minimum of three councillors from at least two different political parties must attend.

Functions

This committee has responsibility for the following functions of the Council:

- To make a recommendation to Council on the appointment of the Head of Paid Service (Chief Executive).
- To consider and determine the overall scheme and policies in relation to terms and conditions relating to the role of Head of Paid Service.
- To undertake the annual appraisal of the Chief Executive in accordance with the agreed Chief Executive Appraisal Procedure.
- To appoint other Chief Officers and Deputies as defined in Article 10.1, and in accordance with the Officer Employment Procedure Rules at Part 4(f) of this Constitution.
- To make a recommendation to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
- To make a recommendation to Council on the appointment of the Independent Audit member.

Note: for the avoidance of doubt, Chief Officers and Deputy Chief Officers are posts at or above salary level Group Head.

- To hear appeals against action taken short of dismissal in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and conduct any further investigation it considers necessary to reach a decision either to confirm the action or to award no sanction or a lesser sanction.

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

A panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit.

RESPONSIBILITIES

1. To conduct an initial assessment of allegations against the Chief Executive, Chief Finance Officer or Monitoring Officer (together known as Statutory Officers), or other issues under investigation.
2. To consider whether it is appropriate to suspend a Statutory Officer if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the council's functions.
3. The Chairman of the IDC may suspend the Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Statutory Officer or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state their case and to question witnesses, where relevant, before making a decision.

INDEPENDENT PANEL

MEMBERSHIP

A Panel shall comprise of independent persons (at least two in number) who have been appointed by the Council, or by another Council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

Invitations for membership of the Panel shall be issued in accordance with the following priority order, as and when the Panel is required to sit:

- (a) an independent person who has been appointed by the Council and who is a local government elector in the authority's area
- (b) any other independent person who has been appointed by the Council and
- (c) an independent person who has been appointed by another council or councils

RESPONSIBILITIES

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of a Statutory Officer:
 - to receive any oral representations from the Statutory Officer
 - to invite any response on behalf of the IDC to the points made
 - to review the decision and prepare a report for Council offering any advice, views or recommendations it may have to the council on the proposal for dismissal

Appropriate training should be provided for Independent Panel members.

Members of an Independent Panel may claim out of pocket expenses in relation to their work on the Panel.

DELEGATIONS TO OFFICERS	
Column 1 – Function	Column 2 – Authorised Officer
1. GENERAL	
<p>1.1 To carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in this Scheme of Delegation.</p> <p>Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.</p>	Chief Executive or a Deputy Chief Executive or a Group Head in consultation with the relevant Chair and Vice-Chair.
<p>1.2 To enter land and premises for the purpose of inspections, surveys, testing and examinations as required pursuant to any powers or functions of the Council under any enactment</p>	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates, the Senior Environmental Health Manager or such other officer who maybe authorised in writing by the above named
<p>1.3 To serve notices to obtain particulars of a person's interest in land</p>	Group Head of Corporate Governance, Senior Environmental Health Manager or Planning Development Manager or other such officer who may be authorised in writing by the above named
<p>1.4 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action</p>	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
<p>1.5 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigation Powers Act 2000</p>	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
<p>1.6 To administer simple cautions</p>	Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager

Part 3 section (d)

1.7 To respond to routine and technical consultations from the Local Government Association, the MHCLG, other Government bodies or departments and any other bodies	Chief Executive, Deputy Chief Executive. Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named
1.8 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults	Deputy Chief Executive responsible for Safeguarding
1.9 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies	Group Head of Corporate Governance
1.10 To invite members: a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and b) of the Standards Committee to participate in meetings of Assessment Panels.	Group Head of Corporate Governance
1.11 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.	Chief Executive
1.12 To be designated the Council's 'Appointed person' in accordance with s10(8) of the Party Wall Act 1996.	Building Control Manager

2 LEGAL AND LEGAL PROCEEDINGS	
Column 1 – Function	Column 2 – Authorised Officer
2.1 To instigate, conduct and settle proceedings, complaints, or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body or by way of local resolution, and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Corporate Policy and Resources Committee.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: <ul style="list-style-type: none"> a. legislation which gives the Council a right or duty to prosecute b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties c. any other order or regulation under which the Council has powers or duties 	Group Head of Corporate Governance
2.3 To accept service of proceedings on behalf of the Council	Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)
2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council	Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)
2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land	Group Head of Corporate Governance
2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings	Group Head Commissioning and Transformation, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer

Part 3 section (d)

2.7 To represent the Council at the Local Valuation Tribunal	Group Head Commissioning and Transformation or Technical and System Support Officer
2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance
2.9 To appear on behalf of the Council in proceedings in the Magistrates Court in respect of offences in the Council's car parks	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance, the Group Head Neighbourhood Services and any member of the Car Parks staff authorised in writing by the Group Head Neighbourhood Services.
2.10 To instigate legal proceedings under Section 1 of the Crime and Disorder Act 1998 in respect of anti-social behaviour orders.	Group Head of Corporate Governance
3 AUTHORITY TO SIGN AND SEAL DOCUMENTS	
Column 1 – Function	Column 2 – Authorised Officer
3.1 Authority to sign all legal documents relating to recovery of monies due to the Council	Chief Executive, Chief Finance Officer, Group Head of Corporate Governance, Group Head Community Wellbeing or Group Head Commissioning and Transformation.
3.2 Authority to sign all legal documents for the acquisition or disposal of land (unless under seal)	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
3.3 Authority to sign all contracts and agreements (unless under seal) for expenditure within their service budget or for no value within their service area PROVIDED that Contract Standing Orders	Chief Officers, Group Head of Corporate Governance, other Group Heads, Planning Development Manager, Strategic Planning Manager or Senior

Part 3 section (d)

have been followed including legal advice being obtained for contracts over £20,000	Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
4 LAND ISSUES	
Column 1 – Function	Column 2 – Authorised Officer
<p>4.1 In respect of properties leased/licensed to or by the Council:</p> <ul style="list-style-type: none"> a. to refuse or consent to assignments or sub-lettings, including changes to Trustees or Directors details, subject to satisfactory references; b. to negotiate, approve and document rent reviews; c. to agree low level less than best value rents/licence fees for community groups where proper justification has been acquired and documented; d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate; e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954; f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954; g. to settle terms of management arrangements and any variations to them; h. to agree to the grant of Licences to Alter 	Group Head for Assets
<p>4.2</p> <ul style="list-style-type: none"> a. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction. b. To approve the exercise of a break option under the terms of lease of land or property where the financial impact does not exceed the value £100k. 	<p>Group Head for Assets in consultation with the Chief Finance Officer.</p> <p><i>(Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)</i></p>

Part 3 section (d)

<p>c. To accept or agree a surrender where the land or property is no longer required by the Council or the Landlord/Tenant as appropriate, where the financial impact does not exceed £100k.</p> <p>d. to make the application for planning permission in relation to Regulation 3 of the <u>Town and Country Planning General Regulations 1992</u>, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.</p> <p><i>Notes:</i></p> <p>a. to c. Financial impact to be based on contracted rental values.</p> <p>a. to d. VAT should be disregarded when determining if a transaction falls under the stated thresholds.</p>	
<p>4.3 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required</p>	<p>Group Head for Assets</p>
<p>4.4 To enter into a Tenancy at Will</p>	<p>Group Head for Assets</p>
<p>4.5 To determine applications for rights of way or other easements over land</p>	<p>Chief Finance Officer after consultation with Group Head for Assets</p>
<p>4.6 To approve the release of covenants subject to obtaining appropriate legal and valuation advice</p>	<p>Group Head for Assets</p>
<p>4.7 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.</p>	<p>Group Head for Assets</p>
<p>4.8 To review decisions made regarding the inclusion of assets on the list of assets of community value in accordance with section 92 of the Localism Act 2011</p>	<p>Group Head Corporate Governance</p>
<p>4.9 To maintain the list of assets of community value in accordance with section 87 of the</p>	<p>Group Head for Assets</p>

Part 3 section (d)

Localism Act 2011	
4.10 To assess and determine compensation applications to private property owners arising out of listings of assets of community value in accordance with section 99 of the Localism Act 2011 and Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head for Assets
4.11 To review decisions made regarding compensation award in accordance with Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Corporate Governance
5 FINANCIAL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
5.1 To make a formal demand for payment of monies expended in carrying out works in default under statutory powers, including interest payable thereon	Relevant Deputy Chief Executive
5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations	Chief Finance Officer
5.3 In connection with the provision of services under their control: a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts); b. Day to day running and operation of services, including maintenance and repairs of all buildings, land and equipment within the responsibility of the service area, in accordance with the policies set down by the Council or relevant Committee; and c. Control, purchase and disposal of stores or surplus materials d. To enter into any arrangement with a creditor for payment to be made by way of instalment	Relevant budget holders

Part 3 section (d)

5.4	To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy	Chief Finance Officer
5.5	To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended	Chief Finance Officer
5.6	To deal with applications for local council tax discounts in very exceptional cases. Such cases to include flooding and where committal action through the courts is not deemed appropriate. The latter will need to be supported by third party reports generally from a social worker or doctor	Chief Finance Officer or Group Head Commissioning and Transformation
5.7	To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	Group Head Commissioning and Transformation
5.8	To sign certificates issued under Section 116 of the Social Security Administration Act 1992	Group Head Commissioning and Transformation
5.9	To exercise the Council's responsibilities under Regulation 6 of the Accounts and Audit (England) Regulations 2011, to maintain an adequate and effective system of internal audit of the accounting records and control systems	Chief Finance Officer
5.10	To take decisions in applications under section 44A of the Local Government Finance Act 1988 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.11	To grant applications for mandatory rate relief under in accordance with section 43 of the Local Government Finance Act 1988	Chief Finance Officer or Group Head Commissioning and Transformation
5.12	To grant application for discretionary rate relief for properties in accordance with Council policies provided that element of the relief recoverable from local taxpayers	Chief Finance Officer or Group Head Commissioning and Transformation

Part 3 section (d)

does not exceed £9000 in any one case.	
5.13 To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.14 To serve the Valuation Officer with notice of objection to any proposals for alteration of the valuation banding lists.	Chief Finance Officer or Group Head Commissioning and Transformation
5.15 To make proposals for the alteration of the valuation list for the inclusion of particular properties in the valuation list. To sign valuation agreements and to serve on the Valuation Officer proposals to alter the council tax banding list	Chief Finance Officer or Group Head Commissioning and Transformation
5.16 To pay sums due from the Council	Chief Finance Officer
5.17 To write off debts for non-domestic rates not exceeding £9000 and for Council tax not exceeding £5000.	Group Head Commissioning and Transformation
5.18 To write off debts for Housing Benefits not exceeding £5000	Group Head Community Wellbeing
5.19 To write off debts not exceeding £5000 and to write off all debts without limit where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	Group Head Commissioning and Transformation
5.20 To fix interest rates for housing loans in accordance with legislation and Council policy	Chief Finance Officer
5.21 To determine the local average interest rates for local authority mortgages, in accordance with section 438 and schedule 16 of the Housing Act 1985 and Council policy	Chief Finance Officer
5.22 To provide all necessary insurance cover and to settle insurance claims	Chief Finance Officer
5.23 To make determinations under sections 42,50, 56,60 and 63(1) of the Local Government and Housing Act 1989	Chief Finance Officer
5.24 To serve completion notices for Council	Chief Finance Officer or Group

Part 3 section (d)

Tax and Business Rate proposals	Head Commissioning and Transformation
5.25 To set fees for Local Land Charges services	Chief Finance Officer
5.26 Approval of grants from any funds remaining from the Council's former local lottery	Chief Finance Officer
5.27 To make appropriate staged payments for grants for development	Chief Finance Officer
6 PERSONNEL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
6.1 To give approval to services to advertise or to fill a staffing vacancy	Chief Executive, Deputy Chief Executive or Group Heads
6.2 Within staffing budgets and overall management structure to approve all matters relating to the organisation, appointment (other than appointments at, or above, grade Group Head) and management (including disciplinary action) of staff in accordance with the Council's staff policies and procedures	Chief Executive, Deputy Chief Executive or Group Heads
6.3 To implement national awards affecting wages, salaries and conditions of service	Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime
6.4 To administer the Council's car loan scheme	Chief Finance Officer
6.5 To agree redundancy payments under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 in cases approved by Management Team	Chief Executive in consultation with the Leader of the Council

7. ENVIRONMENTAL HEALTH MATTERS		
Column 1 – Function	Column 2 – Authorised Officer	
<p>7.1 To exercise the Council’s functions in respect of environmental health matters, including, but not limited to the following functions:</p> <ul style="list-style-type: none"> a. Statutory and Public Nuisances; b. Control of Noise; c. Light nuisance; d. Control of Air Pollution; e. Contaminated Land; f. Control of rats and mice; g. Insects; h. Prevention of Damage by Pests; i. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council’s functions relating to burials and cremation generally; j. Safety of buildings; k. Food, Drinking Water, Food Hygiene and associated matters; l. Functions in connection with the Welfare and Control of Animals; m. Control of Diseases, infectious diseases and General Public Health matters; n. Filthy or verminous premises, articles or persons; o. Accumulations; p. Drains and private sewers and any other environmental health functions in relation to sewerage or, water (by arrangement with the service operators if appropriate); 	<p>Senior Environmental Health Manager; or:</p> <p>In relation to 7.1(i) the Group Head of Neighbourhood Services</p> <p>In relation to 7.1(j) the Building Control Manager</p>	

Part 3 section (d)

<ul style="list-style-type: none"> q. Health and Safety at Work; r. Provisions relating to shops including Sunday trading; s. Hazardous Substances; t. Slaughterhouses, Knackers Yards and Cutting Premises; u. Tattooing, acupuncture, body piercing, semi-permanent skin colouring and electrolysis 	
<p>7.2 To issue any notices, penalties, permits or certificates in respect of environmental health matters, including, but not limited to:</p> <ul style="list-style-type: none"> a. Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982; b. Public Health Act 1936 ss. 45, 48, 49, 83, 84, 275 and 287; c. Public Health Act 1961 ss. 17, 22 and 34; d. Building Act 1984 ss. 59, 64, 66, 67, 70, 72, 76, 84, 95 and 97; e. Environmental Protection Act 1990 f. Food Safety Act 1990; g. Prevention of Damage by Pests Act 1949 h. Health and Safety at Work etc. Act 1974; i. Noise Act 1996; j. Anti-Social Behaviour Act 2003; k. Clean Neighbourhoods and Environment Act 2005; l. Animal Welfare Act 2006; m. Health Act 2006; n. House to House Collections Act 1939; o. Pet Animals Act 1951; p. Riding Establishments Act 1964; q. Riding Establishments Act 1970; 	<p>Senior Environmental Health Manager; and</p> <p>in relation to 7.2 (d) and (II) the Building Control Manager</p>

Part 3 section (d)

<ul style="list-style-type: none">r. Animal Boarding Establishments Act 1963;s. Breeding of Dogs Act 1973;t. Breeding of Dogs Act 1991;u. Dangerous Wild Animals Act 1976;v. Hypnotism Act 1952;w. Smoke-free (Premises and Enforcement) Regulations 2006;x. Smoke-free (Signs) Regulations 2012y. Smoke-free (Exemptions and Vehicles) Regulations 2007z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;bb. Pollution Prevention and Control Act 1999;cc. Control of Pollution Act 1974;dd. Public Health (Control of Disease) Act 1984;ee. Private Security Industry Act 2001;ff. Meat (Sterilisation and Staining) Regulations 1982;gg. Clean Air Act 1993;hh. Land Compensation Act 1973 s.37;ii. Sunday Trading Act 1994;jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;kk. Working Time Regulations 1998;ll. Building Regulations 2010;mm. Building (Approved Inspectors etc.) Regulations 2010;nn. Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;oo. Land Drainage Act 1991;pp. Scrap Metal Dealers Act 2013;qq. Sunbeds (Regulation) Act 2010;rr. The Caravan Sites and Control of	
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Part 3 section (d)

<p>Development Act 1960;</p> <p>ss. Mobile Homes Act 2013;</p> <p>tt. Water Industry Act 1991;</p> <p>uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;</p> <p>vv. Waste (England and Wales) Regulations 2011</p> <p>ww. Tattooing of Minors Act 1969</p> <p>xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.</p> <p>zz. The Business and Planning Act 2020</p> <p>aaa. Town Police Clauses Act 1847</p> <p>bbb. Highways Act 1980</p> <p>ccc. Policing and Crime Act 2017</p> <p>ddd. Live Music Act 2012</p> <p>eee. Deregulation Act 2015</p> <p>fff. Police, Factories & c. (Miscellaneous Provisions) Act 1916</p> <p>ggg. Licensing Act 2003</p> <p>hhh. Gambling Act 2005</p> <p>iii. Zoo Licensing Act 1981</p> <p>jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015</p> <p>kkk. Control of Pollution (Amendment) Act 1989</p> <p>lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p> <p>mmm. Environment Act 1995 (section 108[(1) and (4)a–m])</p> <p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p>	
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Part 3 section (d)

<p>ooo. Public Health (Control of Disease) Act 1984</p> <p>ppp. Clean Air Act 1993 (section 56)</p>	
<p>7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.</p>	<p>Senior Environmental Health Manager</p>
<p>7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.</p>	<p>Senior Environmental Health Manager</p>
<p>7.5 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.</p>	<p>Licensing Manager</p>
<p>7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.</p>	<p>Licensing Manager</p>
<p>7.7 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005</p>	<p>Senior Environmental Health Manager</p>
<p>7.8 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision on whether a representation is irrelevant, frivolous or vexatious</p>	<p>Environmental Health Manager</p>
<p>7.9 To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises</p>	<p>Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)</p>
<p>7.10 Authority under the Food Safety Acts, and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020</p>	

Part 3 section (d)

	relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed	
7.12	To exercise the Council's powers under the Food Safety and Hygiene (England) Regulations 2013 and relevant EU Directives and any associated regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices	All Environmental Health Staff identified for this purpose by the Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.13	To exercise the Councils powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.14	Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.	Senior Environmental Health Manager, Group Head Neighbourhood Services
7.15	To make minor changes to the Building Control Charges Scheme No. 1.	Building Control Manager
7.16	To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small scale fly tipping offence	Group Head of Neighbourhood Services and Senior Environmental Health Manager

8. MARKETS	
Column 1 – Function	Column 2 – Authorised Officer
8.1 To operate a market in Staines under the terms of the Staines Town Hall and Market Act 1872	Group Head Neighbourhood Services
8.2 To set and enforce regulations for any	Group Head Neighbourhood

Part 3 section (d)

markets within the Borough	Services
8.3 To respond to requests for stands in Staines High Street on non-market days under the terms of s115E of the Highways Act	Group Head Neighbourhood Services

9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION	
Column 1 – Function	Column 2 – Authorised Officer
9.1 To add documents to the Council's publication scheme	Data Protection Officer/Information Governance Co-ordinator
9.2 To determine whether any requests under the above acts are repeated or vexatious	Data Protection Officer/Information Governance Co-ordinator
9.3 To determine whether any exemptions apply under the above Acts and Regulations	Data Protection Officer /Information Governance Co-ordinator
9.4 To review decisions made to place items in Part II of agendas and to authorise the disclosure of such items where the reasons for confidentiality no longer apply or where it would be in the public interest to disclose of such items.	Group Head of Corporate Governance in consultation with the Leader of the Council
10. HOUSING AND COMMUNITY CARE MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
10.1 To approve mandatory/discretionary grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	Group Head Community Wellbeing
10.2 To exercise the powers and the functions of the Council under the Housing Grants and Regeneration Act 1996 and any regulations made thereunder.	Group Head Community Wellbeing
10.3 Authority to require repayment of mandatory/discretionary grants in	Group Head Community Wellbeing

Part 3 section (d)

<p>accordance with Government guidelines and within the timescales laid down in the Council's approved policies.</p>	
<p>10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.</p>	<p>Group Head Community Wellbeing</p>
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> a. to serve notices requiring the abatement of overcrowding; b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost; c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards; e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs; f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works. g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders and empty property management orders and in respect of houses in multiple occupation, to: <ul style="list-style-type: none"> i. make interim and final management orders; ii. serve notices requiring compliance 	<p>Senior Environmental Health Manager</p>

Part 3 section (d)

<ul style="list-style-type: none"> iii. with management regulations, the execution of works, including the provision of facilities and fire escapes; iv. make directions to prevent or reduce overcrowding; v. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs. To determine and issue licences under the Housing Act 2004 	
<p>10.6 To discharge the duties or exercise the powers of the Council under the Housing Act 1996 Parts VI and VII with regard to the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.</p>	<p>Group Head Community Wellbeing</p>
<p>10.7 The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore</p>	<p>Group Head Community Wellbeing</p>
<p>10.8 To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.</p>	<p>Group Head Community Wellbeing</p>
<p>10.9 To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.</p>	<p>Group Head Community Wellbeing</p>
<p>10.10 To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.</p>	<p>Group Head Community Wellbeing</p>
<p>10.11 To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.</p>	<p>Group Head Community Wellbeing</p>

Part 3 section (d)

10.12 Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Group Head Community Wellbeing
10.13 To take any necessary action to deal with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Group Head of Corporate Governance
10.14 To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent allowances and Council Tax benefit and recovery of housing benefit overpayments in accordance with the regulations.	Group Head Community Wellbeing
10.15 The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17 Review of a Discretionary Housing Payments decision	Group Head Community Wellbeing
10.18 The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties provided or to be provided for housing purposes.	Group Head Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head Community Wellbeing

11. LEISURE AND ASSOCIATED MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
<p>11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:-</p> <p>a. the fixing of charges for special events not covered by the annual review of fees and charges;</p> <p>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</p> <p>c. The power to waive fees and charges; and</p> <p>d. The setting of opening hours for facilities and the duration of sports seasons.</p>	Group Heads Neighbourhood Services and Community Wellbeing
<p>11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.</p>	Group Head Community Wellbeing
<p>11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.</p>	Group Head Neighbourhood Services
<p>11.4 The management of cemeteries, including the allocation, re-allocation and grant of grave spaces, including the repurchase of grave spaces and other associated matters.</p>	Group Head Neighbourhood Services
<p>11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.</p>	Group Head Community Wellbeing

Part 3 section (d)

12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
<p>12.1 To determine applications made in respect of land under the control of the Council for the following:-</p> <ul style="list-style-type: none"> a. Placing of structures. b. Erection of directional signs. c. Erection of banners. d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982. e. Fun runs, marathons, filming and other similar activities. 	<p>Senior Environmental Health Manager or Group Head Neighbourhood Services</p>
<p>12.2 In relation to the Council's Car Parks:-</p> <ul style="list-style-type: none"> a. to authorise proceedings in respect of offences against any car park regulations; and b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park. 	<p>Deputy Chief Executive</p>
<p>12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.5 The numbering and renumbering of premises in streets.</p>	<p>Deputy Chief Executive with responsibility for Environmental Health & Building Control</p>
<p>12.6 All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.</p>	<p>Group Head Neighbourhood Services</p>
<p>12.7 To make representations to Surrey County Council regarding the provision</p>	<p>Relevant Deputy Chief Executive</p>

Part 3 section (d)

	of tendered bus services under the Transport Act, 1985.	
12.8	To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:- a. Section 23 (in relation to dangerous trees); b. Section 25 (in relation to dangerous excavations).	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.9	To institute proceedings in the County Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.	Group Head of Corporate Governance
12.10	To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.	Relevant Deputy Chief Executive or Group Head Neighbourhood Services
12.11	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
12.12	To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.	Senior Environmental Health Manager
12.13	Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.14	To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.15	To suspend Hackney Carriage and private hire vehicle licenses in	Senior Environmental Health Manager

Part 3 section (d)

accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government (Miscellaneous Provisions) Act 1976)	
12.16 To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme	Senior Environmental Health Manager
12.17 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.18 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.19 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.20 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.21 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.22 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.23 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.24 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.25 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.26 To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.27 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act	Joint Enforcement Team and Senior Environmental Health Manager

Part 3 section (d)

2005 (CNEA 2005)	
12.28 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
13. BYELAWS	
Column 1 – Function	Column 2 – Authorised Officer
13.1 To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

14. PLANNING AND DEVELOPMENT MANAGEMENT	
14.1 Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development management and the following:	Planning Development Manager
14.2 Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the "1990 Act").	Planning Development Manager
14.3 Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager
14.4 Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5 Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6 Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7 Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8 Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9 Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10 Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11 Power to prosecute for demolition in a conservation area under s196D of the	Planning Development Manager

Part 3 section (d)

1990 Act	
14.12 Power to seek an injunction under s187B of the 1990 Act.	Planning Development Manager
14.13 Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14 Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15 Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16 Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager
14.17 Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager
14.18 Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19 Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager
14.20 Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21 Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22 Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23 Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24 Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act	Planning Development Manager

Part 3 section (d)

2003	
14.25 To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.26 To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27 To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.28 To require any owner or relevant person to provide the Council with such further information, documents or materials as considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.29 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30 Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager

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Roles of Different Councillors

The Council has recognised that councillors appointed to certain roles have additional responsibilities and these are set out below.

Leader of the Council

- To act as the political head of the Council and the focus for policy direction and community development.
- To chair the Council's Corporate Policy & Resources Committee
- To lead in the development of the Council's policy, strategy and budget proposals
- To lead on the implementation of effective service delivery and the Council's approved policies and strategies
- To act as the Council's chief advocate and principal spokesperson at local, County, regional and national level
- To ensure good working relationships are established with external public and private sector networks which affect the Borough
- To provide leadership to the Council as a whole
- To lead in the development of good working relationships between political group leaders
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other staff, providing a contact point between the majority political group and staff, and setting an example to the whole organisation.
- To nominate councillors from his/her political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

Deputy Leader of the Council

- To deputise for the Leader of the Council in his/her absence, undertaking those duties expected of the Leader.
- To share and support in general the full workload of the Leader.
- To act as vice-chair on the Council's Corporate Policy & Resources Committee

Other Group Leaders

- To ensure their party contributes effectively, positively and constructively to the Council's activities
- To act as the principal political spokesperson for their group
- To provide leadership to the party group
- To nominate councillors from his/her political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

Chairs of Committees

- To chair the committee and ensure its overall effectiveness
- To have a working knowledge of the Council's relevant policies and strategies and ensure he/she is sufficiently and effectively briefed on matters coming before the committee
- To coordinate and manage the work of their committee
- To act as the Council's spokesperson on the work of his/her Committee, Sub-Committees, Panels and Groups in accordance with the Council's communications protocol.
- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of his/her Committee, Sub-Committees, Panels or Working Groups to the Council, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that their Committee, Sub-Committees, Panels or Working Groups take balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications/reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Council.
- To liaise with staff, in association with the Vice-Chair, in formulating agendas and future work plans to enable delivery of the Corporate Plan, and to attend any meetings with staff to discuss matters relevant

to the business of the Committee, Sub-Committees, Panels or Working Groups.

- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist councillors arriving at a considered decision.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

Committee Vice-Chairs

- To fully support the Chair in the execution of his/her duties as agreed between the two postholders.
- To deputise for the Chair in his/her absence, undertaking those duties expected of the Chair and encompassed in the role description for that position.
- To act as the Committee's spokesperson on relevant issues in the absence of the Chair in accordance with the Council's communications protocol.

Committee member

Key duties

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To consider before each meeting any possible conflicts of interests arising from the agenda items and register/declare those interests as appropriate in accordance with the Council's Members Code of Conduct
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituents' opinions (if appropriate).
- To take into consideration a range of views and issues when reaching a decision and to keep an open mind before reaching a decision.
- To be clear as to reasons for taking decisions and be ready and able to articulate those reasons if required.
- To be accountable for decisions taken
- To conduct oneself with dignity and decorum when offering views which differ from those of other councillors.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

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COUNCIL STANDING ORDERS

CONTENTS

1. [TIME AND PLACE OF MEETINGS](#)
 2. [NOTICE OF AND SUMMONS TO MEETINGS](#)
 3. [CHAIRING OF MEETINGS](#)
 4. [QUORUM](#)
 5. [DURATION OF MEETING](#)
 6. [ORDINARY MEETINGS](#)
 7. [EXTRAORDINARY MEETINGS](#)
 8. [ANNUAL MEETING](#)
 9. [SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES](#)
 10. [MINUTES](#)
 11. [DECLARATION OF INTEREST](#)
 12. [REPORTS OF COMMITTEES](#)
 13. [PUBLIC INVOLVEMENT IN COUNCIL](#)
 14. [QUESTIONS BY COUNCILLORS](#)
 15. [PRESENTATION OF PETITIONS TO THE COUNCIL](#)
 16. [MOTIONS ON NOTICE](#)
 17. [MOTIONS WITHOUT NOTICE](#)
 18. [RULES OF DEBATE](#)
 19. [ANNOUNCEMENTS](#)
 20. [PREVIOUS DECISIONS AND MOTIONS](#)
 21. [VOTING](#)
 22. [OFFICERS SPEAKING DURING DEBATES](#)
 23. [COUNCILLORS' CONDUCT](#)
 24. [DISTURBANCE BY THE PUBLIC](#)
 25. [EXCLUSION OF PUBLIC](#)
 26. [RECORD OF ATTENDANCE](#)
 27. [PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS](#)
 28. [SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS](#)
 29. [APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES](#)
- Additional Specific Rules applying to Committees**
30. [CALLING OF COMMITTEE MEETINGS](#)
 31. [PUBLIC OR PRIVATE MEETINGS OF COMMITTEES](#)
 32. [HOW ARE COMMITTEE DECISIONS TAKEN?](#)

33. [WHO PRESIDES AT A COMMITTEE MEETING](#)
34. [BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING](#)
35. [ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE](#)
36. [ATTENDANCE BY OTHERS AT A COMMITTEE MEETING](#)
37. [APPOINTMENT OF SUB-COMMITTEE](#)
38. [DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS](#)
39. [PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS](#)
40. [PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS](#)
41. [PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS](#)
42. [LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS](#)
43. [AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS](#)
44. [CHAIRING OF COMMITTEES](#)

These Standing Orders are the rules which apply to meetings of the Council and should be read in conjunction with the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules

1. TIME AND PLACE OF MEETINGS

- 1.1 Meetings of the Council and Committees will normally take place at 7.00pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.
- 1.2 Meetings of Sub-Committees, Panels, Working and Task Groups will normally take place during the daytime, subject to councillors' availability.

2. NOTICE OF AND SUMMONS TO MEETINGS

- 2.1 The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 2.2 The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

- 3.1 The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect a councillor to take the Chair for the meeting.
- 3.2 The references to the Mayor also include the Chair of any Committee or Sub-Committee and references to Deputy Mayor also include the Vice-Chair of any Committee or Sub-Committee, unless the matter relates to Council meetings only.
- 3.3 The person presiding at the meeting may exercise any power of duty of the Mayor.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present.
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum is still not present the meeting will stand adjourned to another day.
- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately for up to 10 minutes. If the

meeting is not quorate after 10 minutes the meeting will stand adjourned.

- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

5.1 The Chief Executive or their representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

5.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.

6.2 The agenda at an ordinary Council meeting will normally be to:-

- (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present (see Standing Order 3.1)
- (b) Receive any apologies for absence
- (c) Approve the minutes of the last meeting
- (d) Receive any declarations of interest from councillors
- (e) Receive any announcements from the Mayor, Leader (or their nominated spokesperson), Committee Chairs and/or the Chief Executive
- (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers
- (g) Receive petitions; (See Standing Order 15)
- (h) Deal with any business from the last Council meeting
- (i) Deal with referrals from Service Committees in accordance with Standing Orders 32.4 and 32.5
- (j) Deal with any recommendations from the Committees
- (k) Receive reports from the Committee Chairs and any questions arising from those reports
- (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations
- (m) Consider motions
- (n) Hear the Leader or their nominee or appropriate Committee Chairs answer any questions from councillors on matters generally affecting the Borough or for which their committee has responsibility; and
- (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution
- (b) The Mayor
- (c) The Monitoring Officer; and
- (d) Any five councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

7.2 Date of Extraordinary meeting

When considering a requisition, the Mayor shall decide, in consultation with the Chief Executive whether the meeting should be called on the same date as the next scheduled ordinary meeting of the Council or an alternative date in wholly exceptional circumstances.

7.3 Business

The business at an extraordinary meeting will be confined to consideration of the specific issue(s) for which it was called.

8. ANNUAL MEETING

8.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

8.2 The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present
- (b) Elect a councillor to be the Mayor of the Council
- (c) Elect a councillor to be Deputy Mayor of the Council
- (d) Approve the minutes of the last ordinary meeting
- (e) Receive any declarations of interest
- (f) Receive any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year
- (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting

8.3 Selection of Councillors on Committees and Outside Bodies

At the Annual meeting, the Council will:

- (a) Decide which committees to establish for the municipal year
- (b) Decide the size and terms of reference for those committees

- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations
- (d) Appoint the Leader and Deputy Leader to be the Chair and Vice-Chair respectively of the Corporate Policy and Resources Committee
- (e) Appoint the Chairs and Vice-Chairs of the other committees, on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups.
- (f) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary
- (g) Receive nominations of Councillors to serve on each committee and those councillors to stand as substitute member on each Committee
- (h) Appoint to such outside bodies not delegated to a Committee, that require a Council decision i.e. Police and Crime Commissioner's Panel and South West Middlesex Crematorium Board

8.4 The Council may however decide at subsequent meetings to dissolve committees, alter their terms of reference or appoint new committees.

9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

9.1 A councillor or their Group Leader may nominate another Councillor of their own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c).

9.2 In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).

10. MINUTES

10.1 Signing the Minutes

The Mayor will sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

10.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

10.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

11. DECLARATION OF INTEREST

11.1 Where in relation to an item on the agenda, a councillor has a **Disclosable Pecuniary Interest**, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

11.2 Where in relation to an item on the agenda, a councillor has

(a) a **Non-Pecuniary interest** arising under paragraph 9 and detailed in Appendix B of the Code of Conduct for Councillors and Co-opted Members (the “Members’ Code of Conduct”) (membership of outside bodies etc.), or,

(b) any other **Conflict of Interest**

then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

12. REPORTS OF COMMITTEES

12.1 Where the Committee is reporting a matter which is reserved to Council the relevant Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The normal rules of debate will apply to any debate on the recommendations.

12.2 A Councillor may ask a question on any recommendation from Committees in accordance with standing order 14.1.

13. PUBLIC INVOLVEMENT IN COUNCIL

13.1 General

Meetings of the Council will allow for a period not exceeding 30 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs, questions relating to matters over which the Council has powers or duties or which affect the Borough.

13.2 Order of Questions

Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

13.3 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

13.4 Length of Questions

- a) No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 13.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.
- b) The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.
- c) Any question that fails to be re-submitted in accordance with 13.4 b) will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

13.5 Number of Questions

A member of the public may not submit more than 4 questions for any Council meeting. A question may not contain sub-questions, as per 13.6 (h).

13.6 Scope of Questions

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has powers or duties or which affects the Borough; or
- (b) Is defamatory, frivolous or offensive; or
- (c) Requires the disclosure of confidential or exempt information or
- (d) Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or
- (e) relates to the behaviour or conduct of an individual member, members or staff;
- (f) Concerns a planning or licensing application;
- (g) Is apparent that the question has been directed by a councillor or
- (h) Contains sub questions.

13.7 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to who it is to be put. Rejected questions will include reasons for rejection.

Questions, (and statements of context) including those dealt with under Standing Order 13.4c), and the answers given will be recorded in the minutes of the meeting.

13.8 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

13.9 Supplementary Question

No supplementary questions will be allowed.

13.10 Written Answers

Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

13.11 Reference of Question to a Committee or Sub-Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to a Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

14. QUESTIONS BY COUNCILLORS

14.1 General

Provided that the Chief Executive has received a copy of the question to be asked before 12 noon eight working days prior to the day of the Council meeting, a councillor may at any ordinary Council meeting

- (a) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the councillor's ward; or
- (b) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chair of a Committee about something for which their Committee has responsibility.

14.2 Procedure on questions

Subject to Standing Order 14.4, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question.

14.3 The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer. The person to whom any question has been put may either:

- (a) give a direct answer; or
- (b) where the desired information is in a publication of the Council or other published work, refer the questioner to that publication or
- (c) where the reply cannot conveniently be given orally, give a written answer circulated within 7 days.

14.4 Written Answers

Where the Mayor considers that:

- (a) a question, or the likely answer to a question, is, or is likely to be excessively long, or
- (b) that the number of questions at a meeting is excessive; or
- (c) that the amount of other business to be transacted at the meeting demands it.

then the Mayor may direct that any question and answer shall be given in writing without being read aloud at the meeting

14.5 Where the Mayor directs written questions and answers in advance of the meeting, the question and answer shall be made available in writing at the meeting and shall be incorporated within the minutes of the meeting.

14.6 Nothing within Standing Order 14.3 shall prevent a councillor from putting a supplementary question at the meeting, except that the Mayor may direct any supplementary question to be answered in writing at a later date to enable a properly considered response to be given where the councillor to whom the question was put cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

15. PRESENTATION OF PETITIONS TO THE COUNCIL

15.1 If a petition is presented and relates to a matter in respect of which the Council has powers or duties or which affects the Borough, and it contains more than 4,500 signatures (1,000 for a single ward issue), it will automatically be referred to Council for debate in accordance with the Petition Scheme.

15.2 Presentation of a petition on the following business will not be allowed, as set out in the Petition Scheme:

- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; or
- (b) planning applications
- (c) licensing applications
- (d) statutory petitions

15.3 A petition organiser may present the petition to the Council meeting for no more than 3 minutes, provided that confirmation has been given to the Council’s Committees Section at least 10 working days before the meeting.

15.4 The Mayor will request any Councillor present at the meeting to move a motion to:

- (a) take the action the petition requests; or
- (b) not to take the action requested for reasons put forward in the debate; or
- (c) note the petition and keep the matter under review; or

- (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
- (e) the petition be referred to the relevant Committee for further consideration.

15.5 Once the motion is seconded the petition will be discussed in accordance with the rules of debate. Any Councillor can move an alternative motion stated in 15.4 which will be seconded and debated as any amended motion.

15.6 The petition organiser will receive written confirmation of the decision.

16. MOTIONS ON NOTICE

16.1 Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.

16.2 Notice

These will be recorded in a book, open to public inspection.

16.3 Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing or email to the Chief Executive before 12 noon eight working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)

16.4 Motion Set Out In the Agenda

Motions for which notice has been given will be listed on the agenda in the order in which they are received, unless prior to publication of the agenda the councillor giving notice states, in writing or email, that they propose to move it to a later meeting or withdraw it.

16.5 Scope of Motion

Every Motion must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive defamatory, frivolous, offensive or otherwise out of order.

16.6 Referral of Motion to Committee

The Chief Executive and Monitoring Officer, in consultation with the Mayor, shall decide, without discussion or debate, that the motion should be more appropriately referred to a Committee in which event it shall be placed on the agenda for the next available meeting of that Committee. Details of motions so referred will be included on the summons as a record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.

16.7 If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or likely to incur any expenditure in excess of £40k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion

shall not be moved or debated. The minutes of the meeting will record the motion being received. Any decision on the motion shall be made at a future meeting of the Council which shall not consider the matter without a full report on the policy, budget and financial implications together with any recommendations from the Committee to which the matter was referred.

16.8 The Corporate Policy and Resources Committee may issue guidance on the application of Standing Order 16.7 with regards to the levels of any expenditure.

16.9 A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.

16.10 A Motion referred to a Committee shall be considered in accordance with the Rules of Debate at section 18 below.

16.11 Length of Motion

No motion shall exceed 100 words in length.

16.12 Motion Not Moved

If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.

17. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.

- (a) To appoint a Chairman of the meeting at which the motion is moved (none).
- (b) In relation to the accuracy of the minutes (no limit).
- (c) To change the order of business on the agenda (none).
- (d) To refer something to an appropriate Committee or Sub-Committee (no limit).
- (e) To withdraw a motion (none).
- (f) To extend the time limit for speeches (none).
- (g) To amend a motion (no limit).
- (h) To proceed to the next business (none, except a right of reply in accordance with standing order **).
- (i) That the question be now put (non, except a right of reply in accordance with standing order **).
- (j) To adjourn a debate (none).
- (k) To adjourn a meeting (none).
- (l) To suspend a particular Standing Order (two).

- (m) To exclude the public and press in accordance with the Access to Information Procedure Rules (two).
- (n) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none).
- (o) To give the consent of the Council where its consent is required by the Constitution (no limit).
- (p) To continue the meeting beyond 3 hours (none).

18. RULES OF DEBATE

18.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

18.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Chief Executive before it is discussed.

18.3 Secunder's Speech

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

18.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order.
No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council.

18.5 When a Member May Speak Again

A councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:

- (a) In exercise of a right of reply
- (b) On a point of order, or
- (c) By way of personal explanation.

18.6 Amendment to Motions

An amendment to a motion must be relevant to the motion and either be:

- i) To refer the matter to an appropriate Committee or Sub-Committee for consideration or reconsideration;
- ii) To leave out words;
- iii) To leave out words and add others; or
- iv) To add words.

18.6.1 An amendment which forms the negative of the motion will not be allowed. Councillors should aim to keep the length of the amendment in line with that of the motion, which shall not exceed 100 words in length.

18.6.2 The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.

18.6.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder.

Amendments to motions must be moved at the earliest possible opportunity during the debate.

- 18.6.4** If an amendment is not agreed, other amendments to the original motion can be moved.
- 18.6.5** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 18.6.6** After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, or if no member indicates they wish to speak, he/she will put it to the vote.

*A diagram showing how decisions can be made is at **Appendix 1**.*

18.7 Alteration of motion

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

18.8 Withdrawal of Motion

A councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- (d) The mover of an amendment has no right of reply to the debate on their amendment.

18.10 Motions Which May Be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (e) To withdraw a motion;
- (f) To amend a motion;

- (g) To proceed to the next business;
- (h) That the question be now put (if an amendment is being debated, the amendment will be voted on);
- (i) To adjourn a debate;
- (j) To adjourn a meeting
- (k) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (l) To not hear further a councillor names under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5; and
- (m) That the meeting continue beyond 3 hours in duration.

18.11 Closure motions

A councillor may move, without comment, the following motions at the end of a speech of another councillor;

- (n) To proceed to the next business;
- (o) That the question be now put;
- (p) To adjourn a debate; or
- (q) To adjourn a meeting.

18.11.1 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

18.11.2 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the vote on this procedural motion is successful then the item falls and will not be voted on and the meeting will move to the next item of business.

18.11.3 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Mayor will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18.12 Point of Order

A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

18.13 Personal Explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19 ANNOUNCEMENTS

The Mayor, the Leader, Chairs of Committees and the Chief Executive may make announcements of which notice is not required.

20 PREVIOUS DECISIONS AND MOTIONS

20.1 Motion to Rescind A Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twelve councillors.

20.2 Motion similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twelve councillors. Once the motion or amendment has been dealt with, no one can propose a similar motion or amendment for six months unless it is signed by at least twelve councillors.

21 VOTING

21.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

21.2 Absence during an item under discussion

In the interests of natural justice, councillors are required to be present for the entire consideration of any item under discussion, in order to participate in the vote. If a councillor needs to absent themselves during an item, for any period of time, they should seek a short adjournment from the Mayor, which will not be unreasonably refused.

21.3 In a situation where a councillor arrives late for the start of a Council or Committee meeting, the Chair of the meeting, (having consulted with the senior officer present) has discretion as to whether it is appropriate to permit that councillor to participate in any vote on a matter for which they have not been present for its entirety.

21.4 Voting at Regulatory Committees

No member at a Regulatory Committee may vote unless they have been present for the entire consideration of the item under discussion.

21.5 Chairman's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

21.6 Show of Hands

Unless a recorded vote is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

21.7 Recorded Vote

(a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or

abstaining from voting will be taken down in writing and entered into the minutes.

- (b) Where the Council makes a budget decision either (i) a calculation in accordance with the Local Government and Finance Act 1992 or (ii) issues a precept under Chapter 4 of Part 1 of that Act then a recorded vote shall be held. For the avoidance of doubt this applies to proposed amendments as well as to the original and any substantive motion.

21.8 Right to Require Individual Vote To Be Recorded

Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

21.9 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

In relation to the appointment of Chairs of Committees and in the event of deadlock, the Chair will be elected by drawing lots.

22 OFFICERS SPEAKING DURING DEBATES

- 22.1** Any Chief Officer or their representative may signify their wish to speak. The Mayor shall then use their discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:
- i) providing relevant information; or
 - ii) explanation or interpretation of any law, regulation, protocol or procedure.

- 22.2** The Mayor may, at their discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

- 22.3** Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

- 22.4** Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

23 COUNCILLORS' CONDUCT

23.1 Role of Mayor

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

23.2 Standing to Speak

When councillors speak at Council they must stand and address the meeting through the Mayor, if they are able to. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

23.3 Mayor Standing

When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

23.4 Member Not to Be Heard Further

If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

23.5 Member to Leave the Meeting

If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.6 General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

24 DISTURBANCE BY THE PUBLIC

24.1 Removal of Member of the Public

If a member of the public interrupts or intrudes upon proceedings or otherwise prevents the orderly business of the meeting, the Mayor will warn the person concerned. If they continue to interrupt etc., the Mayor will order their removal from the meeting room.

24.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

25 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 24 (Disturbance by public).

26 RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

27 PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014 and in accordance with the Council's protocol in part 5 of the Constitution.

28 SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS

28.1 Suspension

All these Standing Orders except for Standing Orders 10.1 (signing of minutes), 21.6 (enabling a councillor to record their vote) or 38.2 and 38.3 (continuation of meeting beyond 3 hours up to an absolute cut-off of 10.30pm) may be suspended by motion on notice or without notice if at

least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council to which the Monitoring Officer shall submit a report. Unless prior notice of the proposal has been the subject of consideration and report by the Monitoring Officer and has been placed on the agenda of the meeting.

29 APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where specific rules apply.

ADDITIONAL SPECIFIC RULES APPLYING TO COMMITTEES

30 CALLING OF COMMITTEE MEETINGS

30.1 Each Service Committee shall meet in accordance with a programme of scheduled meetings approved annually by the Council and meetings will normally commence at 7.00pm.

30.2 This programme may be amended, and additional meetings proposed by Chief Officers in consultation with the Chair and Vice-Chair, may be called as required throughout the year to ensure the efficient conduct of business. Any proposed amendments to the programme shall be agreed by the Chair and Vice-Chair of the relevant Committee.

Extraordinary Committee Meetings

30.3 Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:

- a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting.
- b) the Monitoring Officer in agreement with the Chair and Vice-Chair.
- c) the Monitoring Officer or the Section 151 Officer in pursuance of their constitutional or statutory duties.

31 PUBLIC OR PRIVATE MEETINGS OF COMMITTEES

All Committee and Sub-Committee meetings will normally be held in public as set out in the Access to Information Rules unless the consideration of a specific item of business warrants the exclusion of the press and public because it contains exempt or confidential information.

32 HOW ARE COMMITTEE DECISIONS TAKEN?

32.1 Formal decisions that have been delegated by the Council to Committees and Sub-Committees will be taken at a meeting convened in accordance with the Access to Information Rules. All Committee and Sub-Committee decisions are collective decisions. No formal decisions may be taken by the Chair of a Committee or Sub-Committee on behalf of the Committee or Sub-Committee.

32.2 In taking decisions, Committees and Sub-Committees will accord with the plans and strategies set out in the Council's Budget and Policy Framework and will abide by the protocols in the Constitution.

32.3 The Chair of any Committee or Sub-Committee has discretion to deal with the debate on any item on an agenda in a manner other than as prescribed in the Rules of Debate (SO18), and which is appropriate for that item.

Referral of decision to parent body

32.4 The Committee may pass a resolution at the relevant meeting that the decision on a particular item of business before the Committee shall be referred to the parent body even though it is normally a delegated function. This will not prevent the Committee from debating the matter and making a recommendation.

Such a request cannot be made if:

- the item has been identified on the written agenda as the subject of an urgent decision. In this context, urgent decisions are those which:
 - (a) cannot wait until the next scheduled meeting or
 - (b) are defined as 'cannot reasonably be deferred'

The need and reasons for urgency must be included in the report to the Committee.

Or:

- the delay caused by referring the decision to the parent body will lead to breach of a legislative or contractual deadline; or
- the Chair of the meeting is satisfied, having consulted any or all of the Chief Executive, Monitoring Officer, Chief Finance Officer, and other appropriate and available staff, that the Council's interests will be substantially prejudiced by the delay.

32.5 A request for a referral made under 32.4 may only be withdrawn by the referring Committee or the Chair of that Committee with the approval of the parent body to which it was referred.

33 WHO PRESIDES AT A COMMITTEE MEETING

The appointed Chair of a Committee or Sub-Committee will preside at any meeting of the relevant Committee or Sub-Committee at which they are present. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the meeting will elect a Chair for that meeting only.

34 BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING

34.1 At each meeting of a Committee or Sub-Committee, the following business will be conducted:

- (a) Election of a Chair, if necessary;
- (b) Consideration of the minutes of the previous meeting;

- (c) Declarations of interest, if any;
- (d) Representations by members of the public in respect of any matters set out in the agenda will be dealt with using the public speaking rules outlined in this Constitution;
- (e) Matters arising from the relevant Committee's section of the Council's Forward Plan;
- (f) Matters referred to the Committee or Sub-Committee by Council;
- (g) Matters raised by members of the Committee or Sub-Committee in accordance with Standing Order 34.2 Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, in association with the Vice-Chair.

34.2 All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.

35 ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE

35.1 Any Councillor may attend a Committee or Sub-Committee of which they are not one of the appointed members, with the exception of the committees described in paragraph 35.3 below. A councillor who is 'in attendance' is not entitled to vote on any item and cannot participate in the meeting apart from in the following circumstances:

- a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that Committee, or
- b) with the permission of the Chair of the meeting of the Committee or Sub-Committee, they may speak once on each item they request to speak on. The relevant Committee or Sub-Committee must agree for the Councillor to speak more than once on any particular item.

35.2 Any Councillor wishing to speak at a meeting under the provisions of Standing Order 35.1b) must give Committee Services at least 24 hours' notice of their request to do so.

35.3 Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings.

35.4 Where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.

36 ATTENDANCE BY OTHERS AT A COMMITTEE MEETING

Following consultation with the relevant Deputy Chief Executive/Group Head, the Chair of the Committee or Sub-Committee may agree to invite individuals other than Councillors and Officers to attend their meetings to discuss issues of local concern or provide expert OPINION.

37 APPOINTMENT OF SUB-COMMITTEES

37.1 All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.

37.2 In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-Committee will be recommended to Council for approval.

38 DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS

38.1 This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.

38.2 The Committee Manager present at the meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

38.3 Unless the majority of councillors present then agree that the meeting should continue, subject to an absolute cut-off of 10.30pm, it will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

38.4 Any Committee or Sub-Committee meeting in session at 10.30pm will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

39 PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS

39.1 Members of the public who either live or work in the borough are able to participate in Committee and Sub-Committee meetings in accordance with the policies and rules established by the Council from time to time, this includes the ability to submit written questions in accordance with Standing Order 40.

39.2 The following Standing Order does not apply to meetings of Planning Committee or Licensing Sub-Committees, which have separate procedures for public participation.

40 PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

40.1 General

At any ordinary meeting of a Strategic Committee or Sub-Committee, members of the public may ask Committee/Sub-Committee Chairs, questions relating to any matter within the Committee's remit.

40.2 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Committee Services section (committeeservices@spelthorne.gov.uk) and Monitoring Officer (monitoringofficer@spelthorne.gov.uk) no later than 12 noon eight working days prior to the day of the meeting.

40.3 Each question must give the name and address of the questioner and must not exceed 100 words in length.

40.4 Scope of Questions

The Monitoring Officer may reject a question if it:

- a) Is not relevant to the remit of the Committee or Sub-Committee to which it is to be put;
- b) Is defamatory, frivolous or offensive; or
- c) Requires the disclosure of confidential or exempt information.
- d) Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or
- e) Is apparent that the question has been directed by a councillor or
- f) Contains sub questions.

40.5 Number of Questions

The number of public questions asked at any meeting of a Committee/Sub-Committee meeting will be limited to three.

40.5.1 Questions will be asked on a first come first served basis.

40.5.2 Questions that exceed this limit will receive a written response from an officer.

40.6 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Chair of the Committee/Sub-Committee to which it is to be put. Rejected questions will include reasons for rejection.

40.6.1 Questions and the answers given will be recorded in the minutes of the meeting.

40.7 Asking the Question at the Meeting

The Chair will invite the questioner to put the question at the start of consideration of the relevant agenda item. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

40.8 Supplementary Question

No supplementary questions will be allowed.

40.9 Duplication of Questions

A question put to a Committee or sub-Committee may not also be asked at a Council meeting, or vice-versa, unless 6 months have elapsed since the question was put.

41 PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

41.1 The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

41.2 Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

41.3 Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to their ward provided he/she has notified the Chairman, before the start of the meeting, of their wish to speak on the item.

42 LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to their ward provided they have notified the Chairman, before the start of the meeting, of their wish to speak on the item.

43 AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. A councillor in attendance at such meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed provided he/she has notified the Chairman before the start of the meeting of a wish to speak on an item.

44 CHAIRING OF COMMITTEES

No councillor shall hold more than one Chair's position at any time and in this Standing Order "chairing" means the office of Chairman or Vice-Chairman of a Committee.

Use of Substitutes on Council Committees

Key Principles

1. The Council (at its Annual Meeting) will appoint specified substitutes for its committees and sub-committees on the nomination of political group leaders and in accordance with political proportionality rules. See 4. below.
2. Substitution will not be permitted at meetings of the:
 - (a) Licensing Sub-Committee
 - (b) Appointments Committee unless a member is substituting for an entire matter.
3. For the purposes of this arrangement, the member being substituted is referred to as the “Ordinary Member” and the replacement as the “Substitute Member”.
4. In accordance with 1. above, and subject to the exceptions in paragraph 5., the allocation of members within each political group available to act as substitutes will be in accordance with the political balance on the committee concerned on the following basis:
 - (a) More than 5 seats on the committee – 3 substitutes
 - (b) Between 2 - 5 seats on the committee – 2 substitutes
 - (c) 1 seat on the committee – 1 substitute
5. The exceptions to 4. above will be:
 - a. any non-aligned members, who may nominate a substitute member of a Committee from any one of the political groups, to sit in their absence.
 - b. Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee. In these situations, Council has agreed to disapply political proportionality requirements in s15(5) of the Local Government and Housing Act 1999.

6. Written notice of the substitution must be delivered by the Ordinary Member or their Group Leader to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required. This notice must set out the meeting in question, the name of the ordinary member and the name of the substitute member. The substitution will not be valid unless this procedure is followed.
7. With the exception of the arrangements for non-aligned members and two member Groups in 4 above, the substitute member must be a member of the Council drawn from the same political group as the ordinary member who is unable to attend the meeting and must not already be a member of the Committee concerned. The Mayor may not act as a substitute at any Committee meeting.
8. The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.
9. If the ordinary member attends after the substitution has been announced at the meeting, the substitute member will continue as the appointed voting member. If the substitute member fails to attend and the ordinary member is present, then the ordinary member may take their place on the committee with full voting rights.
10. Once a meeting has started with the ordinary member in place, no substitution can then be made during the course of the meeting to replace that member.
11. Where a substitute member has attended a meeting which is adjourned, the ordinary member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
12. A member acting as a substitute for the Chair or Vice-Chair of a committee will not, by virtue of that substitution, be entitled to act in either capacity. In the absence of both the Chair and Vice-Chair from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chair for the meeting who may be drawn from any members

(including any substitute member) present and with voting rights.

13. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
14. No substitute member at Regulatory Committees may vote unless they have been present for the entire consideration of the item under discussion.
15. Only members who have received the appropriate training may be appointed to act as substitutes on the Regulatory Committees.
16. Substitute members must receive copies of agendas and reports of the committees they are assigned to at the same time as ordinary members.

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CONTRACT STANDING ORDERS

GENERAL

Introduction

1. These Standing Orders provide basic guidance to anyone making a contract or entering into an agreement (generally, contracts) for the Council. They apply equally to the supply of works, goods, materials and services or other (e.g. utilities). In making such contracts or agreements, the overriding objective is to obtain the best value for the Council in all circumstances.

Compliance

2. Every contract made by or for the Council must comply with these Standing Orders except in the circumstances where exemptions are obtained in advance.
3. Where tenders or quotes have been invited on behalf of any consortium, collaboration or agency arrangement of which the Council is a member, the Standing Orders or requirements adopted by the lead agency can be observed if they differ from these Standing Orders.

PREPARING FOR THE CONTRACT

Contract file to be set up from the start

4. Every procurement over £40,000 must be fully documented on a dedicated contract file, with a complete audit trail recording all significant decisions and actions taken.
5. All contract files should clearly record the specification of requirements and the identity of the staff member undertaking the procurement (the Procuring Officer)

Requirement for a nominated procurement manager

6. The Procuring Officer is responsible for ensuring and recording on the contract file that the relevant authority (Council, the relevant Service Committee delegated or other as appropriate for the type and / or level of spend) has been obtained and there is sufficient budgetary provision in place for the whole life of the procurement before any steps are undertaken.
7. Where stipulated as required in table 1 (Procedural Rules), the Procuring Officer will seek the support from the Procurement Team.

Contractor Suitability

8. The Procuring Officer (with support from the Procurement Manager where necessary) is to ensure that the contractor is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender

proposals/method statements as appropriate, during the procurement process. The Procuring Officer is also required to ensure that the contractor has appropriate health and safety policies and procedures in place (as appropriate).

9. The Procurement Manager will advise on the most appropriate procurement route, taking into account relevant factors such as the legal requirement to advertise (depending on the value); the works, goods or services required; the prevailing market conditions, etc.
10. The Procurement Manager will assist the Procuring Officer in developing compliant tender documents which optimise the achievement of value for money.

Specification and Selection Criteria

11. A specification and selection criteria **must** be prepared in advance of tenders or quotations being sought. For lower value procurements, the lowest price may be used as the main selection criterion; however, whole life value for money will also need to be taken into consideration. For larger value procurements, and in particular those which are covered, by virtue of their value, by the Public Contracts Regulations 2015 (as amended), an appropriate split of quality and commercial factors must be used as the selection criteria. Both the specification and the selection criteria must be recorded on the contract file and be used to evaluate tenders/quotations received.
12. If a potential contractor requires information not provided in the specification, such additional information must also be provided to all other bidders, to ensure the equal treatment of all potential contractors.
13. In preparing the specification and selection criteria, the Procuring Officer should consider the opportunities to deliver additional Social Value which the procurement may offer. The Procurement Team will advise on the suitable requirements to be included, relative to the size, type and value of the procurement.

Procurement Board

14. The role of the Procurement Board is to take a strategic approach to the Council's procurement. All contracts likely to exceed £40,000 (other than urgent contracts) should be notified at the planning stage to the Chief Finance Officer. The Procurement Manager will maintain a forward plan of contracts to advise Procurement Board and the appropriate Service Committee where required, on relevant procurement matters.

Electronic Procurement

15. All procurement opportunities likely to exceed £40,000 should be advertised through the Council's electronic procurement system (In-tend).

PROCEDURAL STEPS OF THE PROCUREMENT

Estimated Value of Contracts

16. An estimated value must be prepared and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate procurement process to follow.
17. For contracts which continue over a number of years, the estimated value of the contract shall be taken to be the annual value multiplied by the life (number of years) of the contract to allow the Procurement Manager to assess whether the procurement falls under the Public Contracts Regulations.
18. For concession contracts (contracts for which the Council does not pay the provider for any works, goods or services but the contractor receives consideration in other ways, e.g. rights, property or land granted by the Council), the contract value will be based upon the anticipated income which the contractor is likely to receive from any source pursuant to such contract.

Division of Contracts

19. Large scale or high value procurements must not be broken down into smaller units for the purpose of creating lower value contracts unless there are sound operational or management reasons for doing so. Any such action must be authorised by the Chief Finance Officer in writing with the reasons recorded on the contract file. The avoidance of any provision of these Standing Orders is not an acceptable reason for such action.

Special Requirements

20. All contracts must comply with the Public Contract Regulations. Where there is a conflict between these Standing Orders and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from the Procurement Team and Legal Services **at the start** of any procurement project.
21. The procedures outlined below by contract value are the minimum. It is important to remember that we are trying to get the best value for the residents of Spelthorne. Consequently, where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The figures outlined in this document are exclusive of VAT.

Contract Standing Orders Procedural Rules

22. The Procuring Officer and / or Procurement Manager as appropriate must ensure that the procurement procedurally complies with Table 1 below.

Framework Agreements

23. Procuring Officers wishing to let a Framework Agreement must consult with the Procurement Manager for support in doing so.
24. Where the Council has set up Framework Agreements for a particular service, the use of these should be maximised, and in accordance with the stated call-off arrangements.

25. Procurement Managers may purchase works, goods or services from an appropriate external Framework Agreements subject to (i) the agreement of the Chief Finance Officer that the call-off represents good value for money and (ii) the agreement of the Procurement Manager that the proposed Framework Agreement has been procured appropriately, and by following the procedure stated in the Procedural Rules.

TABLE 1 CONTRACT STANDING ORDERS PROCEDURAL RULES

Whole Life Contract Value	Level of Authority to Proceed required	Support Required from Procurement Team?	Procurement Process				Approval to Award Contract	Contract Required?
			Advertising the Opportunity	Approach to Market	Testing Market Capability	Evaluation by		
Under £5000	Budget Holder	No	Opportunity does not need to be advertised.	Local ¹ suppliers must be sought. If no Local supplier can be found, then Regional ² suppliers should be sought. If the selected supplier is not Local or Regional then approval to proceed must be sought from Group Head, and the variation must be added to the Exemption Report	Selected supplier(s) confirms price in writing / email in advance.	Budget Holder	No further approval required	No. Invoices and quotes to be retained in accordance with the retention policy.
£5,000 - £40,000	Procurement Business Case is approved by Group Head. This also applies where the Group Head is acting	No, except where the opportunity is to be advertised	Advertising of the opportunity is not required but if the value is over £25k	Requirement communicated to supplier(s) and confirmed in writing	A minimum of three written quotes to be obtained and retained on file	Budget Holder	Group Head	Yes. Support from Legal Services required.

¹ Local is defined as within the Borough of Spelthorne.

² Regional is defined as in the wider county of Surrey.

	as a Director of a wholly owned Council company.		and <i>is</i> advertised, it must also be placed on Find a Tender Services (FTS)					
£40,000 – PCR 2015 threshold	Procurement Business Case and Procurement process must be approved by Group Head & MAT	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Contract advertised on e-sourcing portal and on Find a Tender Services (FTS).	Specification with required outcomes and outputs in Request for Quote (RFQ).	A minimum of three suppliers to be invited to tender, with full tender process	Project Lead with Procurement	Deputy Chief Exec or Service Committee (where the requirement is strategic / critical)	Yes. Support from Legal Services required. Contract made under seal if over £100,000)
Over PCR 2015 threshold ³	Procurement Business Case and Procurement process approved by Group Head, MAT and appropriate Service Committee. Project must be on the Forward Plan.	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Opportunity must be advertised with a Contract Notice in Find a Tender Services (FTS) via the e-sourcing portal.	Detailed Specification with required outcomes, outputs and performance indicators in Invitation to Tender (ITT).	Carried out in accordance with Public Contracts Regulations route selected ⁴	Project Lead (and /or subject matter experts) with Procurement	Service Committee	Yes. Support from Legal Services is required. Contract made under seal.

³ The Public Contracts Regulations threshold changes in January every two years (even years)

⁴ Discuss with Procurement the most appropriate procurement process to be followed

Procurement from an internal Spelthorne Framework Agreement	Direct award or mini-competition in accordance with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Procurement from an external Framework Agreement	In accordance with the expected value of the project as above and complying with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Variations to a Contract over £100,000	Service Committee	Yes	N/A	N/A	N/A	N/A	N/A	Contract variations to be recorded on the contract file

Tendering and Quotation handling procedure

26. All written quotations or tenders, where required, should be received electronically, either via email or via the e-tendering portal.
27. Contracts estimated to be worth £40,000 or over must be tendered electronically (either via the Procurement mailbox or e-tendering portal) with support from the Procurement Team.

Errors and clarifications of tenders

28. Where examination of tenders reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, the tenderer should be given details and an opportunity to confirm, withdraw or amend their tender to correct genuine errors. The confirmed or amended tender will then be evaluated accordingly.

Post tender negotiations

29. The Procuring Officer should take advice from the Procurement Manager regarding the appropriateness of any post-tender negotiations. No negotiations (as permitted by the Public Contracts Regulations) may be entered into with any tenderers submitting tenders or quotations unless the Chief Finance Officer considers it necessary to obtain best value for the Council, to accommodate unforeseen changes in the specification, or for any other reason the Chief Finance Officer considers is appropriate. In this event, details of the negotiations must be recorded in writing and must be conducted in accordance with the Public Contracts Regulations. The reasons for entering into post tender negotiations must be recorded on the contract file.

CONTENT OF CONTRACTS

Form of Contracts

30. Every contract over £20,000 must be in writing, in a form approved by the Group Head of Corporate Governance. All contracts of £40,000 and over in value (other than for vehicle purchase) must be in writing and over £100,000 must be under seal.³²
31. For contracts over £20,000 where the Council may be obliged to contract on the standard terms and conditions of another organisation, the following minimum requirements must be adhered to:
 - (a) a specification of services required should be produced and sent to the contractor. This is required in all cases where the Council procures goods and services together. It is not required where the Council only procures goods.
 - (b) a copy of the applicable standard terms and conditions should be retained on the contract file.
 - (c) an appropriate letter or other document should be agreed with the contractor which refers to the Council's specification of services required and confirms the terms and conditions on which the supply is to be made.

Public liability insurance and professional indemnity insurance

32. The Procuring Officer must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the contractor to carry public liability insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.
33. In the case of a contract for professional services, the contract must require the contractor to carry professional indemnity insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.

Assignment of Contracts

34. Assignment or under letting of contracts is not to be permitted except with the prior consent of the Chief Finance Officer, and then only where the Chief Finance Officer is satisfied that an effective vetting procedure of assignees or subcontractors has been implemented.

Liquidated Damages

35. The Procuring Officer, with support from the Procurement Team, must consider whether the contract should provide for the contractor to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the Group Head of Corporate Governance, the contract must require the contractor to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

Corruption, Bankruptcy & Cancellation

36. Every contract must state that the Council may cancel the contract and recover any resulting losses if the contractor, their employees or anyone acting on their behalf, with or without their knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010
37. Every contract must state that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

Performance Bonds

38. Where a contract is estimated to be £100,001 or over, the Chief Finance Officer must consider before the procurement whether the Council should require security for its performance. It must be certified on the contract file that no such security is considered necessary or specify in the conditions of tender the nature and amount of security to be given. In the latter event the Chief Finance Officer must ensure the required bond or other security for the due performance of the contract is given at the time the contract is let.

Nominating Subcontractors and Suppliers

39. Where it is decided to be in the Council's interest, that a sub contractor or supplier should be nominated to a main contractor, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 above.
40. The invitation to tender as sub contractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main contractor, including an obligation to indemnify the main contractor in respect of matters included in the sub contract.

Consultants

41. Any consultant employed by the Council to let or manage contracts must comply with these Standing Orders. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

MANAGING THE CONTRACT

Contract Management

42. Unless prior written approval is given by the Chief Finance Officer to the Procuring Officer and recorded on the contract file, all contracts in excess of £40,000 should nominate a Contract Manager (and include provision for those details to be updated). Where reasonably practicable, the Contract Manager should be part of the procurement project team, and a member of Spelthorne Borough Council staff.

The Procuring Officer must notify the name of the Contract Manager to the contractor prior to letting of the contract.

43. The role of the Contract Manager will be to manage the contract throughout its duration, as well as enforce duties owed to the Council under contract and to be responsible on behalf of the Council for those duties owed to the contractor.
44. The responsibilities of the Contract Manager will include:
 - (a) monitoring the performance of the contractor against the agreed level of service;
 - (b) monitoring the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate;
 - (c) ensuring the contractor's due diligence with all appropriate quality, environmental, health and safety obligations;
 - (d) facilitating the resolution of issues between the contractor and users of the service;
 - (e) ensuring prompt payment of invoices and compliance with all financial regulations and Contract Standing Orders during the lifetime of the contract;
 - (f) providing assurance that the contractor has a long-term, sustainable supply chain, and that there is no evidence of modern slavery;
 - (g) ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

Variations

45. Where the Contract Manager considers, and the relevant Deputy Chief Executive agrees, that an existing contract needs to be varied (i.e. practical changes are required which do not alter the essential nature of the original contract, as opposed to additional works or supplies not originally envisaged) The Deputy Chief Executive may approve these subject to the proposed variation being contained within the total budget approved for the contract. The reasons for and details of any such variation must be recorded on the contract file. On contracts over £100,000 in value, where the approved budget would be exceeded because of the variation, approval must be obtained from the appropriate Service Committee or Council (according to financial regulations) for any such variation.

Registration of Contracts

46. The Chief Finance Officer will ensure that a register of all contracts of £5,000 and over, placed by the Council is kept. The register must state the name of the contractor, the name of the Council's Contract Manager, the scope of the work to be done or goods to be supplied, the duration and value of the contract. Any Procuring Officer letting a contract must ensure details are supplied to the Chief Finance Officer for entry in the register.
47. The Chief Finance Officer will also ensure that a register of all contracts for building, construction or engineering work and associated Consultants which provide for payment by instalments is kept. This register must show the state of account of each contract between the Council and contractor, together with any other payments and related professional fees. The Procuring Officer letting such a

contract must ensure details are supplied to the Chief Financial Officer for entry in the register.

Contract Management Audits

48. The Procurement Manager shall propose an annual planned schedule of contract management audits (Contract Audit Schedule), to be agreed by the Chief Financial Officer and Group Head of Corporate Governance prior to implementation. The Procurement Team shall undertake such Contract Audits.
49. The Contract Audit Schedule shall include a minimum of ten high value, high complexity, and high-risk projects to be audited, as well as auditing a sample of lower value spends for compliance with these Contract Standing Orders (CSOs).

ACCESS TO INFORMATION RULES

1. SCOPE

These rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents to be open and accountable. They apply to all meetings of the Council, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.

The public now has the right to report on any meeting, which is not held in private, by means of any medium available to them, and to share the results of such reporting by any communication method at their disposal (The Openness of Local Government Bodies Regulations 2014).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the Council's Constitution or the law, nor do these Rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, and on the Council's website, with the exception of any Licensing Sub-Committee meeting called in accordance with Statutory Instrument 2502 of the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

Where exceptionally this period of notice cannot be given, the Council will ensure that legal requirements on specifying the special urgent circumstances that apply in particular cases will be met.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available on its website and at the Council Offices, five clear working days before the meeting except:

- a) those which contain exempt or confidential information, the meaning of which is explained later in these rules, or
- b) those in relation to Licensing Sub-committees where a meeting is called in accordance with: -
 - i) section 105(2)(a) (counter notice following police objection to temporary event notice) of the Licensing Act 2003; or
 - ii) SI 2502 - Summary Review of Premises Licences.

If an item is added to the agenda later, the revised agenda will be open to inspection and on the website from the time the item was added to the agenda. Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive will make a copy of the report available to the public as soon as it is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on request, either electronically, or on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND OTHER INFORMATION AFTER THE MEETING

7.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (unless the Proper Officer deems that the exemption no longer applies);
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agendas for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

- 8.1 If there are any background papers relating to the subject matter of a report, these will be listed at the end of that report.
- 8.2 Background papers are those documents which, in the opinion of the Proper Officer:
 - 8.3 (a) disclose any facts or matters on which the report, or an important part of the report is based; and
 - 8.4 (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below).

Public inspection of background papers

- 8.5 The Council will make available for public inspection at its offices and on its website for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

- 9.1 A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at, and be available to the public, at the Council's main Offices.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential Information – requirement to exclude the public

- 10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Meaning of Confidential Information

- 10.2 Confidential information means information given to the Council by a Government department, service or agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

Exempt Information – discretion to exclude public

- 10.3 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 10.4 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

Confidential Information and Exempt Information

- 10.5 Nothing in these Procedure Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- 10.6 Nothing in these Procedure Rules:
- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Group Head of Corporate Governance, that document or part of a document contains or may contain confidential information; or
 - (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Proper Officer, that document or part of a document contains or is likely to contain exempt information.

Meaning of Exempt Information

10.7 Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under <ol style="list-style-type: none"> 1. Section 2 of the Companies Act 2006 2. the Friendly Societies Act 1974 3. the Friendly Societies Act 1992 4. the Co-operative and Community Benefit Societies Act 2014 5. the Building Societies Act 1986 6. the Charities Act 2011
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes, <ol style="list-style-type: none"> 1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or 2. to make an order or direction of any enactment. 	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- 10.8 As set out in Schedule 12A of the Local Government Act 1972 (as amended): "Information... is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."
- 10.9 The relevant Committee will periodically review those exempt items it has considered at meetings, as to whether the public interest in maintaining the exemption remains or whether the report can now be made public.
- 10.10 Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992. exclusion of access by the public to reports
- 10.11 The Proper Officer of the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked '**Exempt**' on the agenda of that meeting, together with the category of information likely to be disclosed.

11. THE FORWARD PLAN

Contents of Forward Plan

- 11.1 The Council's Forward Plan will be prepared and published monthly. Proposed key and non-key decisions by Committees and Sub-Committees with decision-making powers will be included, with at least 28 clear days' notice being given, where possible.
- 11.2 The Forward Plan will contain matters which the Head of Paid Service believes will be subject of a decision to be taken by the Council, a Committee/Sub-Committee, or under joint arrangements during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- (a) the matter in respect of which a decision is to be made;
 - (b) the decision maker;
 - (c) the date on which the decision is likely to be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) a list of the documents submitted to the decision taker for consideration in relation to the matter;
 - (f) If the decision to be taken is considered a Key Decision as defined in Article 11 of this Constitution;
 - (g) if the consideration of any item will involve the disclosure of exempt or confidential information.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

12. RECORD OF DECISIONS

- 12.1 After any meeting of the Council, a Committee or Sub-Committee, whether held in public or private, the Proper Officer, will produce a record of every

decision taken at that meeting as soon as practicable and make it available to all members.

- 12.2 The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. It will also include a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body, and where a conflict of interest was declared, a note of any dispensation granted in respect of it.

13. ADDITIONAL RIGHTS OF ACCESS TO INFORMATION FOR COUNCILLORS

- 13.1 All councillors will be entitled to inspect any document (except those available only in draft form) in pursuance of that councillor's official duties. These rights are additional to any other rights he/she may have.
- 13.2 In availing themselves of these rights councillors must abide by the standards set out in Paragraph 4 of the Code of Conduct in Part 5 of the Constitution.

Procedure Rules for Working Groups and Task and Finish Groups

General

1. Committees may establish Working Groups and Task and Finish Groups, as appropriate and considered necessary, having taken into account the availability of resources and the advice of the relevant Group Head.
2. The role of such Groups is to examine in detail specific issues or aspects of policy, procedure or service according to their remit.
3. These Groups do not take any decisions but inform the deliberations of the committees.
4. Their membership shall be open to all councillors and include members from at least two political groups. They may include non-councillors by invitation and other persons with relevant expertise or knowledge.
5. Political balance requirements will not apply to Working Groups or Task and Finish Groups.
6. Each committee is usually limited to establishing no more than two Working and/or Task and Finish Groups, at any one time. i.e. if a Working Group has been appointed on an annual basis the same committee may only appoint one Task and Finish Group to run at the same time.
7. Only one Working Group or Task and Finish Group looking at a particular service function or policy area may be established at any one time.
8. A Working Group or Task and Finish Group may not be established to look at any area which has been the subject of an investigation or review by one or other Group in the past year.
9. Subsequent changes to membership of an established Working Group or Task and Finish Group shall be delegated to the relevant Group Head in consultation with the Chair and Vice-Chair of the appointing Committee.

Working Groups

10. Committees may set up Working Groups from time to time to develop recommendations on a long-term issue or ongoing subject area.
11. They shall be appointed for a specific purpose relating to policy development or a service function.
12. Working Groups may be appointed on an annual basis, if required.

13. They will only be established when the matter cannot be undertaken by a relevant Committee.

Appointment and Membership

14. The relevant Committee will specify the terms of reference and purpose of the Working Group.
15. The relevant Committee will appoint the members of the Working Group on the following basis:
 - Shall include at least two councillors from the appointing Committee
 - Shall include representation by at least two political Groups on the Council
 - May include other councillors with relevant expertise or knowledge, who are not members of the appointing Committee, to be agreed in consultation with Group Leaders
 - May include other invited persons with relevant expertise or knowledge

Meetings of Working Groups

16. Meetings of Working Groups will, as far as possible, be Member led and will receive support from officers in an advisory capacity only.
17. At its first meeting the Working Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
18. A councillor shall not be entitled to attend meetings of Working Groups unless appointed as a member or substitute or with the agreement of the Chair of the Working Group.
19. The public may not attend meetings of Working Groups.

Substitutions

20. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Working Groups at any meeting at which another member of the same political group is absent for the entire meeting.

Proceedings to remain Confidential

21. The proceedings of meetings of Working Groups, including any written material circulated to or considered by a Group, will remain confidential until they have been made public with the authority of the appointing Committee.

Reporting back to the appointing body

22. A Working Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

Task and Finish Groups

23. Committees may set up time-limited Task and Finish Groups for a specific task, to report back to the appointing Committee.
24. Task and Finish Groups will be charged with carrying out an in-depth investigation into a specific service area, or policy, or any issue of genuine importance to the borough.
25. Task and Finish Groups will only be established when the matter cannot be undertaken by a relevant Committee.

Appointment and Membership of Group

26. The relevant Committee will:
 - specify the terms of reference and purpose for the group's exercise;
 - specify the time for which the Task and Finish Group is expected to operate
 - appoint Councillors to the task-and-finish group on the following basis:
 - ❖ the group to be small, and focused on outcomes
 - ❖ shall include at least two members of the appointing Committee
 - ❖ shall include representation by at least two political Groups on the Council
 - ❖ may include other councillors who are not members of the Committee, to be agreed in consultation with Group Leaders
 - ❖ may include other invited persons with relevant expertise or knowledge

Meetings of Task and Finish Groups

27. Meetings of Task and Finish Groups will, as far as possible, be Member led and will not require advice or support from officers unless specifically requested.
28. At its first meeting the Task and Finish Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
29. A councillor shall not be entitled to attend meetings of Task and Finish Groups unless appointed as a member or substitute or with the agreement of the Chairman of the Task and Finish Group.
30. The public may not attend meetings of Task and Finish Groups.

Substitutions

31. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Task and Finish Groups at any meeting at which another member of the same political group is absent for the entire meeting.

Proceedings to remain Confidential

32. The proceedings of meetings of Task and Finish Groups, including any written material circulated to or considered by a Group, will remain

confidential until they have been made public with the authority of the appointing Committee.

Reporting back to the appointing body

33. A Task and Finish Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

Local Government Association
Model Councillor Code of Conduct

Joint statement

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

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

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

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

Introduction

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

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

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

Definitions

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

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

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

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

Purpose of the Code of Conduct

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

General principles of councillor conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

This Code of Conduct applies to you when:

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

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

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

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

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

Standards of councillor conduct

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

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

General Conduct

1. *Respect*

As a councillor:

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

1.2 I treat local authority employees with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.

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

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

Updated 14 December 2023

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

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

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

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

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

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

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

3. *Impartiality of officers of the council*

As a councillor:

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the

Updated 14 December 2023

content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

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

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

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

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

5. Disrepute

As a councillor

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

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

can bring your local authority into disrepute.

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a councillor:

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

8.1.1 I shall not participate in any Committee meeting until I have completed the relevant mandatory training.

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

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

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

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

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

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

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

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

10. Gifts and hospitality

As a councillor:

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

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B

Registering interests

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

Declaring interests

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

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

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

you must disclose the interest.

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

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

Table 2: Other Registerable Interests

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

Appendix C – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING CODE

Introduction

1. The purpose of this Code is to give clear guidance to all councillors about how they should carry out their duties in relation to planning and development proposals to ensure openness, impartiality, transparency and consistency in planning decisions.
2. This Planning Code should be read in conjunction with the Members Code of Conduct and the Planning in Probity Guidance issued by the LGA.

General Role of Councillors

3. Councillors have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community.
4. Whilst representing their constituents on planning issues and taking account of their views, councillors must make their decision within the statutory planning framework and base these on material planning considerations and what they believe is best for the Borough as a whole. A councillor is not under any obligation to represent a resident on a specific planning application if, in the opinion of the councillor, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.
5. Planning decisions cannot be made on a party-political basis in response to any lobbying.

General Role of Staff

6. Staff are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on the statutory planning framework, planning policies and procedures, ensuring councillors are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

7. Both councillors and staff are required to observe codes of conduct and statutory provisions the aim of which is to ensure the integrity of the Council and individual councillors. These codes and procedures require the open disclosure of any pecuniary, non-pecuniary and conflict of interests in matters being considered by the Council or its committees. Councillors and staff are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
8. Training and guidance on the Code of Conduct for Members on the declaration of interests, is provided to all councillors by the Council's Monitoring Officer. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual

councillors to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee, before the commencement of any meeting, or as soon as possible if it arises during the course of a meeting. Staff with an interest in property in the vicinity of an application or any relationship to an applicant, should disclose this to the Planning Development Manager, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Councillors

9. Lobbying of councillors for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that councillors will have, and be able to consider, all the relevant information and arguments about an application before making a decision.
10. Councillors should feel free to engage in free and frank discussion about all aspects of planning applications in advance of the Committee. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. However, it is important to maintain the integrity of individual councillors and the Council as a whole that Members of the Planning Committee should:-
 - a) if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
 - b) preface any discussion on a planning application to make it clear from the outset that discussions are not binding and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;
 - c) declare at the Committee meeting, any contact they have had with applicants or objectors;
 - d) advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee.
 - e) abide by the guidance in this Code with relation to site visits;
 - f) not organise support or opposition to any planning application, lobby other councillors or put pressure on staff for a particular recommendation because this might remove them from the decision-making process.
11. Councillors are encouraged to be responsive to all residents about planning matters. Frequently, applications are daunting for residents who need advice and support about the issues which they raise. All councillors are able to have discussions with residents about planning applications even if that councillor is on Planning Committee.

Declarations of interest

12. If a councillor has received advice from the Monitoring Officer with regard to a declaration: a Disclosable pecuniary interest, non-pecuniary or conflict of interest, then they may disclose the fact that such advice has been given at the time when the declaration or interest is disclosed.

Predetermination and Predisposition

Predisposition

13. Predisposition is lawful. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. The key issue is that the councillor ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the councillor retains an “open mind”.
14. Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or predetermination “just because” a councillor has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a councillor has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought from the Monitoring Officer where this may be the case.

Pre-determination / Bias

15. Predetermination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a councillor has made his/her mind up on a decision before considering or hearing all the relevant evidence.
16. Bias can also arise from a councillor’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application.
17. However, councillors may also consider that a “non-pecuniary interest” or Conflict of Interest under the Code of Conduct also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair-minded observer takes an objective and balanced view of the situation but councillors who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.
18. In the case of applications for development of land in which the Council has an interest, it is particularly important for councillors to avoid the appearance of bias. A councillor who has participated in any decision-making for Council owned developments at either Corporate Policy and Resources Committee, Commercial Assets Sub-Committee or Development Sub Committee, should not participate in any decision making on those developments at Planning Committee, whether attending as a member or substitute member of the

Committee. Likewise, a councillor appointed as a Director to Knowle Green Estates Ltd should not participate in any decision making on Council owned developments at Planning Committee. This does not prohibit a ward councillor from representing the views of their constituents at a Planning Committee meeting, in accordance with paragraph 31. below.

19. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration by the whole committee if they have already predetermined the matter themselves.

Meetings and pre-application discussions

20. Planning staff frequently hold meetings or have correspondence with applicants to give pre-application advice on their development ideas. Such advice will cover general planning policy applicable to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-application advice is given on a confidential basis so as to encourage early contact with the Council which can assist in better planning proposals coming forward or ideas which have no prospect of being acceptable being abandoned at an early stage.
21. These meetings or exchanges of correspondence are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation of Planning officers to the Committee and the decision of the Committee when all information is before it.
22. All applicants are encouraged to carry out pre-application consultation with neighbours to try and resolve issues at an early stage. For larger schemes this may be a more formal public consultation. Where councillors attend such pre-application consultation meetings run by the applicant they should abide by the guidance in this Code. The expectation is that where councillors are invited to attend that the applicant invites all ward councillors.
23. It is important that councillors do not give views to potential applicants either through pre-application consultations or other meetings that could be interpreted by them as giving planning advice and in turn taken as implied support for a proposal if those views are then followed.
24. If a councillor wishes to arrange a meeting with planning staff for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so staff will try to attend meetings arranged by councillors with their constituents away from Knowle Green provided all ward councillors are invited to attend.
25. If attending public meetings arranged by local groups about a planning proposal the principles outlined above should be followed and, councillors of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Planning Officers will not normally attend public meetings unless their attendance has been agreed by the Planning Development Manager and representatives of both the applicant and objector are given the opportunity to be present. Ward Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue or which Planning Officers have agreed to attend.

Presentations on Likely Major Development Proposals

26. For large or complex schemes the Council may arrange appropriate presentations to councillors by the applicant. This is seen as beneficial to inform councillors at an early stage and to encourage pre-application discussion and free flow of information on what are often complex or controversial issues. The Council itself will also organise presentations to keep councillors informed generally on matters which appear to have or are likely to have strategic importance for the Borough. The Planning Development Manager may also organise technical briefings on major developments at which developers may be present. At any such presentations councillors should abide by the guidance in this Code, listening to presentations, raising concerns and questions, debating the issues but not coming to fixed or final positions in advance of the full debate at Planning Committee.

Site Visits

27. Formal site visits by the Planning Committee are rare because of the amount of material, including plans and photographs submitted with planning applications included in the Planning Committee agenda and presented at Planning Committee. Where they do occur, they must be undertaken in accordance with the guidelines attached at **Appendix 'A'**. The necessity for such a visit will be agreed between the Chairman of the Committee and the Planning Development Manager in advance. Ward Councillors who are not members of the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the context of the proposal. Such visits are encouraged. Please note that councillors have no right of entry to the application site. Provided that no other persons are present then councillors do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then councillors should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Planning Officer Reports to Committee

28. All matters requiring a decision by the Planning Committee must be the subject of a written report from Planning Officers which will give an accurate summary of all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The report will include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed will be reported verbally to the Committee at its meeting.

Procedure at Committee Meetings

29. Applicants and objectors will be able to address the Planning Committee in accordance with the protocol attached at **Appendix 'B'**. Further information on how to ask to speak at the Committee and the issues that can be covered are set out in the Planning pages of the Council's website.

30. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in their discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.
31. Where councillors who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non-members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward.

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at the Planning Committee.

Call-in procedure

32. Councillors must take the following into account before 'calling-in' a planning application for consideration by the Planning Committee:
- a) Subject to the terms of reference of the Planning Committee and these rules a planning application other than those identified in the weekly Planning Publicity Schedule can be called in by a Councillor for determination by the Committee;
 - b) A councillor may only call-in an application which is in their ward. If the councillor considers that there is a matter of public interest arising in an application situated in another ward, then early contact should be made with the relevant ward councillors;
 - c) The guiding principle of 'Call-In' is that there is a material planning concern, in the application being considered by the Committee. The decision to refer an application to the Planning Committee rests with the Planning Development Manager.
 - d) Prior to a councillor calling in an application, he/she must inspect the submitted plans and is advised to discuss the application with the relevant case/planning officer.

- e) The 'call-in' will be activated by an email to the Planning Development Manager **and** the case officer which must give a material planning reason why it should be determined by the Committee;
- f) The email must be received by Planning Officers no later than one day after the end of the public consultation period for that application. The date of which is set out on the weekly Publicity Schedule in which it was publicised;
- g) The Committee report will identify the councillor who called in the application along with the reason given;
- h) Councillors who 'call-in' an application are expected to attend and speak at the Planning Committee setting out their concerns and issues. This will inform the general debate of the committee;
- i) If a councillor is unable to attend for any reason, they should send a statement to the Chairman setting out their issues and concerns so that they can be read out at the committee meeting.
- j) Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given three- minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item.

Decision Making

- 33. A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application.
- 34. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. If the Planning Officer's report recommends a departure from the development plan the justification for this must be included in the report.
- 35. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
- 36. Members are reminded that the Planning Committee meeting is held in public and should therefore ensure that the seven principles of public life are observed.
- 37. Members of the Planning Committee who require information which is not contained within the Planning Committee report should submit a request in writing to the Planning Development Manager at least one working day before the Planning Committee meeting.
- 38. The purpose of the Planning Committee meeting is to fully explore all relevant matters and concerns of councillors pertaining to an application before a decision is made. Councillors should prepare in advance of the meeting.
- 39. Where a councillor decides to vote against a recommendation, this should only arise once:

- (a) The concerns have been articulated by the councillor to allow other members of the Committee to comment on them and officers to advise on them; or
 - (b) Where another member has spoken in the debate and articulated those concerns and the councillor concerned has indicated that they are of the same mind as that councillor.
40. If the Committee wishes to make a decision contrary to the Planning Officers' advice, a member of Planning staff present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application the reasons for doing so must be clear, cogent and comprehensive. They must also be based on planning policies and provide a clear account of members' rationale for not accepting the Officer recommendation. Similarly, any additional planning conditions must be properly justified and expressed. The decision and reasons for it as agreed by the Committee must be minuted.
41. Members of the Planning Committee who are minded to propose an outcome against Planning Officer advice should first seek advice from the Planning Development Manager prior to the application being determined at a Planning Committee, at least one working day before the Planning Committee meeting. Any motion contrary to Planning Officer advice must be formulated in writing with material planning reasons. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation prior to making any decision. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

Applications Submitted by Councillors, Staff or the Council

Determination of applications

42. Subject to paragraph 43, any planning application made by a councillor, member of staff or the Council itself should be determined by the Planning Committee and not by the Planning Development Manager under delegated powers.
43. In the case of applications made by a councillor, a member of staff or the Council itself which do not relate to planning merits but are:
- 1. a legal determination as to whether permission is required, or
 - 2. forms of notification to the Council including that 'permitted development' is proposed under 'prior approval' procedures.

The Planning Development Manager will determine the application after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.

Applications submitted by the Council

44. Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Planning Committee. Proposals for a Council's own development will be treated no differently from any other application.
45. Certain councillors may, through their other roles outside of a Planning Committee (e.g. a member of Corporate Policy and Resources Committee, Development Sub-Committee or Commercial Assets Sub-Committee), have

been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at the Planning Committee, the councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rules for Planning Committees) but does not take part in its consideration and determination. It is important that the councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications submitted by councillors or staff

46. If a councillor or a member of staff submits their own proposal to the Council which they serve, they should take no part in its processing. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Authority should also take no part in its processing.
47. Councillors and Planning Officers must inform the Monitoring Officer of any proposals to submit an application, prior to their submission.
48. Members of the Planning Committee and staff should not act as agents for another person or body pursuing a planning matter with the Council and, if they do, any planning decision must be made by the Planning Committee and not under delegated powers.
49. Whenever possible a councillor making a planning application should appoint an agent to act on their behalf. The councillor must take no part in making a decision on the application and should leave the room for that item if in attendance.

Involvement of Councillors in Appeals

50. Where a councillor wishes to play a part in any appeal, he/she should seek first the advice of the Planning Development Manager and as a courtesy, inform the relevant Ward Councillors.

Training of Councillors in Planning Issues and Procedures

51. No councillor should be appointed to the Planning Committee without having agreed to undertake suitable induction training and familiarisation in planning procedures and the Code of Conduct. The Planning Development Manager, with the support of the Monitoring Officer, and after consultation with the Chair of the Planning Committee, will arrange suitable ongoing opportunities as required and will supplement this with written guidance. It is expected that such induction should take place within three months of appointment to the Committee.
52. It is also envisaged that all members of the Council will engage in induction and familiarisation about planning matters and this Planning Code so that as Ward Councillors, they can effectively represent residents and promote the interests of the Borough as a whole.

Substitutions to Planning Committee

53. Substitutions to Planning Committee will be permitted in accordance the Council's Scheme for Substitutions as set out in the Constitution.

MONITORING OFFICER PROTOCOL

1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Spelthorne Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Group Head of Corporate Governance who undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, they will also safeguard, so far as is possible, councillors and staff, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the Monitoring Officer's functions appears in the **Appendix** to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on councillors and staff:
- a) complying with the law (including any relevant Codes of Conduct),
 - b) complying with any statutory guidance and other guidance/advice issued from time to time by the Standards Committee and the Monitoring Officer,
 - c) not doing anything that would bring the Council, their offices or professions into disrepute, and
 - d) making lawful and proportionate/reasonable decisions.
- 1.4 In general terms the Monitoring Officer's ability to discharge their duties also depends on good working relations with councillor and staff colleagues, particularly the Council's Chief Officers and Heads of Service (together Senior Officers), and also access to information and debate during the decision-making process.
- 1.5 The Monitoring Officer has appointed a Deputy Monitoring Officer(s). The Deputy Monitoring Officer will perform the functions of the Monitoring Officer where they are unable to act. The Monitoring Officer is assisted from time to time by staff in Committee Services and Legal Services but the responsibility of discharging the functions of Monitoring Officer is a personal one.

2. Working Arrangements/Understandings

- 2.1 Good working relations with councillors and staff will assist in the discharge of the statutory responsibilities of the Monitoring Officer and ensure the Council's interests are safeguarded. Equally, a speedy flow of

relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Councillors and staff must, therefore, work with the Monitoring Officer (and their staff) to discharge the Council's statutory and discretionary responsibilities.

- 2.2 The following arrangements and understandings between the Monitoring Officer, councillors and Senior Officers are designed to help ensure the effective discharge of the Council's statutory powers and duties.
- a) **Lawfulness etc** – Councillors and Chief Officers must alert the Monitoring Officer to all emerging issues that may become a concern to the Council including in particular issues around legal powers to do something or not (e.g. lawfulness) ethical standards, probity, procedural or other constitutional matters and give advance notice to the Monitoring Officer of meetings (whether formal or informal) where these issues are likely to arise.
 - b) **Attendance at and access to papers for meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council, the Committees and the Officer Management Team (MAT) before any binding decision is taken (including a decision not to take action) and have access in advance to the agendas, minutes, reports and related papers for such meetings.
 - c) **Liaison with the Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
 - d) **The Council's Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer where appropriate to ensure that the aims and principles of the Constitution are given full effect.
 - e) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council's Constitution to councillors and staff alike (i.e. responsibility for functions, procedural rules, codes and protocols, standing orders, member allowances scheme etc.).
 - f) **Registers** – The Monitoring Officer will compile and maintain the Council's Registers of Members' Interests and Gifts and Hospitality.
 - g) **Training** – The Monitoring Officer will be responsible for preparing and implementing a training programme for Members on the

Council's ethical framework subject to the approval of the Standards Committee.

- h) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Council's Auditors and the Local Government Ombudsman (including the giving and receiving of relevant information whether confidential or otherwise).
- i) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chair and Vice-Chair of the Committees with a view to ensuring the effective and efficient discharge of the Council's functions.
- j) **Complaints/Investigations** – The Monitoring Officer will
- receive and act on any complaints made under the Member Code of Conduct.
 - conduct investigations into matters referred to him by a hearing panel of the Members' Code of Conduct Committee and make reports or recommendations in respect of them to the hearing panel.
 - be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received and if appropriate will make a written report to the Standards Committee unless he/she and the Chairman of the Standards Committee agree a report is not warranted.
 - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of their functions when carrying out any investigation.
- k) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with where the Monitoring Officer is unable to act.
- l) **Resources** – The Monitoring Officer will report to the Council from time to time on the staff, accommodation and resources required to discharge his/her functions. Where the Monitoring Officer requires specialist advice on any matter concerning his/her statutory responsibilities, he/she will seek Counsel's Opinion and will have a budget to enable him/her to do so.
- m) **Deferral of Report** – In consultation with the Mayor of the Council the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved.

- n) **Maladministration** – Chief Executive, Deputy Chief Executives and Heads of Service must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.3 To ensure the effective and efficient discharge of the above working arrangements/understandings, councillors and Senior Officers will report any breach of statutory duty or material breach of Council policy/procedures and other vices or constitutional concerns to the Monitoring Officer as soon as practicable.
 - 2.4 Senior Officers agree to inform and explain the terms of this protocol to their service managers so that they understand the issues highlighted in paragraphs 2.1 and 2.2 above and report concerns accordingly.
 - 2.5 The Chief Finance Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer's role.
- 3. Breach of the Members' Code of Conduct and this Protocol**
- 3.1 Complaints against any breach of the Members' Code of Conduct must be referred in accordance with the Council's published 'Arrangements for Dealing with Complaints about Councillors'. Complaints against any breach of this protocol by a Member will be referred to the Standards Committee and to the Leader of the relevant political party group.
 - 3.2 Complaints against any breach of this protocol by an Officer may be referred to the Chief Executive.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Key Source
1.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
2.	Report on resources	Section 5 Local Government and Housing Act 1989
3.	Establish and maintain Registers of Councillors' and Co-Opted members' Interests and Gifts and Hospitality	Section 81 Local Government Act 2000, Section 29 Localism Act 2011 and the Policy on Gifts, Hospitality and Sponsorship and under the Member's Code of Conduct
4.	Considering whether an interest is a sensitive interest	Section 32 Localism Act 2011
5.	Receive copies of whistleblowing allegations of misconduct	Confidential Reporting Code, Council Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Article 10 of the Council's Constitution
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all councillors	Article 10 of the Council's Constitution
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
9.	Report on any maladministration or injustice where the Local Government and Social Care Ombudsman in England (Ombudsman) has carried out an investigation	Section 5 Local Government and Housing Act 1989
10	Compensation for maladministration	Section 92 Local Government Act 2000

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Conflicts of Interest Policy

1. Who is this guide for?

- 1.1 This guide is for councillors and staff who will wish to ascertain whether they have an interest which should be declared under the Members' Code of Conduct or the Staff Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and staff are obliged to follow the Nolan Committee's Seven Principles of Public Life:
 - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
 - (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Members' Code of Conduct councillors are obliged to declare pecuniary interests and non-pecuniary interests (e.g. membership of outside bodies). However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Staff Code of Conduct specifies numerous matters which must be reported to their Chief Officer, not every eventuality can be covered and there is a catch all category of "any other connection to the Council's work which may be relevant".
- 1.5 This document provides extra explanation of what conflicts ought to be recorded by you in your work for the Council. The intention of this guide is not to look in depth at any particular situations, but to provide an overview of

conflicts of interest, and how to deal with them, and to signpost sources of further information.

2. What is a conflict of interest and what issues does it raise?

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. The issue is not your integrity, but the management of any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage your reputation and the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises and which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could in turn have a damaging effect on the Council's reputation.
- 2.4 Some advantages of working for the Council are enjoyed by more than one person. Where this arises then it is not usually the case that a declaration has to be made. An example of this would be the allowances and expenses which councillors are entitled to claim. These decisions are always made in the open at public meetings and although it is correct that councillors will receive a personal benefit there is no real risk to accountability or transparent decision making if an interest is not declared in that situation. This is because the subject matter of the decision makes it clear that councillors will benefit. Similarly pay rises for staff will be recommended by staff and decisions made by councillors – it is clear what is going on and no declarations are required.
- 2.5 You should be more careful where decisions arise and it is not clear what is going on. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.6 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or little measurable value, they will not normally need to be declared, e.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and staff alike.
- 2.7 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. This may still be useful to declare so that it is clear that a decision has been made correctly. For instance, you are a member of an outside body and the

affairs of that body are raised at a meeting. It is helpful for all concerned to know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

3. How do I identify a conflict of interest?

3.1 Conflicts of interest may come in a number of different forms:

- direct financial gain or benefit
- the award of a contract to another organisation in which you (or a friend or relative) has an interest and from which you (or they) will receive a financial benefit
- indirect financial gain, such as employment by the Council of your spouse or partner
- non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member
- appointment as a non-executive Director to a Council owned company.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, Human Resources or the Group Head of Corporate Governance. If you are a councillor you can speak to the Group Head of Corporate Governance, the Chief Executive or another Chief Officer.

4. How can conflicts of interest be managed effectively?

4.1 You need to be alert to possible conflicts of interest which you might have and how you can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by staff members they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Committee Manager attending the meeting. At present Standing Orders of the Council only require the councillor to absent himself or herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises, it is for the councillor to declare that interest. It will usually be the case that the councillor will stay in the room, speak and vote on such matters. However, if the councillor feels that this would lead to criticism in the circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of

the item itself. Sometimes this is not possible because an issue arises in the meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

5. What happens if there is a breach of the Policy?

- 5.1 There are formal sanctions available to the Council for those who are in breach. It all depends on the circumstances of the case. Staff can be subject to the disciplinary procedure, and councillors can be referred to the Standards Committee.
- 5.2 The Standards Committee is responsible under the Constitution for the operation of the Staff Code of Conduct and the Members' Code of Conduct and will keep the operation of this policy under review.

PART 5M – DISCLOSURE AND BARRING SERVICE CHECKS FOR MEMBERS PROTOCOL

1. The effective date of commencement for this protocol is 4th May 2023.
2. This Protocol complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service (“DBS”) Code of Practice.
3. This Protocol replaces all previous policies, decisions and/or precedents relating to criminal records checks for Spelthorne Borough Councillors and co-opted members.

General Principles

4. As the Council has a duty to protect the most vulnerable residents, this Protocol requires all councillors to undergo basic level DBS checks.
5. For certain Member appointments a higher level of check may be required. In those instances, the councillor will be advised.

The Process

6. All newly elected councillors shall be required to undergo a basic DBS check.
7. Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check. The cost of this check may be claimed as a councillor expense.
8. Within 14 days of receipt of the DBS certificate, the relevant councillor or co-opted member will show the original certificate to a member of Committee Services.. Where a check is not clear, for instance, it contains details of an offence, a copy of the DBS certificate shall be referred to the Monitoring Officer, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 14 days following the outcome of the dispute.
9. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
10. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
11. Copies of the DBS certificate shall not be retained by the Council.

The Use of Disclosure Information

12. The existence of a criminal record or other information revealed as a result of a DBS check will not automatically debar a Councillor from holding office.

13. In the event that the disclosure information received raises issues of concern, the Monitoring Officer in consultation with the relevant Group Leader, will then discuss with the individual Councillor the restrictions considered necessary, to safeguard members of the public.

14. In the event that any issues arising from DBS checks are of such significant concern that they cannot be resolved by the actions in paragraph 13 above or the councillor in question is a Group Leader, the Monitoring Officer shall refer the matter to the Standards Committee for consideration.

15. This Protocol will be reviewed every two years and updated as and when required as a result of changes in the law.

**Minutes of the Standards Committee
20 November 2023**

Present:

Councillors:

C. Bateson

R. Geach

O. Rybinski

J. Button

K.M. Grant

H.R.D. Williams

Apologies: Councillors M.M. Attewell, J.R. Boughtflower and D. Geraci

In Attendance: Councillor M Beecher

19/23 Disclosures of Interest

There were none.

20/23 Amendments to the Constitution

The Committee considered a report from the Group Head Corporate Governance that sought a recommendation to be made to Council regarding the proposed amendments to the Council's Constitution.

The Committee considered each part of the proposed amendments separately:

Part 1 – Introduction to the Constitution

AGREED with the proposed amendments

Part 2 – Article 5, The Mayor

AGREED with the proposed amendments

Part 2 – Article 5, The Officers

AGREED with the proposed amendments

Part 3 (b) – Terms of Reference of Committees

Cllr Williams highlighted that the cumulative spend on individual projects often exceeded the £1m referred to in the Constitution so asked for this to be addressed as an amendment to this part of the Constitution.

Part 3 (d) – Delegations to Officers

AGREED with the proposed amendments

Part 3 (f) – Roles of Different Councillors

AGREED with the proposed amendments

Part 4 (a) – Council Standing Orders

Cllr Rybinski stated that a number of her constituents had expressed that they did not want the National Anthem to be removed from the Council's Constitution.

AGREED with the proposed amendments

Part 4 (c) – Substitution Scheme

AGREED with the proposed amendments

Part 4 (e) – Contract Standing Orders

AGREED with the proposed amendments

Part 4 (g) – Access to Information Rules

AGREED with the proposed amendments

Part 4 (i) – Procedure Rules for Task & Finish Groups and Working Groups

AGREED with the proposed amendments

Part 5 (a) – Councillor Code of Conduct

AGREED with the proposed amendments

Part 5 (d) – Planning Code

Cllr Williams wanted paragraph 18 removed

Part 5 (h) – Monitoring Officer Protocol

AGREED with the proposed amendments

Part 5 (k) – Conflicts of Interest

AGREED with the proposed amendments

Part 5 (m) – Disclosure and Barring Checks

AGREED with the proposed amendments

It was proposed by Cllr Bateson and seconded by Cllr Button that the Committee agree the proposed amendments.

The Committee **resolved** to recommend to Council that they approve the proposed amendments to the Council's Constitution with consideration being given to the points raised under some of the individual Parts.

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Council



14 December 2023

Title	Statement of Licensing Policy 2024-2029
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Environment Service delivery
Recommendations	Council is asked to approve the adoption of the revised Statement of Licensing Policy 2024-2029.
Reason for Recommendation	Statutory requirement under the Licensing Act 2003.

1. Summary of the report

- 1.1 Council is asked to approve the adoption of the revised Statement of Licensing Policy 2024-2029 in accordance with the timetable specified in this report. This report was considered at the Licensing Committee on 05 December 2023 who resolved to recommend that Council approve the adoption of the policy.

2. Key issues

- 2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a Statement of Licensing Policy every five years.
- 2.2 The Statement of Licensing Policy reflects the legislation and national guidance and best practice. This report is therefore to seek approval for the Statement of Licensing Policy for 2024-2029 to be recommended to Full Council.
- 2.3 Prior to the Statement of Licensing policy 2024-2029 policy being produced the Responsible Authorities¹ were consulted earlier in 2023 and their comments have been incorporated.

¹ The Responsible Authorities are at Appendix B of the Statement of Licensing Policy 2024-2029.

2.4 The Consultation Period was 1 November 2023 - 14 November 2023. The persons consulted are outlined in the Statement of Licensing Policy.

2.5 Surrey Police have submitted comments in respect of large events. The Authority complies with the licensing legislation at all times. There is a proposal to amend wording at 16.23 for the Committee to consider.

3. Options analysis and proposal

3.1 The **preferred option** is for Licensing Committee to recommend the policy to Council for its adoption, in accordance with the timetable set out in this report.

3.2 There is an option for the Licensing Committee may also decide to either amend the proposed draft policy or reject it, and propose its own version of a draft policy. However, the policy reflects best practice, guidance, and legislation.

3.3 Licensing Committee is asked to approve the Statement of Licensing Policy 2024 – 2029 to Council.

4. Financial implications

4.1 There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and have been met from within existing Licensing budgets.

5. Risk considerations

5.1 No risk implications have been identified save that the authority needs to adhere to legal requirements.

6. Procurement considerations

6.1 This report refers to a policy for which there are no Procurement considerations.

7. Legal considerations

7.1 These are contained within the body of the report.

8. Other considerations

8.1 The revision of this policy and carrying out the required consultation the Council will meet the requirements of the Licensing Act 2003.

9. Equality and Diversity

9.1 The Council's Statement of Licensing Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children from being harmed. This engages the characteristics of age and potentially disability.

9.2 An Equalities Screening Assessment has been carried out. The revised Statement of Licensing policy does not have any impact on protected characteristics.

9.3 The Local Area Plan contains key demographic information for the borough regarding the protected characteristics under the Equality Act 2010.

10. Sustainability/Climate Change Implications

10.1 There are none.

11. Timetable for implementation

11.1 The legislative framework requires that Spelthorne's Statement of Licensing Policy be reviewed. Any revisions will be subject to the approval of the Council in December 2023.

11.2 The proposed timetable is as follows:

- Report to Licensing Committee on 5 December 2023 to seek recommendation to adopt the Statement of Licensing Policy 2024-2029.
- Recommendation to Council on 14 December 2023 to adopt the Statement of Licensing Policy 2024-2029.

12. Contact

12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers:

The Licensing Act 2003

Section 182 Licensing Act 2003 Guidance- [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/section-182-of-the-licensing-act-2003)

Appendices:

Appendix 1- Spelthorne Borough Council Licensing Act Policy 2024-2029.

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**STATEMENT OF LICENSING POLICY
2024-2029**



DRAFT

Statement January 2024

This Statement of Principles was approved by Spelthorne Borough Council on the INSERT DATE WHEN APPROVED.

Foreword

Welcome to Spelthorne Borough Council's Statement of Licensing Policy under the Licensing Act 2003.

The Licensing Authority have been responsible for licensing alcohol, entertainment, and late-night refreshment premises since 2005.

The Licensing Authority we work in partnership with agencies such as the police, to regulate licensable activities in the borough.

This policy has been produced to allow us to remain responsive to our local environment and to respond to current and emerging risks in Spelthorne. The changes we have made mean that the Licensing Authority can take evidence-based decisions to address local issues that may affect communities.

There are several changes to our previous Policy to clarify, expand on licensing matters and updated to incorporate changes.

To avoid duplication, this policy should be read in conjunction with the 2003 Act, its associated regulations, and the latest edition of the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Contents

Contents Page will be inputted when policy is finalised by Full Council.

Appendix A	Consultation
Appendix B	Responsible Authorities, Newspaper groups & Useful Information

DRAFT

1 Introduction

- 1.1 Spelthorne Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the 2003 Act”) and has responsibility for regulating the sale and supply of alcohol, the provision of regulated entertainment, and the provision of late-night refreshment.
- 1.2 This statement of licensing policy (“the policy”) sets out the principles we will apply in exercising our licensing functions under the 2003 Act.
- 1.3 The majority of licensing functions must be carried out by the Licensing Committee established under the Licensing Act 2003. Members of this Committee are responsible for the detailed administration of the Council’s licensing function assisted by officers. The Licensing Committee has delegated certain functions to the Licensing Sub-Committee and/or officers. The decision-making arrangements are set out in the Council’s scheme of delegations.

2 Background

- 2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of policy every five years. However, we will keep the policy under review and amend in the interim if necessary.
- 2.2 This Statement of Licensing Policy fulfils this requirement and has been prepared in accordance with the revised guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 2.3 This statement provides information for existing licence holders, those wishing to apply for various licences under the Act, and for residents who may have views about applications. It also gives information on the various processes under the Act.
- 2.4 When we carry out our licensing functions, the Council and its officers will have regard to this policy and will apply the principles set out within it.
- 2.5 We acknowledge that this policy cannot predict every scenario or set of circumstances that may arise and sometimes, the individual circumstances of a case may lead us to make exceptions to this policy. If we do make an exception, we will give full reasons for doing so. In deciding whether we should make an exception to this policy, we will consider our reasons for the specific principle before deciding whether we would undermine the aims of this policy by making an exception to it.
- 2.6 The Senior Environmental Health Manager in conjunction with the Chair of the Licensing Committee may make minor amendments to the guidance set out in this policy to reflect administrative changes. When

a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.

2.7 **The Spelthorne Area**

2.8 Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses. Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011.

2.9 The Authority has responsibility for helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses are an important part of that local economy with this policy critical to their continuing success and for attracting further investment and opportunity to the borough.

2.10 Balanced against this are the Council's legal duties and commitment with its partners to reducing crime, disorder and the fear of crime. It is important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the borough safely and free from nuisance.

2.11 Spelthorne Borough Council has over 317 licensed premises of all types.

3 **Scope of the Statement of Licensing Policy**

3.1 The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club
- Regulated entertainment
- Late night refreshment

3.2 These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licenses
- Temporary event notices

3.3 The Act requires the Licensing Authority to carry out its licensing functions to promote the licensing objectives. Spelthorne Borough Council as the Licensing Authority takes its responsibilities under the Licensing Act seriously and will use all available powers to promote the four licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**

- **The prevention of public nuisance**
- **The protection of children from harm**

3.4 Decision making will be based on promoting these licensing objectives.

3.5 Decision makers will also have regard to this policy document and any guidance issues from time to time by the Secretary of State.

4 Policy Consultation

4.1 Prior to the formal review of the Statement of Licensing Policy 2024-2029, an informal engagement exercise invited opinion on suggestions for changes from Responsible Authorities as defined by the Licensing Act 2003. The objective was to elicit opinion which could be considered prior to the formal review process.

4.2 In determining this policy, the Licensing Authority has undertaken a full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. A full consultation list can be found at **Annex 2**.

4.3 The draft policy has also been published on Spelthorne Borough Council's website.

4.4 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy.

5 Fundamental Principles

5.1 This policy sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

5.2 Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

5.3 To ensure the application is completed fully, applicants should consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the Licensing Authority

5.4 Applicants are encouraged to seek advice from the Licensing Authority and responsible authorities before submitting an application.

5.5 Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club

premises certificate will be focused on matters which are within the control of individual licensees.

- 5.6 These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 5.7 Licensing law is not a mechanism for the general control of nuisance or antisocial behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 5.8 The controls exercised through the provisions of the Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing.
- 5.9 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for addressing issues arising out of the operation of licensed premises, including;
- Task and Action Group
 - Planning Controls
 - Building Controls
 - Regular liaison with Surrey Police
 - Pub watches
- 5.10 The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.
- 5.11 Planning, Building Control and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications cannot be a re-run of a planning application as different considerations will apply. However, the granting of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
- 5.12 There are circumstances when as a condition of planning consent a closing time has been set that may be different to the licensing hours. In these circumstances the applicant must close at the earlier time.
- 5.13 It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.

- 5.14 Where representations are made to a particular application which relate to the licensing objectives, either from a responsible authority or from any interested other person, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 5.15 In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

6 Cumulative Impact, Late Night Levy (LNL) and Early Morning Alcohol Restriction Orders (EMROs)

- 6.1 "Cumulative impact" is the combined effect of a number of licensed premises in a particular area. Licensing authorities can adopt a special policy of refusing or restricting new licences on the grounds of the cumulative impact that licensed premises may have in a particular area. Spelthorne Borough Council does not currently have such a policy for any part of the Borough but shall keep this under review.
- 6.2 A Late Night Levy (LNL) is an additional charge that can be applied to premises that operate late at night. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. Licensing authorities can choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations. Spelthorne Borough Council does not currently apply a LNL but shall keep this under review.
- 6.3 An Early Morning Alcohol Restriction Order (EMRO) is a power that can enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. Spelthorne Borough Council has not currently introduced any EMROs within the Borough but shall keep this under review.

7 Public Health

- 7.1 In January 2012 Public Health as the Local Health Board became a responsible authority for the purposes of the Licensing Act 2003. This provides an opportunity for and imposes an obligation on Surrey Public Health to consider and respond to licence applications where they have concerns about the promotion of the licensing objectives at a specific premises.
- 7.2 Although 'protecting and improving public health' is not a licensing objective, we are concerned about the potential risk of alcohol related harm in Spelthorne. Therefore, we will always consider health related harms where they are relevant to the promotion of the licensing

objectives. Accordingly, when making representations, Public Health may demonstrate a link between health concerns and the licensing objectives and may provide information such as ambulance callouts and admissions to hospital specifically caused by alcohol.

7.3 Public Health may also use the powers available to them as a responsible authority, to work with our partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol, ensuring the links between density of licensed premises, alcohol availability and indicators of health related harm to inform licensing decisions.

7.4 We recognise that licensees are generally supportive of the need to address health issues relating to alcohol. We expect applicants to consider the health impacts of their proposed activities in relation to the licensing objectives, and have set out below, some best practice for applicants to consider when completing their operating schedules. We also expect licence holders to consider this best practice, and review their current procedures if necessary:

- a) restricting special offers such as cheap shots, 'happy hours', 'buy one, get one free', 'buy two glasses of wine and get the whole bottle'. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels are reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- b) aligning price with alcohol by volume (ABV), and ensure that non-alcoholic drinks are much cheaper than alcoholic drinks
- c) increasing seating for customers to reduce intensive drinking
- d) reducing the volume of music because loud music can increase alcohol consumption.
- e) actively promoting designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- f) making food available in late venues
- g) starting the sale of alcohol later in the day and not aligning it purely with opening hours
- h) not advertising alcohol in the shop window
- i) storing alcohol behind the shop counter
- j) not using display boards or other advertising on the shop floor
- k) restricting the sale of beer or cider over 5.5% ABV

- l) not selling alcohol where they could attract underage purchasers
- 7.5 Where the applicant fails to offer appropriate measures to promote the licensing objectives in relation to public health this may give rise to representations from Public Health or the licensing authority acting in our capacity as a responsible authority.

8 Premises Licences & Club Premises Certificates

- 8.1 A premises licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00pm and 5.00am).
- 8.2 Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club' as outlined in the Licensing Act 2003.
- 8.3 In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation.
- 8.4 It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.
- 8.5 The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.
- 8.6 Measures offered by applicants on their operating schedule will normally become licence conditions. It is essential that conditions on the licence or certificate
- a) must be appropriate for the promotion of the licensing objectives;
 - b) must be precise and enforceable;
 - c) must be unambiguous and clear in what they intend to achieve;

In this regard, we may where necessary reword meaningless, unenforceable, or ambiguous conditions proposed in operating schedules, in order to ensure the licensing objectives are upheld.

- 8.7 Where applications for premises licences or club premises certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub Committee where the applicant and those making representations may be heard.

- 8.8 The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.
- 8.9 Applicants should be aware that breaching the conditions of a premises licence or club premises certificate is a criminal offence. Therefore, applicants should only volunteer conditions in their operating schedule that they can comply with and are willing to do so.

9 Electronic Applications

- 9.1 The Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009 came into force in December 2009. This amendment was required to ensure that all licensing applications, with the exception of reviews and personal licences, are able to be made online. The applicant only needs to submit one application to the local authority. Once the fee has been paid then the local authority has the responsibility to ensure that all the other statutory recipients receive a copy.
- 9.2 Paper applications will still have to be copied to all of the responsible authorities by post by the applicant.

10 Application Consultation

10.1 The consultation process required for applications for Premises Licences, Club Premises Certificates and Full Variations of existing licences or certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking the advertisement of the application in accordance with the requirements lies with the applicant.

10.2 The Council will publish details of all new applications on its website.

10.3 Making Representations

10.4 Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or emailed. Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.

10.5 When making a Representation, the Council request that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.

10.6 Representations should contain;

- The name, full address & post code of the person making them.
 - The reasons for their representation and
 - Which of the four Licensing Objectives the representations relate to;
 - Crime and disorder
 - Public Nuisance
 - Public safety
 - Protection of children from harm
- 10.7 A representation would be ‘irrelevant’ if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 10.8 A representation made by a person other than a responsible authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 10.9 Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 10.10 Frivolous representations would be categorised by a lack of seriousness.
- 10.11 Such judgments will be made by officers following such enquiries as may be necessary.
- 10.12 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Subcommittee 10 days prior to the hearing.
- 10.13 Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the objectors personal details may be removed from the representation before it is given to the applicant.
- 10.14 Where there is opposition to an application, the sub-committee may:
- a) amend the conditions volunteered in the operating schedule
 - b) restrict the hours during which licensable activities may take place
 - c) limit the type of licensed activities that may be carried out
 - d) impose further conditions on the licence or certificate
 - e) refuse the application
- 10.15 **Negotiation and compromise**
 We strongly encourage a spirit of negotiation and compromise between parties. Where an application attracts representations, these can often be fully or partially, addressed through an applicant engaging in dialogue

with the parties raising the representations prior to the Licensing Sub-Committee hearing. Licensing issues can sometimes be emotive, so when an applicant does seek to negotiate, it is imperative that such negotiations are conducted in a courteous, sensitive and respectful way.

- 10.16 As negotiation can lead to parties withdrawing representations or agreeing to conditions to address concerns, we encourage applicants to engage in 'positive' negotiations with other parties. This may help to demonstrate that the applicant is a reasonable and responsible person or body and has sought to listen to and address concerns. Where negotiations would clearly have been helpful and an applicant has not sought to initiate them, the Licensing SubCommittee may have regard to this in their determination.
- 10.17 We expect the applicant to ensure that negotiations take place as far in advance as possible of the Sub-Committee hearing. The applicant should seek to involve all (and not just some) of the parties who have made representations in the negotiations, or at the very least keep all parties informed in writing of progress and outcomes. To allow the sub-committee to consider negotiations, the applicant must inform us in writing of the outcome of any negotiations at least two working days before the scheduled sub committee hearing takes place.

11 Personal Licenses

- 11.1 To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 11.2 Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than four weeks old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 11.3 Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 11.4 The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.

- 11.5 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 11.6 In exercising its duties, the Council will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.

12 Fees and Charges

- 12.1 Licensing fees and charges are set by Government and are the same across the Country.
- 12.2 Once granted, a licence or club premises certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing Authority suspending the operation of the premises licence or club premises certificate until all outstanding fees are paid.
- 12.3 Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.
- 12.4 Should applicants need assistance with completing applications they should obtain their own independent legal advice. The Council are unable to recommend agents.
- 12.5 Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.
- 12.6 **Suspension of licence for non payment of annual fee**
- 12.7 The licence holder is solely responsible for paying the annual fee by the due date. Whilst we may contact the licence holder to remind them about payment, we are not obliged to do so.
- 12.8 Where an annual fee for a licence or certificate has become due but has not been paid, we will suspend the licence until that fee is paid, unless the nonpayment is due to:
- a) an administrative error, or
 - b) where liability to pay is in dispute and that dispute has been raised prior to the fee falling due.
- 12.9 Normally, we will only provide the statutory minimum notice period before a suspension takes effect.

13 Variations (Minor and Full)

13.1 Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.

13.2 Minor Variations

A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a 'white' notice at the premises for a period of ten working days starting on the first working day after giving the application to us.

13.3 Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:-

- Minor changes to the structural layout which does not;
 - Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
 - Affecting access or egress (blocking fire exits or escape routes)
 - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- Addition of a licensable activity where similar activities already exist.

13.4 Decisions on a minor variation are delegated to officers and there is no right to a hearing.

13.5 In making such decisions, we will have regard to any relevant representations received from interested parties within the statutory time limit. We will only regard representations as relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

13.6 We will also consult, when and if necessary, with the relevant responsible authorities.

13.7 We will only approve an application for a minor variation where in our opinion the variation sought will not have an adverse impact on the licensing objectives.

13.8 Full variations

Follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.

13.9 The areas in which a premises licence may be varied include;

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities

- Amending, adding or removing conditions within a licence
- Altering any aspect of the layout of the premises which is shown on the plan.

13.10 Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence.

14 Temporary Event Notices (TEN)

14.1 Anyone over the age of eighteen may serve the Licensing Authority with a TEN. This permits people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

14.2 Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises.

14.3 There are certain limitations to TENs. As these are subject to change applicants should consult the gov.uk website for information.

14.4 A TEN should be submitted to the Licensing Authority a minimum of 10 working days before the proposed event (Standard TENs), however a limited number of applications may be made giving no less than 5 working days' notice (Late TEN's). If objections are received from either the Police or Environmental Health officers a hearing will be held to decide whether the event can go ahead in the case of Standard TENS. Late TENs will not be valid following an objection and the event will not be able to go ahead.

14.5 Although ten clear working days is the minimum possible notice that may be given, the Council prefers advance notice of events.

14.6 It is important for applicants to note that serving a TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission, where it is required.

15 Licensing Hours

15.1 Many representations submitted in response to licensing applications for the sale of alcohol for consumption on premises relate to public concern about the hours of operation proposed. The Licensing Authority recognises there is opportunity for significant detrimental impact for local residents where licensed premises operate late. It also recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn may reduce disorder and disturbance.

15.2 Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops,

garages and supermarkets, the Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.

- 15.3 The Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.
- 15.4 Where representations are received, the application will be referred to a Licensing Sub Committee. The Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 15.5 Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol.
- 15.6 The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 15.7 In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and operating schedule. Where representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.
- 15.8 Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas and/or where there has been a history of noise complaints.
- 15.9 **Late Night Takeaways**
Applications for premises offering late night take away food and drink can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The density and closing times of other licensed premises in the vicinity will therefore be taken into consideration. Applicants for late night takeaways in Staines Town Centre will also be encouraged to include the provision of CCTV and use of town centre radios on their operating schedules.

15.10 **Non-Standard Hours**

It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve or Saints days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.

16 Promoting the Four Licensing Objectives

- 16.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 16.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment, which can then be used to form the basis of the operating schedule.
- 16.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.4 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 16.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.
- 16.6 Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both.
- 16.7 **Prevention of Crime and Disorder**
- 16.8 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

- 16.9 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 16.10 It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.
- 16.11 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 16.12 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 16.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 16.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.
- 16.15 **Crime and Disorder risks**
The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants should consider (where relevant) when preparing their operating schedule. We also expect licence holders to consider the same risks and review their current procedures if necessary:
- a) **crime and disorder near the premises:** this may include the risk of crime and disorder arising from persons queuing to enter the premises, persons exiting the premises and customers smoking, eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - b) **crime and disorder in the premises:** drugs, psychoactive substances, weapons and violence.

- c) **event type:** in some cases, the type of regulated entertainment proposed could increase the possibility of violence and/or disorder occurring in, or near, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and share these with us, in some cases, to provide such risk assessment to the police licensing team before the event is agreed.
- d) **the risk associated with selling alcohol for consumption on or off the premises:**
 - 1. what measures are necessary to prevent underage or proxy sales? Proxy sales are when a person who is 18 years or older buys alcohol for a person who is underage.
 - 2. what measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
 - 3. whether there are procedures in place to prevent sales of alcohol to intoxicated persons (with attention to street drinkers).
- e) **licensed premises and late-night refreshment:** applicants and licence holders should demonstrate they have assessed the risk of intoxicated persons congregating in large numbers near their premises. Where appropriate, applicants and licence holders should demonstrate suitable measures to address this problem.
- f) **premises environment:** applicants and licence holders should consider the physical environment of the premises and have regard to issues that could increase the likelihood of customers becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity

16.16 Measures to address crime and disorder risks

In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) alternatives to glass: restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass that comply with weights and measures legal requirements.
- b) CCTV: using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the ongoing maintenance and operation of such systems.

- c) dispersal procedures: establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- d) dealing with and reporting crime and disorder: training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- e) door staff: considering the use of Security Industry Authority (SIA) registered door staff and the appropriate number of door staff for the premises.
- f) drinks promotions: adopting policies to discourage excessive drinking. This might include adherence to good practice guides and industry codes on drinks promotions such as happy hours, buy one get one free and so on, in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- g) drugs, psychoactive substances and weapons: applicants should pay attention to search procedures, procedures for the safe storage and surrender of seized drugs, psychoactive substances and weapons and consideration given to adoption of a “zero tolerance” policy in this area.
- h) incident and occurrence book: keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- i) promotion/event risks: ensuring compliance with guidance from the police relating to specific event risk assessments for externally promoted live music events well in advance of the event.
- j) excessive drinking: training for staff to recognise when customers are becoming drunk and adopting appropriate ‘cut off’ procedures for drunken customers, to reduce the likelihood of fights or aggressive behaviour.
- k) getting home safely: providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including licensed taxis and private hire vehicles (mini-cabs).
- l) local schemes: joining and attending meetings of the local Pubwatch.

- m) overcrowding developing policies and procedures regarding capacity to prevent overcrowding and customers becoming aggressive
- n) prevention of theft: using bag hooks and signage to warn customers of pickpockets and bag snatchers
- o) queue management: establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage customers in the queues to minimise the potential for crime and disorder
- p) sales for consumption off the premises: applicants should consider:
 1. using shutters to prevent alcohol from being selected in non licensed periods
 2. having appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol
 3. restricting the sale of high strength beer/drink promotions
 4. using an incident and occurrence book to record incidents

16.17 **Drugs**

Recognising that drug misuse is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.

16.18 Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.

16.19 **Drink Spiking**

Drink 'spiking' is when alcohol or drugs are added to someone's drink without their knowledge. Spiking a drink is illegal and subject to high maximum sentences if a person is found guilty. The UK has seen a rise in the incidences of spiking in licensed premises.

We expect applicants and licence holders to consider the risk associated with spiking on their premises and recommend that measures to deal with his risk are included within their existing drug policies.

16.20 Psychoactive Substances

The UK has seen a rise in new substances and products that mimic the effects of traditional drugs such as cannabis, cocaine, amphetamine and ecstasy. The Psychoactive Substances Act 2016 came into effect in May 2016 and bans these substances.

16.21 We expect applicants and licence holders to consider the risk associated with psychoactive substances on their premises and recommend that measures to deal with his risk are included within their existing drug policies or a separate psychoactive substances policy.

16.22 Outside drinking

Some premises may wish to supply alcohol for consumption in an outside area such as a beer garden or on the pavement adjacent to the premises. In such circumstances, we expect applicants to include all outside areas within their proposed plan, and to consider the risk associated with outside drinking and include measures in their operating schedule to uphold the licensing objectives. We also expect licence holders to exercise control over their customers, particularly in instances where the outside drinking takes place on the pavement to which the public has access. If the licence holder fails to exercise such control, we may take enforcement action and apply to review the premises licence.

16.23 If you wish to place tables and chairs on the public highway adjacent to your premises, you must also obtain a pavement licence. Further information is available on our website.

16.24 Public Safety

16.25 The Licensing Authority is committed to ensuring, as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their operating schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.

16.26 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.

16.27 Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.

16.28 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.

16.29 Although existing health and safety legislation will primarily be used it may be necessary to apply for the responsible authorities to apply for the review of a premises licence in the following circumstances:

- Serious or regular contraventions of health and safety legislation
- Failure to comply with Improvement or Prohibition Notices
- Service of a Prohibition Notice where a significant risk to public safety exists
- Prosecution for failure to comply with health and safety legislation

16.30 In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) blocking of public areas: this may apply to both inside and outside areas. For example, applicants may need to consider the possible impact of customers congregating in areas close to the premises and the safety risk arising from customers or others having to step off the pavement as a result
- b) emergencies: issues in relation to fires, bomb threats, emergency management, contingency planning and evacuation
- c) environment: an environment that is too hot or too cold can make customers uncomfortable and can lead them to become irritable and less likely to exhibit desirable behaviour. Operators should adequately heat and ventilate the premises to avoid this. If premises are in a noise sensitive area, we do not recommend keeping doors and windows open as a means of ventilation due to public nuisance considerations, and licence conditions may even prohibit this. In such cases, operators should provide some form of mechanical ventilation to ensure comfort levels are maintained
- d) safe capacity: we do not generally set safe capacity limits for premises. For many, the venue risk assessment will determine the premises safe capacity. This risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time, and available fire exits. Consideration should be given as to the number of staff that is necessary to deal comfortably with the needs of persons attending the premises. If the venue has a capacity limit, operators should ensure it is not exceeded by putting a counting mechanism in place.

- e) special effects: if special effects are to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or replica firearms, we encourage risk assessment to be carried out in respect of each such activity, detailing the steps to be taken to prevent and control risk to customers and staff.
- f) Generally, operators should not use special effects at the premises without our prior consent.

16.31 Prevention of Public Nuisance

16.32 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.

16.33 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.

16.34 Potential causes of public nuisance

We expect applicants to consider the following non-exhaustive list of risks associated with the public nuisance licensing objective when preparing their operating schedule:

- a) amplified music: noise from music played on the premises.
- b) customer noise: this takes many forms, but the following are of concern:
 - 1) customers queuing to enter or leave the premises
 - 2) customers loitering outside the premises waiting for transport
 - 3) alcohol-related drunken behaviour and shouting
 - 4) customers eating, drinking, or smoking in external areas such as beer gardens, forecourts, and other open areas adjacent to the premises
 - 5) car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises

- 6) use of external play equipment and noise from children using the provided facilities.
- c) deliveries: deliveries outside daytime hours, especially early morning and late evening or night
- d) collections: early morning and late night clearing up and collection of waste. We are particularly concerned about the noise associated with the movement and collection of glass waste as this may cause significant noise nuisance and can be heard over a wide area
- e) lighting: excessive artificial lighting near licensed premises
- f) litter/waste: litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts
- g) obstruction: customers blocking footpaths when eating, drinking and smoking near to the premises
- h) plant and machinery: noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

16.35 It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

16.36 Measures to address Public Nuisance:

We expect applicants to consider the following non-exhaustive list of measures/issues in their operating schedule:

- a) deliveries: ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises
- b) collections: ensuring arrangements are in place to prevent unreasonable disturbances caused by collections, especially of glass waste. For example, these collections could be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00

- c) litter: where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up
- d) noise or vibration escaping the premises: we will be particularly concerned with premises located close to noise sensitive properties who propose to provide music and entertainment. We encourage applicants to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises
- e) plant and equipment: applicants should demonstrate that plant and equipment (air handling units, ventilation/extraction ducting and other equipment) is suitable and enough for the purpose intended without causing nuisance to residents by way of noise, odours or vibration
- f) people entering and leaving the premises: whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. We will pay regard to queuing arrangements and arrangements for the orderly dispersal of customers
- g) customers smoking, eating and drinking in outdoor areas and on the highway outside the premises: possible measures that may address this issue include:
 - 1. providing prominent signage asking customers to keep noise to a minimum when using outdoor areas
 - 2. restricting the number of customers permitted in certain outside areas and/or at certain times
 - 3. using door supervisors and employees to monitor public nuisance issues
 - 4. not allowing customers who are smoking to take drinks outside with them
 - 5. restricting the use of external areas at a certain time
 - 6. removing furniture from smoking areas or preventing it's use after a certain time to discourage smokers from loitering outside the premises
 - 7. locating smoking areas away from residential premises
 - 8. using portable ashtrays to prevent cigarette litter
 - 9. only allowing seated customers to use external areas that are authorised to be used by a tables and chairs licence
- h) queuing: an effective door and queuing policy to encourage good behaviour outside the premises. This might include training for door staff to deal with conflict and drunkenness

- i) signs: signs encouraging customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to minimise nuisance and/or disturbance to residents
- j) vehicles: whether there are measures to reduce the impact of customers and staff parking vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example taxis and minicabs
- k) A simple requirement to keep doors and windows at the premises closed when music is being played
- l) Limiting amplified music to a particular area of the building
- m) Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- n) Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- o) Fitting self-closing devices on doors so that they do not stay open.
- p) Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
- q) Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)

16.37 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers.

16.38 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.

16.39 Conditions may be necessary to ensure that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.

16.40 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

16.41 **Protection of Children from Harm**

16.42 The Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

16.43 In exercising the Council's powers under Section 182 of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

16.44 Having regard to the above principles and the guidance issued by the Home Office, the Council designates the Surrey County Council Children's Service for this purpose.

16.45 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

16.46 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

16.47 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

16.48 The following are examples of premises that are likely to raise concern;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

16.49 Examples of entertainment or services of an adult or sexual nature might include;

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.

16.50 The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children;

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

16.51 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

16.52 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25'

policies in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

16.53 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- the person they are selling alcohol to is over 18;
- that alcohol is only delivered to a person over 18;
- that a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer;
- the time that alcohol is sold on the website / over the phone and the time; and
- that the alcohol is delivered is within the hours stated on the licence for the sale of alcohols.

16.54 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

16.55 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

16.56 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

16.57 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

16.58 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

16.59 Measures to protect children from harm

We expect the applicant to consider the following non-exhaustive list of measures/issues to ensure the protection of children from harm:

- a) prevention of underage sales: this may include:
1. operating a 'challenge 25' policy
 2. requirements for adults to accompany a person under 18 at all times
 3. having a recognised proof of age scheme in place and training all staff in its implementation, displaying posters advertising the scheme and giving details of acceptable identification
 4. providing regular staff training on the sale of alcohol. Maintaining a written staff training record. Not allowing staff to sell alcohol until they have completed the training.
 5. keeping a refusals log on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
 6. displaying posters stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales)
 7. ensuring alcohol is displayed in an area where access to it can be monitored and controlled by members of staff, for example behind the counter
 8. use of till prompts

b) access to premises: restricting access for children to licensed premises:

1. limitations on the hours when children may be present
2. limitations which exclude the presence of children under certain ages when specified activities are taking place
3. limitations on the parts of the premises to which children might be given access
4. age limitations (below 18)

c) unaccompanied children: where unaccompanied children are to be present at public entertainment, we will expect the venue to provide a member of adult staff (over 18 years of age) for every 50 (or part 50) children present, whose sole responsibility and purpose is to protect those children from harm and to control access and egress

d) child performers: where children are present at an event as performers or entertainers, there should be a nominated adult responsible for those children in order to protect them from harm. Where necessary we will apply conditions to prevent harm to children who are performing

e) age restricted films: where appropriate, applicants should detail their arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC) or by the Council.

16.60 Children and public entertainment

Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority would normally expect the applicant to demonstrate, in their

operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:-

- that children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- that children can be accounted for at all times, in case of evacuation or emergency.
- that an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- if necessary, no standing to be permitted in any part of the auditorium during the performance
- that all staff employed to supervise children should be subject to an enhanced Criminal Records Bureau (CRB) check. Where relevant, unspent convictions are found the licensee should not employ such a person.

16.61 Safeguarding the vulnerable

We expect operators of all consider appropriate safeguarding for all vulnerable people (both children and adults) and consider including conditions which assist in keeping vulnerable people safe. This may include:

- a) Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or
- b) Policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people.

17 Large Scale Events

17.1 This Chapter relates to applications for large events that are temporary in nature but cannot be authorised under a temporary event notice (TEN) because of the number of persons who will be present or because the event spans more days than permitted by a TEN.

17.2 Special issues and considerations may arise where large-scale, outdoor and/or specialised events are proposed. Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Licensing Authority and other Responsible Authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the licensing objectives.

17.3 It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received.

17.4 We may license these events under a time limited premises licence lasting for the duration of the event. We advise persons wishing to hold such events (event organisers) to contact us for advice prior to making

an application. Depending on the scale and complexity of the event, we recommend contacting us 6 to 12 months ahead of the proposed event.

- 17.5 We also advise event organisers to read “The Purple Guide to Health, Safety and Welfare at Music and Other Events” which replaces “The Event Safety Guide” (HSG195) published by the Health and Safety Executive.
- 17.6 Usually, and if one is available, we will ask event organisers seeking a premises licence for a large event to attend a meeting of the Safety Advisory Group (SAG).
- 17.7 The SAG consists of officers from responsible authorities such as the police, our pollution and health and safety teams, the fire authority. Officers from other relevant departments and agencies such as the ambulance service, and the highways authority may also attend from time to time, where it is considered appropriate in the circumstances.
- 17.8 In cases where we consider a SAG meeting is necessary, we will contact the event organiser to advise them of the requirement for a meeting and arrange a suitable date, and time for the meeting.
- 17.9 We will invite event organisers to present their application and details of their event to the SAG. We expect the applicant to send us a draft event management plan (EMP) at least 10 working days before the meeting so the members can consider whether the event would be run safely and cause minimum disruption to the environment in terms of nuisance, traffic management etc.
- 17.10 The SAG does not determine licence applications or impose conditions, but its members will advise event organisers on producing an acceptable EMP for their event.
- 17.11 An EMP is a statement of how an event organiser will run their event. It incorporates such areas as risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency planning and evacuation plans, noise management, litter disposal, and communication protocols etc.
- 17.12 We strongly urge event organisers to consult the SAG and produce a comprehensive draft EMP prior to submitting their licence application. Where a responsible authority considers an EMP is inadequate to promote the licensing objectives, it may make a representation to us about the application.
- 17.13 If an event organisers does not attend a SAG, we will still expect them to submit a comprehensive EMP with their licence application.
- 17.14 Generally, we advise applicants to offer only the following conditions in their operating schedule:

- a) The Licensee shall comply with the event management plan submitted to the licensing authority and no changes shall be made to the event management plan without the prior written consent of the licensing authority.
- b) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority.

17.15 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a premises licence or an application to vary the existing premises licence. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

17.16 We also advise applicants to refer to the Purple Guide for guidance on producing an EMP.

17.17 Safety advisory group (SAG)

As special considerations may apply, it is the policy and role of the Licensing Authority to facilitate and, where appropriate, help co-ordinate a safety advisory group (SAG) in connection with relevant proposals, applications and authorisations concerning large / outdoor / special events.

17.18 The SAG is a unique forum convened to consider the necessary policies, plans, procedures and/or risk assessments for relevant events. It may comprise of a mix of Responsible Authorities and other relevant agencies with an interest in the management and organisation of such events. SAG membership will vary according to the circumstances.

17.19 Whilst SAGs are a useful means to help identify the relevant considerations and steps necessary to promote the licensing objectives in respect of large / outdoor / special events and therefore help develop relevant application proposals, they are not responsible for 'sign off' or approval of such steps. This is a matter for the applicant.

17.20 A SAG may be convened at an applicant's request or at the request of any relevant agency.

17.21 It should be noted that SAGs are not responsible for the content of applications, which remains the sole responsibility of the applicant. The applicant must consider if and how to address the issues raised by the SAG and/or those matters outlined in this document. However, experience shows that applicants that go through the SAG process are less likely to attract representations in respect of their proposals.

17.22 It is also important to note that SAGs do not relieve Responsible Authorities or other persons of the need to make relevant representations where they believe this is appropriate.

17.23 After an event a follow up meeting may be arranged if there were complaints or concerns raised by the public or Responsible Authorities.

17.24 ‘Martyns Law’

The Licensing Authority is also aware that in January 2020 the Government announced its backing of the ‘Martyn’s Law’ campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

17.25 The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

17.26 The Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.

17.27 However, the solution is not just about tangible materials, it is also about being prepared. Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training,
- A requirement for those places to conduct vulnerability assessments of their operating places and spaces
- A requirement for those places to mitigate the risks created by the vulnerabilities
- A requirement for those places to have a counter-terrorism plan.

18 Films

18.1 The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.

18.2 Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority’s recommendation will take precedence.

18.3 For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film

classification body, and will specify this body within the licences and certificates it issues.

- 18.4 The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 18.5 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.
- 18.6 The licensing authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However, in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the licensing authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
 - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
 - In cases where the licensing authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 18.7 The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The licensing authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

- 18.8 It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 18.9 When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the authority will adhere to the BBFC's Classification Guidelines, and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 18.10 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.
- 18.11 Where the licensing authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

19 Licence Conditions

- 19.1 The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:
- knowledge of best practice;
 - that they understand the legal requirements of operating a licensed business; and
 - a knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003.

- 19.2 There is a mandatory condition on all premises licences that permit the sale of alcohol that all such sales must be authorised by a person who holds a personal licence. It is recommended that this authorisation be given in writing and that this written authorisation be available for inspection by Responsible Authorities.
- 19.3 Measures offered by applicants on their operating schedule will normally become licence conditions. They therefore must be enforceable and the meaning must be clear and unambiguous. The authority may alter the wording of a condition to achieve this. The context or meaning of the condition will not be changed.
- 19.4 Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.
- 19.5 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 19.6 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 19.7 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 19.8 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- 19.9 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 came into force on 6th April 2010 (with the exception of paragraphs 4 & 5 of the Schedule which came into force on 1st October 2010).

20 Administration & Delegation

- 20.1 This Policy shall be decided upon by the full Council. The Licensing Committee will consist of a maximum of 15 Members of the Council. If

there are relevant representations against an application, the Licensing Authority will try to resolve issues between applicants and those making representations to try to reach agreement so that a hearing is not necessary.

- 20.2 Members of the public who wish to submit a representation will be made aware that their personal details will be made available to the applicant, unless they clearly state that they wish for them to be redacted. Anonymous representations however, will not be accepted by the Licensing Authority.
- 20.3 Where relevant representations have been made and not subsequently withdrawn, applications will be heard by a sub-committee of three members drawn from the Licensing Committee. The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; the Council's licensing department may do so where considered appropriate without having to wait for representations from other responsible authorities. In cases where Spelthorne's licensing department is also acting as a responsible authority and has submitted a representation against or in support of an application being determined by a sub-committee, it is important to achieve a separation of responsibilities within the authority - to ensure procedural fairness and eliminate conflicts of interest.
- 20.4 A separation will be achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority. The officer advising the sub-committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority.
- 20.5 Guidance issued by the Home Office conveys that it should be considered reasonable for licensing authorities to expect other responsible authorities will intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 20.6 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.

- 20.7 They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence in their ward.
- 20.8 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors as this assists them to gain an understanding of local community feelings.

21 Enforcement

- 21.1 The Licensing Authority recognises that most businesses and individuals want to comply with the law. We will actively seek to help businesses and others meet their legal obligations without unnecessary expense, while taking firm action against those who flout the law or act irresponsibly, including prosecution where appropriate.
- 21.2 Protocols are in place for the targeting of agreed problem and high-risk premises, with a lighter touch being applied to those premises shown to be well managed and maintained.
- 21.3 Enforcement will take a graduated approach and will normally include education and support in the first instance. We will follow our enforcement policy, relevant Government Guidance and the Licensing Act 2003 when deciding the appropriate course of action to take.
- 21.4 Regular joint visits are undertaken with other Responsible Authorities. These include visits outside normal office hours and are mostly unannounced. Inspections will normally take place to premises that have been the subject of complaints, or where there has been a change of management or alteration to the conditions of the licence. These visits will either be pre-arranged or unannounced depending on the nature of the visit. Other factors that will determine the frequency of inspections include the location of the premises, the type of customers or activities, and confidence in the management.
- 21.5 It is expected that, in general, action will target “problem” premises through the review process. Where prosecution is considered to be necessary, the key principles of consistency, transparency and proportionality will be maintained.
- 21.6 Spelthorne Borough Council has an Enforcement Policy and interventions will be conducted in accordance with this, together with relevant legislation and policies.

22 Licence Holder Responsibilities

- 22.1 Being a licence holder carries special responsibilities, and we expect all licence holders to give meaningful effect to the terms and conditions of the licence with a view to preventing problems arising.

22.2 If management issues do arise, it is essential that licence holders proactively engage with responsible authorities, local people and us in order to address them. In particular, the licence holder should listen to concerns and seek to identify specific steps they can take to deal with problems in a way that promotes the licensing objectives.

22.3 Where possible, we will try to give licence holders early warning of concerns about problems and the need for improvement. In some cases, (where time allows) we may also be able to facilitate mediation between the licence holder and people who are concerned about the operation of the premises. However, the responsibility for addressing problems lies with the licence holder. We will expect licence holders to take immediate action to deal with problems that are seriously affecting the quality of life of local people.

22.4 Failure on the part of the licence holder to respond proactively to management issues may lead us to take enforcement action (see Chapter 11). It may also trigger a party seeking a review of the licence. In considering such a review, we will have regard to the actions of the licence holder and the extent to which they have co-operated with other parties in attempting to deal with the issues.

22.5 **Best Practice**

22.6 We consider the following matters to be indicative of best practice:

- a) Good neighbour principle: we expect the operators of all premises in Spelthorne to promote the licensing objectives regardless of the conditions on their premises licence. This is likely to include some or all, of the following:
 - b) Good communication with neighbouring properties, including early notification where unusual or non-standard events are scheduled to take place, including those authorised by a temporary event notice;
 - c) Offering the use of those premises as a temporary and 'safe-haven' for anyone in danger or distress, including (where appropriate) contacting the emergency services;
 - d) Taking responsibility for contacting emergency services wherever necessary regardless of whether the incident justifying such contact arose on the premises;
 - e) Contributing to keeping the area around the premises clean, tidy, safe and litter-free; and
 - f) Reporting to us, any incidents of anti-social behaviour (including flytipping) that occur regardless of whether they directly or indirectly affect the premises themselves.

- g) Management remaining alive and responsive to feedback from neighbours

22.7 The designated premises supervisor (DPS)

The main purpose of the designated premises supervisor (DPS) is to ensure there is always one specified individual who can be readily identified for the premises. Licences that authorise the sale of alcohol must contain details of the designated premises supervisor, unless the exceptions relating to certain community premises apply (as outlined below). We do not expect the DPS to be on the premises at all times when alcohol is being sold at the premises. However, we expect the DPS to be a person with day-to-day managerial control of the premises who will take reasonable steps to promote the licensing objectives and comply with the licence conditions.

- 22.8 If a DPS is going to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, we would expect the licence holder to appoint a new DPS to cover the period of absence. If a DPS is repeatedly absent, the police may apply for a review of the premises licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives. If a person named on the licence as the DPS stops working for the premises, no longer holds a personal licence or the personal licence is suspended, it is our view that the premises no longer has a DPS. In these circumstances, we expect that no sales of alcohol will take place at the premises, until the licence holder has applied to vary the DPS. This applies regardless of whether that person remains named as the DPS on the premises licence, or whether they have asked to remove their name from it. This will apply until we receive an application to nominate a new DPS.

23 The Review Process

- 23.1 Residents have the power to apply for a licence to be called in for review if the premises are causing problems. There is no requirement to live or work in the vicinity. Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Council's licensing department may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that the Council will act as a responsible authority in applying for reviews on behalf of other persons or where the basis for intervention falls within the remit of another responsible authority.
- 23.2 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority

it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly. The Council's licensing department will work closely with officers from Immigration Enforcement to enable them to carry out their functions as effectively as possible.

23.3 A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives.

23.4 Full details of the review process may be found in the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website and in the Licensing Act 2003.

24 Summary Reviews

24.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.

24.2 The process is outlined extensively in full in the Act.

25 Diversity & Equality

25.1 The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance which are accessible to all people.

25.2 All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are;

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race (this includes colour; nationality; ethnic and national origins)
- Religion or belief
- Sex or sexual orientation.

25.3 Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.

25.4 The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of

opportunity; and foster good relations, between people with different protected characteristics.

- 25.5 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office by following this link.
- 25.6 Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a nondisabled person.
- 25.7 This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.
- 25.8 Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.
- 25.9 Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.
- 25.10 The Equality Act 2010 provides protection from three forms of disability discrimination;
1. Direct discrimination because of disability in relation to goods, facilities and services
 2. Indirect disability discrimination
 3. Discrimination arising from disability.
- 25.11 Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

Further information may be obtained from:

Spelthorne Borough Council

Licensing Authority

Council Offices

Knowle Green

Staines-Upon-Thames

TW18 1XB

<https://www.spelthorne.gov.uk/article/16879/Licences-and-permits>

licensing@spelthorne.gov.uk

Appendices

Annex A – Consultation

Section 5 of the licensing Act requires:

- the chief officer of police for the licensing authority's area,
- the fire and rescue authority for that area,
- Local Health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The consultation was also advertised on our website.

Appendix B – Responsible Authorities, Newspaper groups & Useful Information

Licensing Team
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB
licensing@spelthorne.gov.uk

Surrey Fire and Rescue Service
Headquarters
Croydon Road
Reigate
Surrey
RH2 0EJ
Telephone: 01727 733733
Email: sfrs.firesafety@surreycc.gov.uk

Surrey Licensing Northern
PO Box 101
Guildford
GU1 9PE
Telephone: 01483 631146
Email: licensingnorthern@surrey.police.uk

Public Health Business Support Team Public Health NHS
Surrey Room G55
County Hall
Penrhyn Road
Kingston-upon-Thames
KT1 2DN
Telephone: 020 8541 7976
Email: public.health@surreycc.gov.uk

Surrey County Council Trading Standards
Consort House
5-7 Queensway
Redhill
RH1 1YB
Telephone: 01372 371700
trading.standards@surreycc.gov.uk

Environmental Health
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB

Telephone: 01784 444213

Email: environmental.health.commercial@spelthorne.gov.uk

Email: EH.residential@spelthorne.gov.uk

Head of Planning
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB

Email: planning.development.control@spelthorne.gov.uk

County Child Employment and Strategy Manager
Quadrant Court 35
Guildford Road,
Woking
GU22 7QQ

Email: childemployment@surreycc.gov.uk

Home Office

Alcohol@homeoffice.gsi.gov.uk

Newspaper groups:

Trinity Mirror Southern Group
(Surrey Herald, Staines and Ashford News, Staines Informer and Leader)
89 Eastworth Road
Chertsey
Surrey
KT16 8DX
Tel 01932 561111

surreynewspapers@trinitysouth.co.uk

Heathrow Villager*
260 Kingston Road
Staines-upon-Thames
TW18 1PG
Tel 01784 453196

heathrow.villager@gmail.com

(*circulation in Stanwell, Ashford, some of Staines but not Sunbury or Shepperton)

Note: applicants must check that the chosen newspaper circulates in the area where the premises are situated.

British Institute of Inn keeping (BII)

www.bii.org.uk

British Beer & Pub Association (BBPA)

www.beerandpub.com

Association of Licensed Multiple Retailers (ALMR)

www.almr.org.uk

Association of Convenience Stores

www.acs.org.uk

Portman Group

www.portmangroup.org.uk

Citizenscard

www.citizenscard.com

Connexions Card

www.connexionscard.com

<https://www.policecpi.com/>

<https://www.licensing.savi.com/>

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Council

14 December 2023



Title	Gambling Act Policy 2022-2025 for full council adoption
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Environment Service delivery
Recommendations	Council is asked to approve the adoption of the Gambling Act Policy 2022-2025.
Reason for Recommendation	Statutory requirement under the Gambling Act 2005

1. Summary of the report

- 1.1 This report seeks approval from Council to adopt the Gambling Policy 2022-2025 in accordance with the timetable specified in this report. This report was considered by the Licensing Committee on 05 December 2023 who resolved to recommend to Council that this policy be adopted.

2. Key issues

- 2.1 The Gambling Act 2005 places a duty on local authorities to licence gambling premises.
- 2.2 The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must give consideration to when determining gambling licence applications for their district.
- 2.3 It should be noted that functions in relation to the three-year policy statement cannot be delegated and remain functions of the Council.
- 2.4 Regular review and adoption of the Statement of Gambling Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.
- 2.5 The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time

2.6 The Licensing Committee agreed a draft revised policy for consultation on 30 October 2023. Consultation took place between 1 November 2023 and 14 November 2023 with those as published in the draft policy.

2.7 During the consultation period, there were five responses. The responses had nothing to add to the policy, however one comment helpfully pointed out a typographical error.

3. Options analysis and proposal

3.1 The preferred option is for Licensing Committee to recommend the policy to Council for adoption – in accordance with the timetable set out in this report.

3.2 There is an option for Licensing Committee to amend the policy. However, if the Committee decides on the latter course of action this will cause a delay in implementation of the policy.

3.3 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.

3.4 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.

3.5 The policy statement does not breach any individual or group's human rights; it sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy statement were not followed, there is a risk that human rights may be breached.

3.6 Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation.

3.7 Age, in relation to children and young people;

- Disability, in relation to vulnerable adults; and
- Social Inclusion, in relation to the above and to those whom we may describe as vulnerable, including armed forces and ex-armed forces service personnel.

3.8 Reducing gambling related harm to residents is addressed in both the Gambling Act 2005

4. Financial implications

- 4.1 There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and will be met from within existing Licensing budgets.

5. Risk considerations

- 5.1 Audit have advised:

Risk: A lack of governance in relation to the Gambling Act 2005 may result in a failure to fulfil the Council's statutory requirements.

Mitigation: The Statement of Gambling Policy 2024-2027 is aligned with the licensing objectives as set out in section 1 of the Act. The licensing objectives referenced are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Risk: Failure to achieve the licensing objectives set out in the Gambling Act 2005 would imply that the Council is not as effective as it could be in achieving its duty and regulatory functions as a licensing authority.

Mitigation: In carrying out its licensing functions the Council will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions, and codes of practice.

Risk: An approved Gambling Policy and mechanisms for regular policy review is not in place.

Mitigation: The production and approval of the Statement of Gambling Policy 2024-2027 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

6. Procurement considerations

- 6.1 This report refers to a draft policy for which there are no Procurement considerations.

7. Legal considerations

- 7.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.

- 7.2 Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.

- 7.3 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

8. Other considerations

- 8.1 In revising the policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

9. Equality and Diversity

- 9.1 The Council's draft Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.
- 9.2 An Equalities Screening Assessment has been carried out. The revised draft policy does not have any impact on protected characteristics.
- 9.3 Members are referred to section 1.5.1 of the draft Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.
- 9.4 The Local Area Plan contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

10. Sustainability/Climate Change Implications

- 10.1 There are none.

11. Timetable for implementation

- 11.1 In revising the draft policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.
- 11.2 The proposed timetable is as follows:
- Report to Licensing Committee on 5 December 2023 to seek a recommendation to adopt a final proposed policy.
 - Recommendation to Council on 14 December to adopt the final proposed policy.

12. Contact

- 12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers

The Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006. <https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020 Licence Conditions and Codes of Practice - Gambling Commission

Appendices: Spelthorne Borough Council Statement of Gambling Policy 2022-2025

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**DRAFT Spelthorne Borough Council
Statement of Gambling Policy
2022-2025**

Statement: INSERT DATE WHEN ADOPTED

This Statement of Principles was approved by Spelthorne Borough Council on **INSERT DATE** and comes into effect on **INSERT DATE**. It replaces Spelthorne Borough Council previous Policy (published on 13 December 2018) and will remain in force for no more than three years, or sooner if required.

All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, dated 1 April 2021 and last updated 11 April 2023

APPENDIX A

Index	General Statement of Principles	
1	Introduction	Page No
1.1	The Gambling Act 2005	
1.1.1	General Statement of Principles	
1.1.2	The Functions of Licensing Authorities	
1.1.3	The Licensing Objectives	
1.2	Spelthorne Borough – Local Area Profile	
1.3	Consultation	
1.4	Declaration	
1.5	Responsible authorities	
1.5.1	Protection of children	
1.6	Interested parties	
1.7	Exchange of information	
1.8	Enforcement	
1.9	Reviews of Premises Licenses	
2	Premises Licences	
2.1	Decision making – general	
2.2	Premises “ready for gambling”	
2.3	Location	
2.4	Plan	
2.5	Multiple licences/ layout of buildings	
2.6	Provisional Statements	
2.7	Licence Conditions and Codes of Practice	
2.8	Risk assessments: Betting Premises	
2.9	Conditions	
2.10	Door supervisors	
2.11	Adult gaming centres	
2.12	Licensed family entertainment centres	
2.13	Tracks	
2.14	Travelling Fairs	
2.15	Casinos	
2.16	Betting premises	
2.17	Bingo	
2.18	Temporary use notices	
2.19	Occasional Use Notices	
3	Permits	
3.1	Unlicensed Family Entertainment Centre gaming machine permits	
3.2	Alcohol licensed premises – gaming machine permits	
3.3	Prize gaming permits	
3.4	Club gaming and club machine permits	
3.5	Cancellation of Permits	
3.5.1	Gaming/Machine Permits	
3.5.2	Gaming/Club Machine Permits	

APPENDIX A

3.5.3	Alcohol Licensed Premises Permits	
4	Small Society Lotteries	
4.1	Small Society Lottery Registrations	
5	Exempt Gambling	
5.1	Non-commercial gaming	
5.2	Non-commercial prize gaming	
5.3	Non-commercial equal chance gaming	
5.4	Private gaming	
5.5	Domestic gaming	
5.6	Residential gaming	
5.7	Non-commercial and private gaming	
5.8	Incidental non-commercial lottery	
5.9	Exempt gambling in pubs	
5.10	Equal chance gaming in pubs	
5.11	Bingo in pubs	
5.12	Exempt gambling in clubs	
5.13	Equal chance gaming in clubs	
5.14	Bingo in clubs	
5.15	Bridge and whist in clubs	
	Annex	
1	Local Area Profile	
2	List of Consultees	
3	Schedule of Responsible Authorities	

*Page numbers will be inserted into the above table of contents with links to the sections when the policy is finalised.

1. INTRODUCTION

1.1 The Gambling Act 2005

1.1.1 General Statement of Principles

Spelthorne Borough Council ('The Council') has a duty to license a wide variety of premises, these include casinos, betting shops, bingo halls, pubs, clubs, and amusement arcades. The council is the Licensing Authority for the purpose of the Gambling Act 2005 and the relevant guidance and codes of practice.

In carrying out its licensing functions the Licensing Authority will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions and codes of practice.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Licensing Authority will maintain close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children and other vulnerable people are allowed access premises where gambling takes place, the Licensing Authority may take whatever steps it considers necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect, or it believes it is right to do so for the prevention of their physical, moral, or psychological harm.

Applicants seeking premises licences are encouraged to propose prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premise will be considered on their own individual merits.

The Licensing Authority acknowledges that when exercising licensing functions under the 2005 Act, it should have regard to this Policy. However, in rare cases, being reasonably consistent with the licensing objectives may lead it to make exceptions to policies or depart from the Guidance. The Guidance and this Policy cannot anticipate every possible scenario or set of circumstances that may arise and exceptions will be rare.

1.1.2 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') places a duty on Licensing Authorities in respect of various regulatory functions in relation to gambling. The main functions of Licensing Authorities are: -

- Licensing premises for gambling activities.
- Considering notices given for the temporary use of premises for gambling.
- Granting permits for gaming and gaming machines in clubs and miners' welfare

- institutes¹ (where appropriate).
- Regulating gaming and gaming machines in alcohol licensed premises.
 - Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
 - Granting permits for prize gaming.
 - Considering occasional use notices for betting at tracks
 - Registering small societies' lotteries

The Gambling Commission has responsibility for dealing with personal licences and operating licences.

1.1.3 The Licensing Objectives

The Act regulates almost all gambling that takes place in England and Wales, with exception of exempt gambling as specified under the Act and the National Lottery which has its own legislation.

Responsibility for administering and enforcing the legislation is split between the Gambling Commission and Licensing Authorities. For the purposes of the Act Spelthorne Borough Council ('the Council') is the Licensing Authority.

The overriding objective of the Licensing Authority is to regulate gambling in the public interest. Accordingly, in exercising the functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

When exercising functions for the licensing of premises for gambling, Licensing Authority will also act in accordance with section 153 of the Act which requires the Licensing Authority to permit the use of premises for gambling as far as they believe: -

- a) is in accordance with any relevant code of practice under section 24.
- b) is in accordance with any relevant guidance issued by the Commission under section 25.
- c) is consistent with the licensing objectives (subject to paragraphs (a) and (b)).
- d) is in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

Section 153(2) of the Act states that when determining an application licensing authorities cannot consider demand for facilities to be provided at gambling premises.

1.2 Spelthorne Borough – Local Area Profile

Spelthorne's local area profile is an assessment of the local environment and identifies the

¹ Definition: - also known as working men's clubs, workingmen's institutes, mine workers' institutes, or miners' welfare halls.

APPENDIX A

key characteristics of the Borough. It is intended that the local area profile will provide the Council's staff, operators, and public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and considers any future or emerging risks.

Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses.

Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011. Over that ten-year period there has been a marginal increase in the under 19's (from 22.7% to 22.9%), a decrease in the working age population from 59.8% to 58.8% and an increase in over 65's (from 17.4% up to 18%). It is home to over 7,500 businesses including BP, Pinewood (Shepperton Studios), dnata and Woodgroup Ltd. Kempton Park is a key visitor attraction.

Located where the continuous built-up area of London gives way to a more dispersed pattern of urban areas and villages. The urban area of the Borough occupies about 35% of the total area, while the land outside the urban area covers about 65% of the Borough and is designated as Green Belt. 22% of the Borough is water.

Spelthorne adjoins the River Thames with the river frontage extending for 12 miles (the longest stretch of any council) and demarcates one of the boundaries of the Borough. The Borough is also crossed by two tributaries, the Ash and the Colne. The Borough is flat and low lying and consequently liable to flooding. About 20% of the urban area is liable to flood in a 1 in 100-year flood event or surrounded by flood water and over 49% of the urban area would be flooded in a 1 in 1,000-year event.

The Local Area Profile itself is a separate document from this policy, this enables timely changes to the profile to be made as and when changes occur, or additional information is made available. This can be found here: - [Spelthorne population data - Spelthorne Borough Council](#). A Map of Spelthorne is set out at **Annex 1**.

1.3 Consultation

The full list of consultees consulted in the preparation of this Statement of Policy is attached as **Annex 2**.

1.4 Declaration

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Gambling Commission, and with due weight attached to any responses received from those consulted.

1.5 Responsible Authorities

The Responsible Authorities, as defined by section 157 of the Act, must be notified of all gambling licence applications. Details of the Responsible Authorities are provided at **Annex 3**.

APPENDIX A

Concerns expressed by a Responsible Authority in relation to their own functions can only be considered if they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally consider representations that are deemed to be irrelevant, that is: -

- there are too many gambling premises in the locality.
- the premises are likely to be a fire risk.
- the location of the premises is likely to lead to traffic congestion.
- the premises will cause crowds to congregate in one area causing noise and nuisance.

Each representation will be considered on its own merits.

1.5.1 Protection of children

Section 157(h) of the Act permits the Council's to designate a competent body to advise them on the protection of children from harm. In doing so the Council will ensure that the following principles are applied: -

- the need for the body to be responsible for an area covering the whole of the licensing authority's area.
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc,

Having regard to the above principles and part 6 of the Guidance, the Council designates the **Surrey County Council Children's Service** for this purpose.

1.6 Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. The Act defines interested parties as persons who in the opinion of the Licensing Authority: -

- a) live sufficiently close to the premises and are likely to be affected by the authorised activities.
- b) have business interests that might be affected by the authorised activities.
- c) represent persons who satisfy paragraph (a) or (b).

Whether or not a person is an interested party is a decision that will be taken by the Licensing Authority on a case-by-case basis. However, the following factors will be considered: -

- the size of the premises.
- the nature of the premises.
- the distance of the premises from the location of the person making the representation.
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment).
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults.

APPENDIX A

- the 'catchment' area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Licensing Authority considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities: -

- trade associations
- trade unions
- residents' and tenants' associations
- ward/county councillors
- MPs

This list is not exhaustive, and the Licensing Authority may consider other bodies/associations/ persons to fall within the category in the circumstances of an individual case.

The Licensing Authority may require written evidence that the person/association/body represents an interested party.

1.7 Exchange of Information

The Licensing Authority regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Licensing Authority's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

Information provided to the Licensing Authority in connection with the Gambling Act may not be held confidentially if in fulfilment of its functions the Council is under a duty to share the information, with for example: -

- the Gambling Commission
- other public bodies, or
- legitimate consultees

In handling the information it receives consideration will be given to guidance issued by the Gambling Commission, and to the Council's duties under the General Data Protection Regulation, and the Freedom of Information Act.

Any person wishing to obtain further information about their rights under the Data Protection Act 2018, Freedom of Information Act 2000, or the General Data Protection Regulation may view the Council's policies at www.spelthorne.gov.uk

1.8 Enforcement

The Act requires licensing authorities to state the principles they will apply when exercising their functions under Part 15 of the Act, with regards to inspecting premises, and its powers under section 346 of the Act to institute criminal proceedings in respect of the

offences specified. The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be: -

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny.
- Consistent: rules and standards must be joined-up and implemented fairly.
- Transparent: regulators should be open and keep regulations simple and user friendly.
- Targeted: regulation should be focused on the problem and minimise side effects.
-

In accordance with the Gambling Commission's Guidance to Licensing Authorities, The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably possible.

The Licensing Authority has adopted and implemented a risk-based inspection programme based on: -

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, particular with reference to Part 36.
- The principles set out in this statement of licensing principles.

The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. In the application of its duties the Licensing Authority will have regard to the principles of "Better Regulation" as outlined by the Department for Business Innovation and Skills in the regulators code April 2014.

1.9 Reviews of Premises Licences

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority, to decide whether a request will result in a review. Such a decision will be taken in consideration of, amongst other matters, the following: -

- any relevant code of practice or guidance issued by the Gambling Commission.
- the licensing objectives.
- the Licensing Authority's Statement of Policy.
- whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence.
- whether the request is substantially the same as previous representations or requests for a review.

The Licensing Authority may also initiate a review of a premises licence. The purpose of such a review would be to determine whether it should take any action in relation to the licence. Following a review, the actions open to the Licensing Authority are: -

- add, remove, or amend a licence condition imposed by the Licensing Authority.
- exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion.

APPENDIX A

- suspend the licence for any period not exceeding three months.
- revoke the licence.

In considering what action, if any, should be taken following a review the Licensing Authority must have regard to the principles set out under section 153 of the Act, as well as any relevant representations.

2. Premises Licences

2.1 Decision making – General

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it considers it to be: -

- in accordance with relevant codes of practice issued by the Gambling Commission
- in accordance with relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and in accordance with the authority's statement of licensing policy

The Council will not have regard to demand for facilities proposed to provide, or the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, to assist applicants and objectors alike, this section sets out the general factors that will be considered by the Licensing Authority when considering applications for premises licences.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome, and collect any winnings.

2.2 Premises "ready for gambling"

The Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of

the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

2.3 Local Risk Assessments

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns. The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission, and the industry to work in partnership to address local issues and concerns.

Licensees must review (and update as necessary) their local risk assessments: -

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- when applying for a variation of a premises licence.
- and in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

When compiling their risk assessments, it is expected that licensees will refer to Spelthorne's Local Area Profile.

Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council, and which would exempt a licensee from the requirement to share their risk assessment.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area

APPENDIX A

- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

2.4 Plan

The Licensing Authority expects applications for premises licences to be accompanied by a plan of the premises to scale.

2.5 Multiple licences / layouts of buildings

Premises are defined in the Act as including 'any place', but no more than one Premises Licence can apply in relation to any one place. A single building can be subject to more than one Premises Licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

The Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

The Licensing Authority will consider this and other relevant factors when making its decision, depending on all the circumstances of the case.

Paragraph 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which the Licensing Authority will consider in its decision-making.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.6 Provisional Statements

Developers may wish to apply for a provisional statement before entering into a contract to buy or lease premises or land so that they can judge whether the development is worthwhile. There is no requirement for an applicant to hold an operating licence before applying for a provisional statement. Applicants must comply with section 204 of the Act.

2.7 Licence Conditions and Codes of Practice

The Licensing Authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions about self-exclusion and marketing are included in the social responsibility code. The Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.

2.6 Risk Assessments: Betting Premises

Risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops, and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures, and control measures in place to mitigate those risks.

Operators are required by the Social Responsibility code to make the risk assessment available to the Licensing Authority when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

While applications will be considered on a case-by-case basis, the matters to be considered by operators when making their risk assessment could include: -

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Matters relating to children and young persons, including: -
 - Institutions, places, or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, and entertainment venues such as bowling allies, cinemas etc.
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
 - Areas that are prone to issues of youths participating in anti-social behaviour (including such activities as graffiti/tagging, underage drinking, etc.) and therefore more likely to have a higher number of youths loitering in close proximity.
 - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including: -
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - Gaming trends that may mirror days for financial payments, such as pay days or benefit payments.
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Proximity of premises which may be frequented by vulnerable people such as those in hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

This list is not intended to be exhaustive, and operators should include in their assessment any matter that they deem relevant. The Licensing Authority does expect any assessment to include information on the provisions of information on gambling responsibly, as well as self-exclusion measures – and how readily available both are on a premises.

2.9 Conditions

Conditions may be imposed upon a premises licence in several ways. These are: -

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence.
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority.
- (c) **Specific** – conditions that can be attached to an individual licence by the Licensing Authority.

APPENDIX A

Conditions imposed by the Licensing Authority will be proportionate to the circumstances that they are seeking to address. In particular, the Licensing Authority will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility.
- are directly related to the premises and the type of licence applied for.
- are fairly and reasonably related to the scale and type of premises.
- are reasonable in all other respects.

The Licensing Authority will not apply conditions upon a premises licence in relation to the following matters: -

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

Conditions that are additional to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives.

2.10 Door Supervisors

If the Licensing Authority do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Licensing Authority will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives.

2.11 Adult gaming centres

Adult gaming centre premises provide higher pay-out gaming machines. Persons operating this type of gaming centre must obtain an operating licence from the Commission and a premises licence from the Licensing Authority. This will allow the operator to make category B (B3 and B4), C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

“Gaming machines” means “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).”

When considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will therefore expect applicants to demonstrate that there will be sufficient measures in place about this objective.

Applicants are encouraged to consider the following steps: -

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being underage.
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Betwatch schemes

This list is not exhaustive and is merely indicative of example measures.

2.12 Licensed family entertainment centres

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Licensing Authority. This will allow the operator to make category C & D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines. As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Licensing Authority will normally require that: -

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited for persons under 18.

Applicants are therefore encouraged to consider the steps set out in this policy in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.13 Tracks

APPENDIX A

Tracks are sites (including racecourses and dog tracks) where a race or other sporting events take place. Operators of tracks will require a premises licence from the Licensing Authority, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Licensing Authority will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants should consider the steps set out in this policy to prevent the access of children and young people to machines of category B & C. In addition, applicants should consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

Gaming machines at Tracks

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track.

The Licensing Authority will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Condition on rules being displayed at Tracks

The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

Applications and plans for Tracks

The Licensing Authority will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”).
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
-

Plans will need to make it clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate

application for a different type of premises licence.

2.14 Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

2.15 Casinos

No Casinos resolution - The Licensing Authority has not issued a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.16 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Licensing Authority.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.

The Licensing Authority may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Licensing Authority will consider the following: -

- the size of the premises.
- the number of counter positions available for person-to-person transactions.
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

The Licensing Authority will therefore expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured. The Licensing Authority will only restrict the number of betting machines where there is evidence that breaches of the licensing objectives have occurred or are likely to occur.

2.17 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence

APPENDIX A

from the Gambling Commission, and a Premises Licence from the Licensing Authority. The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to four category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will normally require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where the machines are located.
- access to the area where the machines are located is supervised.
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

2.18 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other Licensing Authority in whose area the premises are situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it will issue a counter-notice which may: -

- prevent the temporary use notice from taking effect.
- limit the activities that are permitted.
- limit the time period of the gambling.
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in this Statement of Policy to any consideration as to whether to issue a counter-notice.

2.19 Occasional Use Notices (OUNs)

Occasional Use Notices allow licensed bookmakers to provide betting facilities at genuine sporting events for a short period of time, without needing a full betting premises licence. The event must be temporary or infrequent. For example, at point-to-point racecourses or major golf tournaments.

3 Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Paragraph 3.1 constitutes a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Act. Unlicensed family entertainment centres (UFECs) require a permit from the local Licensing Authority. Permits have effect for 10-years unless they are surrendered or lapse.

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Licensing Authority. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence (thereby becoming a licensed family entertainment centre) from the Gambling Commission and a premises licence from the Licensing Authority.

The Council can grant or refuse an application for a permit but cannot attach conditions. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will also expect applicants to include/demonstrate: -

- what staff should do if they suspect that truant children are on the premises.
- how staff should deal with unsupervised young children on the premises.
- how staff should deal with children causing perceived problems on or around the premises.
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence under the Licensing Act 2003, authorising the sale of alcohol will simply need to notify the Licensing Authority, and pay the prescribed fee.

The Licensing Authority may remove the automatic authorisation of any particular premises if: -

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- the premises are mainly used for gaming.
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Licensing Authority shall consider that application having regard to the licensing objectives, any guidance issued by the

APPENDIX A

Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Licensing Authority shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Licensing Authority will expect applicants to demonstrate: -

- That there will be sufficient measures in place to ensure that under 18-year-olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

With respect to the protection of vulnerable persons, the Licensing Authority will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Licensing Authority will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize gaming permits

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues. Relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Licensing Authority.

The Licensing Authority may grant or refuse an application for a permit but will not attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are: -

- the limits on participation fees, as set out in regulations.
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and

completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize).
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D).

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

The Licensing Authority will only refuse such an application on one or more of the following grounds: -

- the applicant does not fulfil the requirements for a members' or commercial club or and therefore is not entitled to receive the type of permit for which it has applied.
- the applicant's premises are used wholly or mainly by children and/or young persons.
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities.
- a permit held by the applicant has been cancelled in the previous ten years.
- an objection has been lodged by the Gambling Commission or the Police.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast-track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12.
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Licensing Authority may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, there are several conditions in the Act that the holder must comply with.

3.5 Cancellation of Permits

3.5.1 Gaming /Machine Permits

The authority may cancel a permit in specified circumstances, which includes if the premises are used wholly or mainly by children or young persons, or if an offence under the Act has been committed. Before it cancels a permit an authority must notify the holder giving 21-days' notice of intention to cancel, it must consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

4. Small Local Society Lotteries

4.1 Small Society Lottery Registrations

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the Licensing Authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form, available from the website given below, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the Licensing Authority's website www.spelthorne.gov.uk for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

5. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied **with** and any limits on stakes and prizes are observed.

5.1 Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised: -

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

5.2 Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

5.3 Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track). This can include casino nights and race nights.

5.4 Private Gaming

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces. This can include casino nights and race nights.

5.5 Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

5.6 Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

5.7 Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

5.8 Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or a tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place.
- The draw must take place at the event and the results must be announced while the event is taking place.
- No rollovers are allowed.
- The maximum deduction allowed for prizes from the proceeds is £500.
- The maximum deduction allowed for organising costs from the proceeds is £100.

5.9 Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

5.10 Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo, and poker. The following requirements must be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage).
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- No participation fees can be charged and no levy taken from stakes or prizes.
- The games cannot be linked to any other games in other premise.
- Nobody under 18 years old can take part.

5.11 Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven-day period does not exceed £2000 can take place.

5.12 Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes- sometimes known as workingmen's institutes/working men's club) and commercial clubs. The club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply (see paragraph 3.4 above)

5.13 Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place. The following requirements must be met: -

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate.
- Except for poker, there is no maximum stake or prize.
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven-day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250.
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged).
- The games cannot be linked to any other games in other premises.
- Nobody under 18 years old can take part.

5.14 Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a 7-day period does not exceed £2000 can take place in all types of club.

5.14 Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

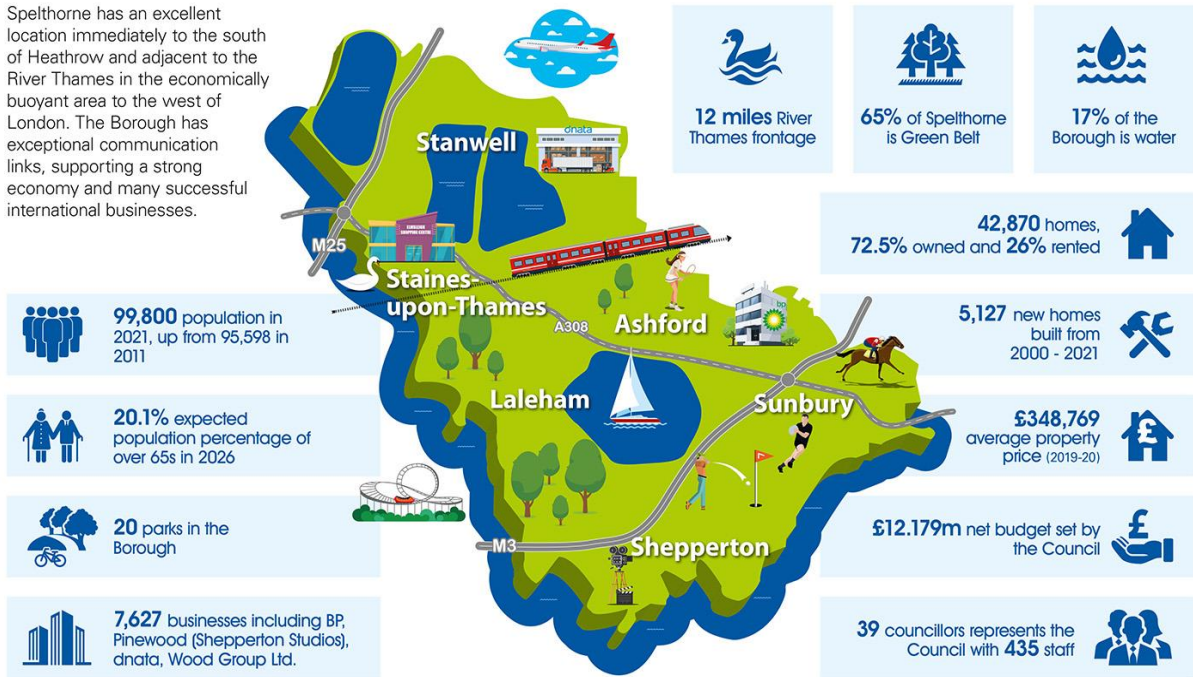
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APPENDICES

Annex 1 – Local area profile

Spelthorne in numbers

Spelthorne has an excellent location immediately to the south of Heathrow and adjacent to the River Thames in the economically buoyant area to the west of London. The Borough has exceptional communication links, supporting a strong economy and many successful international businesses.



Annex 2 - List of Consultees

Persons or bodies representing the interests of those carrying on a gambling business in the borough:	Persons or bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:	Current holders of licenses, permits etc. in Spelthorne:
Association of British Bookmakers mail@abb.uk.com	All Elected (Ward) Councillors, Spelthorne Borough Council	Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol)
Association of Licensed Multiple Retailers info@almr.org.uk	All "Responsible Authorities" as defined under the Gambling Act, see Annex 3.	Representatives of Qualifying Clubs with Club Premises Certificates
British Amusement Catering Trade Association info@bacta.org.uk	All departments within Spelthorne Borough Council	
British Amusement Catering Trade Association info@bacta.org.uk	Citizen Advice Bureau Sunbury Library The Parade Staines Road West, Sunbury-On-Thames TW16 7AB	Neighbouring London, County and District Councils: <ul style="list-style-type: none"> • London Boroughs of: Hounslow, Hillingdon & Richmond; (licensing@hounslow.gov.uk) (licensing@hillingdon.gov.uk) (licensing@richmond.gov.uk) • Elmbridge Borough Council (licensing@elmbridge.gov.uk) • Royal Borough Of Windsor & Maidenhead (licensing@rbwm.gov.uk) • Runnymede Borough Council (licensing@runnymede.gov.uk) • Woking Borough Council

APPENDIX A

		(licensing@woking.gov.uk)
British Beer & Pub Association contact@beerandpub.com	The Lotteries Council frank@lotteriescouncil.org.uk	
British Institute of Innkeeping BII and BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU153PT	Society for the Study of Gambling ssgtreasurer@aol.com	
British Horseracing Authority info@britishhorseracing.com	Gamblers Anonymous sr.pro@gamblersanonymous.org.uk	
Federation of Licensed Victuallers admin@flva.co.uk	Gamcare info@gamcare.org.uk	
Ladbrookes Betting and Gaming Ltd richard.royal@ladbrokes.co.uk	The Samaritans admin@samaritans.org	
Remote Gambling Association chawkswood@rga.eu.com	Responsibility in Gambling Trust support@gamblingtherapy.org	
William Hill Plc jnorris@williamhill.co.uk	Catalyst Alcohol & Drug Advisory Service info@catalystsupport.org.uk	
Gala Coral group New Castle House, Castle Boulevard, Nottingham, NG7 1FT	Surrey Chamber of Commerce louise.punter@surrey-chambers.co.uk	
The Bingo Association info@bingo-association.co.uk	Surrey Trading Standards business.advice@surreycc.gov.uk	
Working Men's Club & Institute Union info@wmciu.org	Surrey Youth Offending Team Head of Service: jamie.cottington@surreycc.gov.uk	
Racecourse Association Ltd info@racecourseassociation.co.uk	The Salvation Army info@salvationarmy.org.uk	

Note: This list is not intended to be exhaustive. Comments and Observations Were welcomed from anyone interested in this policy. Should you have any comments about this policy statement please send them via e-mail or letter using the details in Annex 3.

Annex 3 - Schedule of Responsible Authorities

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises.

Spelthorne Licensing Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
licensing@spelthorne.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
licensing@gamblingcommission.gov.uk

Licensing Northern Surrey Police

Spelthorne Neighbourhood Team
PO Box 101
Guildford
GU1 9PE
licensingnorthern@surrey.police.uk

Surrey Fire & Rescue Service

Headquarters
Croydon Road
Reigate
Surrey
RH2 0EJ
sfrs.firesafety@surreycc.gov.uk

Head of Planning

Spelthorne Planning Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
Planning.DevelopmentControl@spelthorne.gov.uk

Surrey County Council's Children's Services

Quadrant Court
35 Guildford Road

APPENDIX A

Woking
GU22 7QQ
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Council



14 December 2023

Title	<i>Determination of the 2024/25 Council Tax base for tax setting.</i>
Purpose of the report	To make a decision
Report Author	<i>Paul Taylor Chief Accountant</i>
Ward(s) Affected	All Wards
Corporate Priority	Service delivery
Recommendations	<p>In accordance with its delegated powers the Corporate Policy & Resources Committee resolved that the following recommendations in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, are approved by Council:</p> <p>A. the gross Council Tax Base for 2024/25 is determined at 41,305 (2023/24: 40,867) as Band D equivalents after taking account of the Council's agreed Council Tax Support Scheme, and</p> <p>B. the net Council Tax Base for 2024/25 calculated as Band D equivalents, is determined at 39,241 (2023/24: 39,233) after adjustment by 5% to allow for; irrecoverable amounts, appeals and property base changes.</p>
Reason for Recommendation	<i>To meet the legal requirements to set the Council tax base and publish it to between 1 December 2023 and 31 January 2024 to Surrey County Council and the Surrey Police Commissioner.</i>

1. Summary of the report

- 1.1 Section 67 of the Local Government Finance Act 1992 requires the Council to determine and approve its Council Tax Base for the following financial year before 31st January each year.
- 1.2 The Council is required to calculate the Council Tax Base for its area and has a statutory obligation to notify the figure to the major precepting authorities (Surrey County Council and the Surrey Police Authority) with the Council tax base no later than 31st January 2024.

2. Key issues

- 2.1 The Council Tax Base is one of the key elements of the calculation concerned with setting the Council Tax under the Local Authorities (Calculation of Council Tax Base) (England) Regulation 2012.
- 2.2 All domestic properties within the Borough are banded by the Valuation Officer in one of eight bands. The tax base calculation includes the estimated number of chargeable dwellings, which after allowing for discounts and exemptions, appeals and voids for each ward for the period to 31st March 2024 results in the number of chargeable properties. Chargeable properties are converted to a Band D equivalent by applying the prescribed formula and an allowance for losses on collection.
- 2.3 This report sets out the various factors which have to be taken into account and provides the calculations to arrive at the tax base for 2024/25.
- 2.4 The 2024/25 Council Tax base is set out in Appendix A
- 2.5 Currently collection rates are down slightly compared to the same point a year ago, this appears to be the increasing impact of the Cost of Living Crisis resulting in more households struggling to pay their bills including council tax. The allowance for non-collection for 2023-24 was 3% on a precautionary basis the allowance has been increased to 5%. The Council will continue to seek to maximise the amount of council tax collected.

3. Financial implications

- 3.1 The Local Government Finance Act 2012 (LGFA 2012) includes a number of amendments to the LGFA 1992 which affects the calculation of the Council of the council tax base. These amendments gave powers to determine discounts and set premiums in certain circumstances.
- 3.2 Section 10 of the Local Government Finance Act 2012 imposes an obligation on Billing Authorities to set up a Council Tax Reduction Scheme to replace Council Tax Benefit from 1 April 2013. The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 specify that the tax base must be adjusted to take account of the amount to be paid in accordance with the reduction scheme.
- 3.3 In arriving at a net base, allowance must be made for irrecoverable amounts, movements as a result of appeals and property base changes (new properties). For this purpose, an allowance of 5% is proposed.
- 3.4 The Council Tax Base for 2024/25 has been calculated in accordance with the prescribed guidelines.

4. Risk considerations

- 4.1 The Council will not be able to calculate its share of Council Tax for 2024/25 until the Corporate Policy & Resources Committee have exercised its delegated power and agreed the figures contained in appendix A.
- 4.2 Should a recommendation not be forthcoming until after 31 January 2024, then the Council will suffer severe reputational damage with its stakeholders, Surrey County Council and the Surrey Police Commissioner, as they will not be able to complete their 2024/25 Budgets and Council Tax setting protocols.

5. Procurement considerations

5.1 None

6. Legal considerations

6.1 On the basis that this decision is made by 31 January 2024, there are no legal implications.

7. Other considerations

7.1 None.

8. Equality and Diversity

8.1 None.

9. Sustainability/Climate Change Implications

9.1 None.

10. Timetable for implementation

10.1 29 November 2023– Corporate Policy & Resources agree the 2024/25 Council Tax Base

10.2 By 31 January 2024, Spelthorne Borough Council advise Surrey County Council and the Surrey Police Commissioner of the Council Tax Base for 2024/25.

11. Contact

11.1 Paul Taylor p.taylor@speltorne.gov.uk

Background papers: There are none.

Appendices: Appendix A – Council Tax Base for 2024/25

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Appendix A - Council Tax Base for 2024/25

03/11/23

Band	A(DR*)	A	B	C	D	E	F	G	H	O	Total
Number of dwellings equivalents after applying discounts and premiums to calculate tax base.	1.00	373.50	1,473.25	8,507.75	13,729.50	9,297.75	4,364.00	2,045.50	109.50		39,901.75
Reduction in taxbase as a result of local council tax support	0.00	54.70	280.70	1191.73	977.27	258.34	53.98	9.81	0.00		2826.53
<hr/>											
Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	1.00	318.80	1192.55	7316.02	12752.23	9039.41	4310.02	2035.69	109.50		37075.22
<hr/>											
Ratio to band D	0.56	0.67	0.78	0.89	1.00	1.22	1.44	1.67	2.00	0	
Total number of band D equivalents after allowance for council tax support (to 1 decimal place)	0.60	212.50	927.50	6,503.10	12,752.23	11,048.20	6,225.60	3,392.80	219.00	0.00	41281.53
Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2022-23										24.00	24.00
<hr/>											
Tax base after allowance for council tax support (to 1 decimal place)	0.60	212.50	927.50	6503.10	12752.23	11048.20	6225.60	3392.80	219.00	24.00	41305.53
Less adjustment for losses in collection 5%											-2065.28
Net Tax Base											39240.25
<hr/>											
23/24 Band D equivalent	0.56	205.23	903.74	6369.15	12632.82	11015.83	6134.51	3351.37	214.00	40.00	40867.21
Less adjustment for losses in collection 3%											-1634.69
Net Tax Base											39232.52

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Council

14 December 2023

Title	Outline Budget Report 2024-25 to 2027-28
Purpose of the report	To make a decision
Report Author	Terry Collier Chief Finance Officer and Paul Taylor Chief Accountant
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. <i>note the current projected draft Budget gaps set out in 1.80-1.81.</i> 2. <i>approve the exploration of the range of options over the four year period set out in the report, to close the budget gaps including seeking to maximise transformation savings, including digital transformation, smarter use of physical assets, delivering cashable savings, prioritisation and collaborative savings and in the last instance uses its Reserves to deliver a balanced budget for 2024/25 and noting that there is some headroom to protect front line services and vulnerable residents, either in 2024/25 or future years.</i> 3. <i>confirm support for the initiatives suggested in the report which will allow Officers to work on closing the gaps for the years 2024-25 to 2027-28.</i>
Reason for Recommendation	<i>Councils have a statutory duty to balance their budgets. It is important that we take a medium-term approach in ensuring that we can take action sufficiently early to ensure the Revenue Budget remains financially sustainable.</i>

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The Council has a legal obligation to have a balanced budget (we not allowed plan to run a deficit have expenditure greater than income) • Price inflation and rising interest rates have increased Council costs substantially • The cost-of-living crisis is increasing demand for housing support and also hitting income (e.g. Council Tax collection rates) • It is not possible to increase income by further borrowing and investment • The budget gaps and the assumptions behind those gaps are set out in 1.82 to 1.84 • Council must look to make savings to live within our means • There are limited reserves (reserves are similar to households' rainy day funds built up from setting aside funds over time), but these are can only be use once 	<ul style="list-style-type: none"> • To produce a balanced budget for 2024/25 and a plan for future financial stability going forward • To meet in full all our statutory obligations • To maintain the discretionary services that the Council has in place and are highly valued by residents • To ensure that Council staff have a stable environment in which to deliver the Council's priorities
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> • Take a medium-term view when preparing the budget for 2024/25 by also working towards a balanced budget across the next 4 years • Identify all areas of budget pressure and work with service managers to mitigate costs and impact 	<p>To recommend that the Council that explores the range of options over the four year period set out in the report to close the budget gaps including seeking to maximise transformation savings, including digital transformation, smarter use of physical assets, cashable savings, prioritisation and collaborative savings and in the last instance uses its Reserves to deliver a balanced budget for 2024/25 and noting that there is</p>

<ul style="list-style-type: none"> • Look at options for transformational service change using digital technologies • Look for cash savings taking a both a short-term and longer-term view • Looking closely at all contracts and procurements • Considering options for assets e.g. reduce footprint and costs • Seek to increase income streams • Judicious use of reserves to allow time for savings to be realised 	<p>some headroom to protect front line services and vulnerable residents, either in 2024/25 or future years.</p> <p>To confirm support for the initiatives suggested in the report which will allow Officers to work on closing the gaps for the years 2024-25 to 2027-28.</p>
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External Impact creating pressure on the Council's Budget

1.1 Following on from coping with the economic impacts of the COVID-19, some of which are still being felt, such as the change to people's working and shopping patterns meaning our parking income levels are still below pre-pandemic levels, we have for the last year and half been dealing with a *cost of living crisis*. This has had a number of major impacts on the Council's Budget position. These impacts include:

- Inflationary pressures pushing up staff remuneration costs, fuel, energy, food and contract costs.
- More residents struggling to make ends meet and presenting themselves in need of housing supporting increasing the need to spend on temporary accommodation,
- Households under pressure finding it hard to pay council tax, resulting in collection rates dropping,
- Interest rates rising pushing up cost of borrowing for the Council contributing towards making financing of direct delivery of affordable housing unaffordable,
- Rising mortgage rates are pushing up housing costs for households as they come off existing fixed rate mortgage deals,

1.2 Given the combination of both the pressures set out above and the expectation that we are unlikely to see an increase in government funding and are more likely to experience a further reduction in funding over the Outline Budget we suggest that a key guiding principle informing our approach to the medium term budget should be to seek to "live within our means" and that we are mindful of current and future costs in our approach to delivering and developing services.

1.3 The vast range of issues to be considered include:

- The extent to which services' income such as car parking charges return to pre-pandemic levels, considering we are seeing changes to

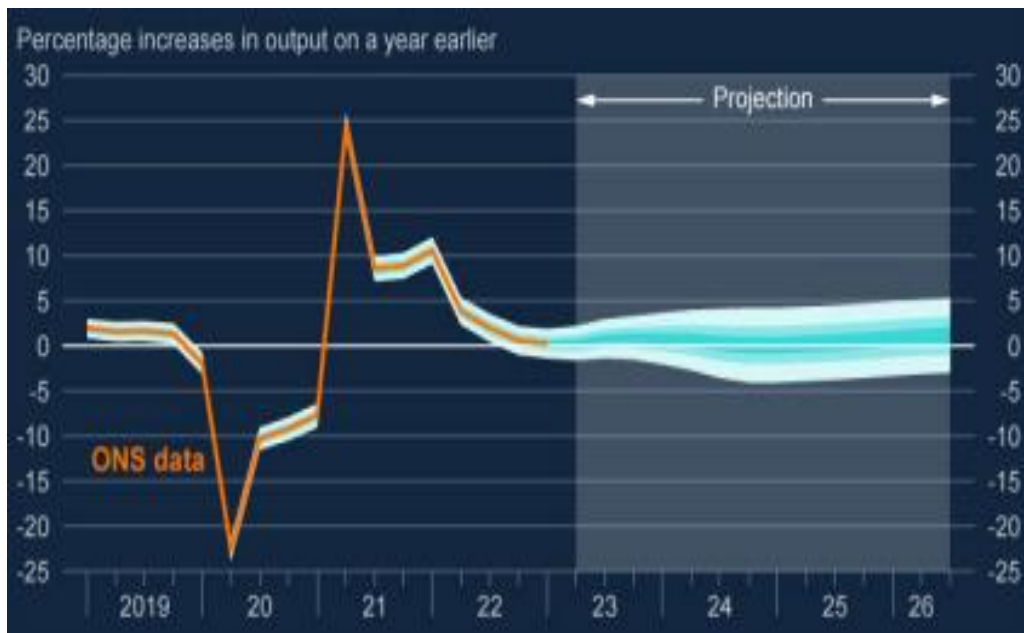
people's behaviour, for example, increased home working and online shopping. Have they permanently changed and do they impact on the time any recovery may take?

- What will the impact be on our local economy in terms of jobs? Will the green shoots of a post pandemic recovery, as seen with the recent rise in recruitment numbers at Heathrow Airport, be slowed down or will the growth prospects for the Borough be reversed.

Economic update

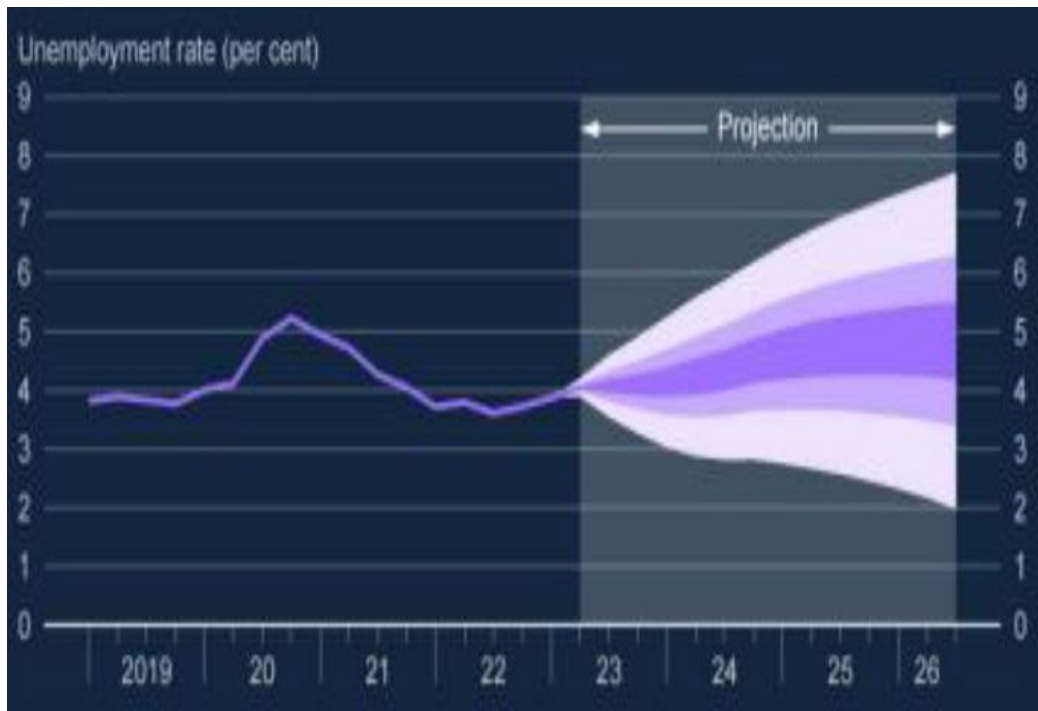
- 1.4 ArlingClose, the Council's Treasury Management Advisors provided the Economic summary in September 2023, as shown below.
- 1.5 Bank of England's unemployment projections that forecast a sharp rise in unemployment over the next three years, as shown in the table below. This potentially will add to pressures on households and resulting in increased need to provide council tax support for example.
- 1.6 Past increases in Bank Rate, and the higher path of market interest rates on which the forecast is conditioned, weigh to an increasing degree on the UK economy in coming quarters. Gross Domestic Product (GDP) growth remains below pre-pandemic rates in the medium term, also reflecting relatively weak potential supply and a waning boost from fiscal policy, as shown in the table below.

Chart 1: Bank of England chart, reproduced by Arlingclose showing range of economic growth for the UK ranging from most pessimistic to most optimistic



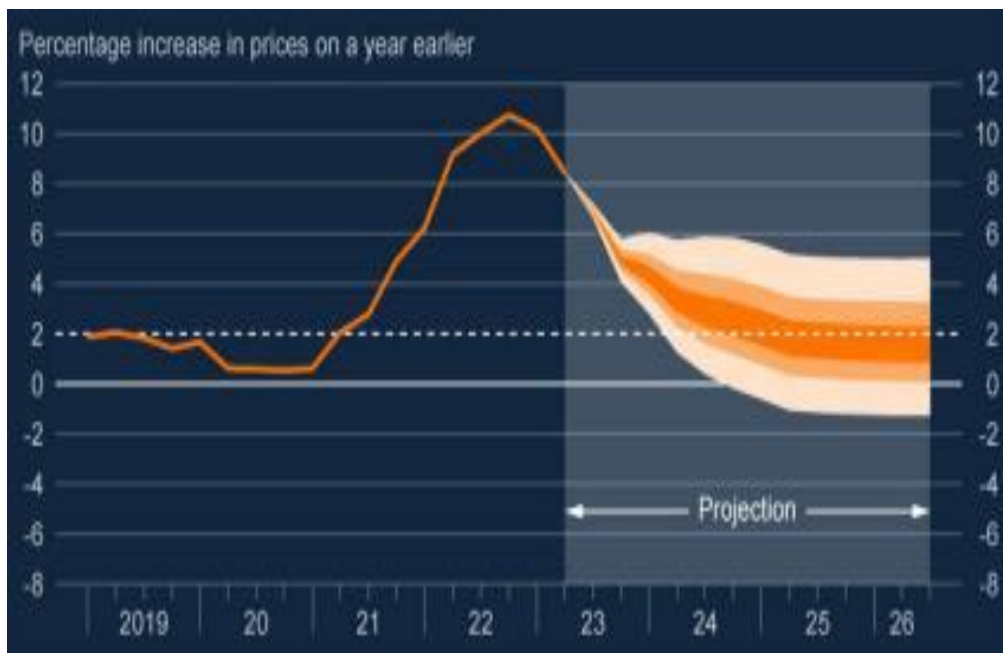
- 1.7 The UK economy has been in excess demand over recent quarters, but an increasing degree of economic slack is expected to emerge after the middle of next year, leading to a rise in unemployment, as shown in the table below:

Chart 2: Bank of England chart, reproduced by Arlingclose showing range of unemployment outcomes for the UK ranging from most pessimistic (8% by mid 2026) to most optimistic (2% by mid 2026)



- 1.8 Second-round effects in domestic prices and wages are likely to take longer to unwind than they did to emerge. In the modal forecast conditioned on market interest rates, an increasing degree of spare capacity in the economy and declining external cost pressures lead Consumer Prices Index (CPI) inflation to return to the 2% target by 2025 Q2 and to fall below target in the medium term, but to a lesser degree than projected in the May Report.
- 1.9 The Bank of England's Monetary Policy Committee (MPC) continues to judge that the risks are skewed to the upside, but by less than in May. Taking account of this skew, mean CPI inflation is projected to be 2.0% and 1.9% at the two and three-year horizons respectively.

Chart 3: Bank of England chart, reproduced by Arlingclose, showing projected future movement in prices ranging from most pessimistic (5% mid 2026) to most optimistic (1% deflation by mid 2026)



- 1.10 UK inflation and wage growth remain elevated, but the August CPI data suggested that inflation was falling more rapidly. In a narrow 5-4 vote, the MPC took the opportunity to hold rates at 5.25%, a level we see as the peak. Near-term rate cuts are unlikely, although downside risks will increase as the UK economy inevitably slides into recession.
- 1.11 While the MPC vote was close, and the minutes contained the warning about the need for further tightening if inflationary pressures persist, both the decline in closely-watched inflation measures and confidence that wage growth had peaked, clearly allowed policymakers to focus on the weaker activity data. The MPC on 2/11/23 again voted to keep rates unchanged at 5.25%
- 1.12 The UK economy has so far been resilient. However, recent data indicates a further deceleration in business and household activity growth as higher interest rates start to bite. Global demand will be soft, so offer little assistance in offsetting weakening domestic demand. A recession remains a likely outcome.
- 1.13 Employment demand has weakened, and unemployment has increased, although the tight labour market has resulted in higher nominal wage growth. Anecdotal evidence suggests slowing recruitment and wage growth, and we expect unemployment to rise.
- 1.14 Consumer confidence has improved due to signs of real wage growth amid strength in the labour market, but household spending will remain weak as mortgaged households suffer higher interest payments and unemployment rises. Business investment/spending will fall back due to higher borrowing costs and weaker demand.
- 1.15 Inflation is anticipated to continue to fall over the next 12 months, albeit with upside risk. The MPC's attention will remain on underlying inflation measures and wage data. Policy rates will remain at the peak for another 10-12 months,

until the MPC is comfortable the risk of further second round effects have diminished.

- 1.16 Maintaining monetary policy in restrictive territory for so long, when the economy is already struggling (as the recent PMI data indicate), will require significant policy loosening in the future to boost demand and inflation.
- 1.17 Global bond yields remain volatile. Like the UK, the Federal Reserve and other central banks see persistently higher policy rates through 2023/2024 as key to dampening domestic inflationary pressure. Data points will therefore prompt changes in bond yields as global interest rate expectations shift.
- 1.18 Reports in the media in late October 2023 indicate that there will be a significant rise in the number of business closures over the next few years, which will only exacerbate a difficult economic climate for the residents in the Borough and ultimate the Council, on its services, i.e., homelessness and funding, i.e., the collection of the Council Tax, where the Collection rate is forecast to decline by at least 2% from a robust 97% Collection Rate.
- 1.19 Officers believe that as the number of local residents come to an end of their current fixed interest rate mortgage deal, the financial pressure on these households will increase significantly and this will have a knock on effect for the Council.

Responding to the above economic impacts

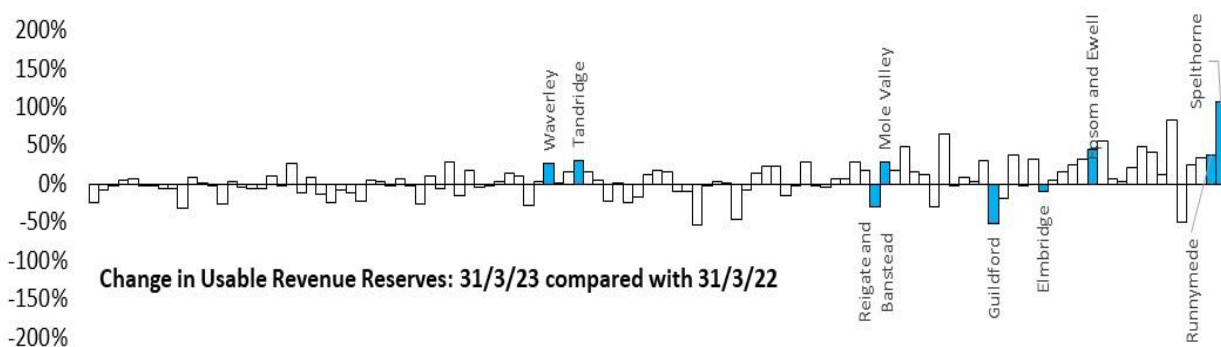
- 1.20 Officers are not proposing any amendments to the current level of localised council tax support for our residents struggling to pay council tax.
- 1.21 Along with a substantial number of English district and borough councils, Officers believe that the Council will see a rise in numbers of residents presenting themselves for Housing Options support, which is why officers have submitted a £900k growth bid to deal with this issue.
- 1.22 The suspension of the direct housing development programme in September 2023, will provide Council with the breathing space it needs to access a wide range of options to deliver the affordable housing desperately needed in the Borough.
- 1.23 There are a range of possibilities to consider from joint ventures to sale of a development site. Each site will need to be considered as part of the master plan for each location in the Borough.
- 1.24 Due to the current property market and high interest rates, in the short term, it may not prove beneficial to sell a property, as it could crystallise a capital loss, which would have a significant impact on the General Fund balance, which would require funding from the Council's revenue budget or matching against the disposal of another asset which would generate a capital gain to offset or reduce any capital losses.
- 1.25 The accumulated capitalised costs of £14.7m, as at 30 September 2023 can remain in the balance sheet for now, until Council makes a decision
 - On the basis that Council wish to progress these sites to completion, (excluding direct delivery), i.e., as part a joint venture or selling the sites to a third party, these costs can remain in the balance sheet as capitalised costs.

- If Council ultimately decide that these sites will not form part of a joint venture or are not to be sold, then these costs must be charged to the Revenue Budget immediately and this will have a major impact on the Revenue Budget, which can be partially offset by the repurposing and use of the Council's Earmarked Reserves.
- 1.26 The capital costs continue to accrue at approximately £180k per month, which is taking much needed operational cashflow from the Council's, as it is tied up in each capital project, until they are completed.
- 1.27 Officers are constantly reviewing the Council's policy of capitalising borrowing costs in the light of these delays and section 4.8 of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Local Authority Accounting in respect of borrowing costs, in the light of future Council's decisions.
- 1.28 With Public Works Loan Board (PWLB) fixed interest rates currently (17/11/23) at 5.07%, the financial viability of the Council's remaining capital projects, as set out in the addendum to the 2023-24 to 2026-27 Capital Programme, which was approved by Council on 19 October 2023, will require careful management.
- 1.29 An option for Council to consider would be cashing in the Council's £33m investments, which yield approximately 4.4% to internal fund the construction of the leisure centre and reduce the need for external PWLB borrowing at say 5.1%, saving the Council 0.7% (5.1% - 4.4%) per annum in net interest payable. Considerable more modelling is required, so this is not being put forward as a decision for this meeting. Since work on this report commenced PWLB rates have started to fall (reducing from 5.6% to 5.1% for 50 year fixed rates) this may mean if the rates continue to fall that the differential between borrowing rates and investments would sufficiently close to render this no longer an option worth exploring.
- 1.30 Where PWLB fixed interest rates to fall by over 50% to below 2.5% the Council could consider refinancing the leisure centre by seeking to look in the financing at long run lower rates, to assist with cashflow and protect the revenue budget.
- 1.31 Taking out a short term PWLB fixed interest rate loan for say three years, and then refinance for the forty-seven years at a lower rate, this is a risky strategy as the council would be hoping for a reduction in PWLB fixed interest rates over the next three years.
- 1.32 Over the last few years, officers have been exceeding the Council assumed collection rate of 97% for 2023-24, however, the council has been experiencing a reduction in the amount of Council Tax collected and based on the comments above and erring on the prudent side it is recommended (as set out in the separate report on this Agenda) that the Council should adopt a prudent 95% collection rate for 2024-25 (currently forecast an outturn collection rate for 2023-24 of approximately 5%).
- 1.33 Local Government finances are under the microscope as never before. According to the BBC on 1 November, as many as one in ten councils is in serious financial difficulties.
- 1.34 At a recent conference, the District Council Network agreed to submit a letter to the Chancellor of the Exchequer to highlight the financial pressures on

Councils caused by a 26% increase in demand for temporary accommodation, which is having a significant impact on Council's finances. Spelthorne is contributing towards national lobbying of Government to recognise the impact of these pressures on councils.

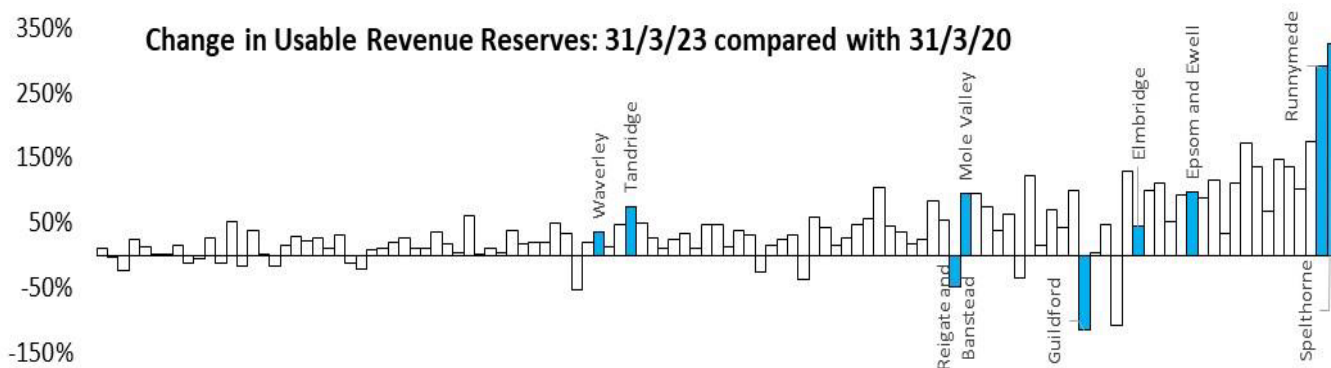
- 1.35 As the Council saw in 2023-24, despite extensive lobbying, officers are not anticipating that the Council will receive any significant additional Government financial support in 2024-25 for the challenges faced with income recovery.
- 1.36 Refreshing the Council's annual Reserves Strategy and consideration of some planned short-term use of reserves as part of a longer-term strategy to balance the Council's budget and maintain financial stability for the Council over the next four years. See paragraph 1.83 for projected movement in reserves excluding sinking funds reserves.
- 1.37 As part of the Council's long term financial sustainability strategy, the Council has continued to steadily grow its cash back usable reserves, and the table (chart 4) below shows the movement in reserves from 31 March 2022 to 31 March 2023, as compared to some other Surrey Districts, it can be seen from the chart that in the year 2022-23 Spelthorne increased its reserves more than any other district or borough council.

Chart 4: Change in Usable Revenue Reserves 31/3/23 compared with 31/3/22



- 1.38 The table highlights that the investment portfolio is continuing to perform and allow the Council to set aside cash for any unforeseen circumstances.
- 1.39 This strategic approach is highlighted by Chart 5 below (which shows the change in useable reserves between 31 March 2020 and 31 March 2023,

Chart 5: Change in Usable Revenue Reserves: 31/3/23 Compared with 31/3/20



again, demonstrating the balanced approach adopted by the Council to grow its useable reserves, and provides some comparative information against some other Surrey Districts. It can be seen that over the last three years Spelthorne has seen the biggest increase in useable reserves of any district or borough).

- 1.40 At the end of 2022-23 the Council has £72m (including £38m in earmarked sinking funds reserves) in cash backed reserves (including £8.4m set aside to be applied as Community Infrastructure Levy) and whilst a significant proportion of them are earmarked for specific purposes (including sinking funds), some could be applied to offset the budget deficits. In January a Revised Reserves Strategy report will be brought to this Committee to review and reconsider the purposes for which some of these reserves will be held.
- 1.41 The suspension of the Council's direct housing development projects is having a negative medium-term impact on the funds flow from Knowle Green Estates Ltd. (KGE) to the Council.
- 1.42 Over the next few months, Council along with the Board of Directors at KGE, will need to access and finalise a suitable strategy that will turn the £400k annual deficit for KGE into a positive contribution. The Council with the Board of Spelthorne Direct Services (SDS) can also review the future projected Revenue contributions from SDS to the Council.

Pay Awards

2023/24

- 1.43 The local Unison branch formally requested that the pay award be restricted so that each FTE received the equivalent of £1,925 per annum, which equates to an average aggregate pay award of 3.54%, across the Council. Council agreed this and built this into the 2023-24 Budget.
- 1.44 By structuring the pay award in this manner, the percentage increase is approximately 10% for the lowest grade members of staff and just under 2% for our highest-grade members of staff.

2024/25

- 1.45 Unison initially requested a 14% increase, following discussions with management, who explained the financial challenges facing the Council and that if this award was granted it was likely to lead to redundancies. The consensus was that it was preferable to protect these posts going forward.

- 1.46 The proposal is for a 3% award as follows:
- 2% (consolidated ie built into the base for future years) for all employees
 - 1% non-consolidated to be divided equally between all FTEs, regardless of grade, which will provide a greater percentage award to employees on lower grades.
- 1.47 Senior officers have discussed the above proposals informally with local Unison who are understanding of the pressures the Council is facing. The above proposal is subject to sufficient progress being made in closing the budget gap and if necessary it could be the case that the uplift which is affordable would be just the 2% consolidated element.
- 1.48 It should be noted that the Council following on from the LGA Peer Review last year recently commissioned an Establishment Review which confirmed that across many roles our council staff are not as well remunerated as other comparable councils.
- 1.49 **Pensions** - Local Government pensions are subject to a triennial valuation every three years. The next one is due to reflect the position as at 31 March 2025 and will impact on employer contributions in 2026-27. We have built in some provision for a further upward increase. The Outline Budget projections has reflected an anticipated £500k increase in employer contributions from 2026-27.
- 1.50 **New Spelthorne Leisure Centre** – Again, this has been subject to increased inflationary build costs which increased the cost at the point the Council approved the scheme and as advised to the Council when the scheme was approved, once it is constructed it will not fully cover its costs once it becomes operational in the summer of 2024, full scheme does not complete until phase 2 is completed in late 2024-25. This has been reflected in the Outline Budget projections and is one of the pressures on the Budget gap.
- 1.51 **Additional Statutory Duties** - we also need to be mindful of the potential for additional statutory duties and requirements being imposed on Councils during the Outline Budget period, a potential example could be the proposed waste management changes such as universal green waste collection being proposed by DEFRA in a few years' time which could have a significant cost impact on our refuse collection arrangements. Officers will undertake an analysis in the coming weeks to provide a summary of the split in budgeted spend between mandatory and discretionary areas of activity
- 1.52 **Inflation** – The latest Consumer Prices Index figure for October of 4.6% was a significant reduction from the previous month and a slightly bigger fall than expected. Within the MTFP the Council is modelling the following:
- 5% for third party contracts for 2024-25 and cash freeze thereafter
 - 3% for salaries, for 2024-25 and 2.5% thereafter
 - 5% on Fees & Charges
- Opportunities-** not only will there be challenges, but there will also be opportunities including:
- 1.53 **Zero-based budgeting and budget consultation** – undertaking a zero based budgeting exercise requires a significant amount of time and resource

but it may be worth considering undertaking in autumn 2024 to feed into the 2025-26 Budget process in order to undertake a fundamental review of budgets. Similarly in 2024 it may be worth considering options for undertaking some targeted budget options engagement/consultation with residents to generate feedback which councillors can take into account when making future prioritisation decisions particularly for the challenging 2026-27 Budget.

- 1.54 **Partnering** – Over the last few years, SBC have been partnering with other councils to ensure that the emphasis is on service delivery, rather than additional administration or supervision. These include:
- Counter Fraud – with Reigate & Banstead Council
 - Spelthorne Personal Alarm Network – with Mole Valley District Council
 - Family Support - with Elmbridge and Epsom and Ewell Borough Councils and Surrey County Council
- These are just a few of the successful partnerships the Council are involved with locally for the benefit of our taxpayers.
- 1.55 Both Mole Valley District Council and this Council are currently progressing the joint venture to combine the Finance Teams of the two Councils, this is to improve resilience, aid recruitment and deliver efficiencies and savings, particularly around the use of Centros, the Council's Enterprise Resource Planning financial system.
- 1.56 The Audit Committee is currently considering the option of potentially joining a shared internal audit partnership.
- 1.57 Should the Council look to outsource some of its services to other Councils, alternatively, should Spelthorne Borough Council establish itself as an outsourcing shared service? In the context of the financial challenges all councils are facing and uncertainties around the future of local government in Surrey, it is particularly timely to look at these opportunities, including procurement (for example looking to aggregate contracts across councils to increase buying power).
- 1.58 Partnering can also be considered in the context of how the Council can effectively work with other partners and communities to achieve its desired outcomes drawing on the resources of those partners and communities to add to the resources the Council itself is able to apply.
- 1.59 **Investment Properties** – following a number of challenges, that have impacted on the Council, requiring the planned use of the Sinking Fund earmarked reserves, which is what they were intended for, to maintain the £10m+ contribution to the revenue budget, things are settling down.
- 1.60 There is still work to do in respect of increasing the occupancy rates at a couple of our buildings which would significantly increase the Council's revenues.
- 1.61 The latest unplanned external challenge to impacted on the United Kingdom and the Council's income streams, namely the unrest in the Middle East and ongoing war in Ukraine will slow down economic growth and activity over the coming months.

- 1.62 Until then, Officers will continue to exercise caution and taking a worst case scenario for reduced rental income and landlord costs. This prudent approach makes it clear that as forecast, there will be a need to use the Sinking Fund to balance the Council's Revenue Budget and maintain the £10m revenue contribution to the Council.
- 1.63 The recent sinking fund review modelled the likely impact on future cashflows and are forecasting that over the next 44 years, the Council will invest an average net £3.5m per annum into the Council's sinking fund to cover unplanned emergencies, such as, warfare, together with providing sufficient fund to ensure that the Council still receives a £10m contribution towards front line service delivery, affordable housing and regeneration programmes.
- 1.64 The modelling indicates that in 45 years time the aggregate sinking fund balance will potentially be in excess of £200m, with the vast majority of loans for investment assets almost paid off, providing Council with sufficient funds to consider a wide range of options.
- 1.65 **Invest to save & cashable savings** – Officers are exploring a number of options, however, given the financial challenges facing the council, their preference is to generate cashable savings and from those savings launch the invest to save strategies, as this would protect the Council's operating cashflow.

There are several other initiatives that fall under the invest to save category that Officers will be looking to deliver cashable savings of £1.15m over the following headings over the next 4 years.

1. Cashable including procurement savings- this will focus on opportunities to aggregate spend with other councils, and review contract renewals as savings opportunities
2. Business Improvement/transformation including digital transformation
3. Green Initiatives.

Progress on delivery of savings will be reported to councillors on a quarterly basis as part of the Budget monitoring process. In order to capture some of the cashable savings arising from transformation it will be necessary to implement some additional vacancy control processes.

With respect to the Business Improvement strand the breakdown is set out below

Item	Total Yr1	Total Yr2	Total Yr3	Total Yr4	Total
Email	£31,074	£82,863	£124,295	£165,726	£403,957
Hybrid	£16,200	£32,400	£48,588	£64,784	£161,972
E-bills	£1,141	£11,900	£17,856	£22,128	£53,025
Paris Licence		£2,858			£2,858
Advantage Digital (Connect)		£21,793			£21,793
GovTech	£34,382	£109,915	£123,915	£125,602	£393,814
Portal Subscriptions					
Webchat					
IVR		£35,500	£35,500	£35,000	£106,000
Missed Bin					
Garden Waste	£2,000	£2,000	£2,000	£2,000	£8,000
	£84,797	£299,229	£352,154	£415,240	£1,151,419

From these savings, the Council will be looking at other various invest to save projects to reduce costs over the next 5 years..

1.66 **Digital Transformation** - The Council's digital transformation programme is now bringing projects to a conclusion and these will deliver cashable savings, and includes:

- A move towards replacing physical document printing and postage to hybrid solutions. The initiative will deliver a stepped reduction in costs through an initial managed transition to hybrid mail which will reduce the average price of outbound communication by 30p per unit on average. Further savings will then be delivered with a further shift to fully electronic delivery methods, eventually reducing the cost to 10 pence per correspondence item. It is noted that not everyone will have emails, so the traditional communication will still be available, savings of over £150k are achievable.
- Application of Artificial intelligence, better use of data, enabling In order to crystallise over time savings from these changes the Council will expect to see reduced staff levels over a period of time in some services areas but will look to achieve this in a managed way through natural wastage etc

1.67 **Knowle Green Offices** – As the hybrid era of working continues, officers are continuing to explore how the Council can maximise the opportunities and reduce the overall running costs for the current office. The Council is it is suggested will need to evaluate options for downsizing its office footprint including moving away from the current Council offices.

1.68 **New Corporate Plan** – this is being formulated by the Administration working with officers, and will be a key priority for the Council to evolve the current Corporate Plan to ensure that all cost of services are aligned to deliver the strategy established by Council. This will help the Council to focus on what are its strategic priorities and equally what it is prepared over time to do less of. One piece of work which may assist with prioritisation will be analysis

being undertaken by officers to summarise which service areas are statutorily required and which are discretionary, although it should be noted that in some service areas it is not a black and white and some mandatory services have discretionary levels of resourcing etc.

- 1.69 **Centros (financial system)** – the project is ongoing and has achieved improvements in the budget setting process, enabling officers to produce the first draft of the 2024/25 month twelve weeks ahead of previous years, enabling councillors and officers to have great oversight over the Councils finance.
- 1.70 Other projects include:
- Budget Monitoring and refining the clarity of reports
 - **Business intelligence dashboards** – is an information management tool that analyses information and displays it graphically, which will also assist with data used in Council reports in conveying important messages.
 - **Application Programme Interface** – enabling us to open our data for the development of apps for our services, Officers are already looking to see how we can establish interfaces with the Assets team to model sinking funds.
 - **Mapping** – by introducing ‘maps’ for our standard internal external reports, once established, this will reduce the time taken to collate the report by over 95% in respect of Officer time.
- 1.71 Now that the financial system upgrade has been achieved, officers will now be working with Transformation Team to access and prioritise all projects and agree a delivery schedule for the next three years.
- 1.72 **Empty property premia** – Following last year’s Council decision to apply the maximum empty property council tax premia with the decision being made in the context that Surrey County Council would ringfence its 76% share of the council tax generated and make it available for us to bid for to use to support our projects which align with County priorities, Officers will be submitting a claim to Surrey County Council (SCC) to make use of their offer to spend their share of this income of related project in our Borough again for 2024-25 but we will only assume this will generate a further £50k grant support.
- 1.73 **Affordable Housing Delivery-** as stated above the direct delivery of affordable homes has been suspended, however, it remains essential that the Council maintains momentum of its affordable and keyworker programme, now moving forwards in the form of our emerging placemaking and joint venture strategy otherwise it faces abortive costs which will significantly increase its Revenue Budget gaps and will fail to deliver on one of the main priorities of the Council’s Corporate Plan
- Current initiatives**
- 1.74 Officers have several initiatives that they have been working on to drive efficiency, reduce costs or increase income, some have been mentioned separately in this report, particularly around partnering, and also including:
- 1.75 In mid October the draft budget gap was initially identified at £6m of which £2.3m related to the extent to which service growth proposals exceeded savings. All Group Heads and MAT were tasked to find savings/additional

income in excess of £2.3m. To date potential savings of £1.3m have been found, and provisionally £0.564m of growth bids removed. Additionally £0.5m of funding is proposed to be applied from earmarked reserves.

- 1.76 At the same time Group Heads and senior managers were asked to look ahead over the next four years (2024-25 to 2027-28) and identify additional savings/income/transformation opportunities.
- 1.77 MAT are considering options for incentivising staff and managers to identify and propose savings (either expenditure reductions or additional income) which are implementable and help close the budget gaps.

Medium Term Financial Strategy (MTFS)

- 1.78 Continuing to refresh our medium-term financial strategy (MTFS) will help bring together all known factors affecting the Council's financial position and its financial sustainability into one place. This should be as wide ranging as possible and include all the assets and liabilities on an organisation's balance sheet. This is particularly important, and challenging, in the context of the significant additional uncertainties generated by the financial impacts of COVID-19, as mentioned above, some of which have yet to be fully felt. The Council also needs to understand the full impact of the cost of living crisis as it unfolds, and take action, as it has done so, with utilising the Cost of Living and supplementary reserves amounting to £564k. It also allows the Finance team to balance the financial implications of objectives and policies against constraints in resources. This should in turn form the basis for Council's decision making.
- 1.79 A good MTFS should provide a clear and concise view of future sustainability and the decisions that need to be made to address any gaps in long-term financing. It forms the pivotal link to translate the organisation's ambitions and constraints into deliverable options for the future.
- 1.80 Considering the above Officers are predicting that the (surplus) or deficit for the four years ended 31 March 2028 will be as follows, as shown in Appendix A. It should be noted that the budget gap represents a central set of assumptions. One key assumption is that any potential business rates reset and "fair funding" review, given the timing of the next General Election, will not happen before 2026-27 at the earliest. We have built in an assumption that in 2026-27 we will see a significant drop in the amount of retained business rates we are allowed to keep.

The following Budget Gap analysis is broken down into four stages (to demonstrate how we move from initial gaps such a gap of £4.7m for 2024-25 to balancing the budgets in each year).

a) to show underlying gaps reflecting projected expenditure and income before savings, and use of reserves

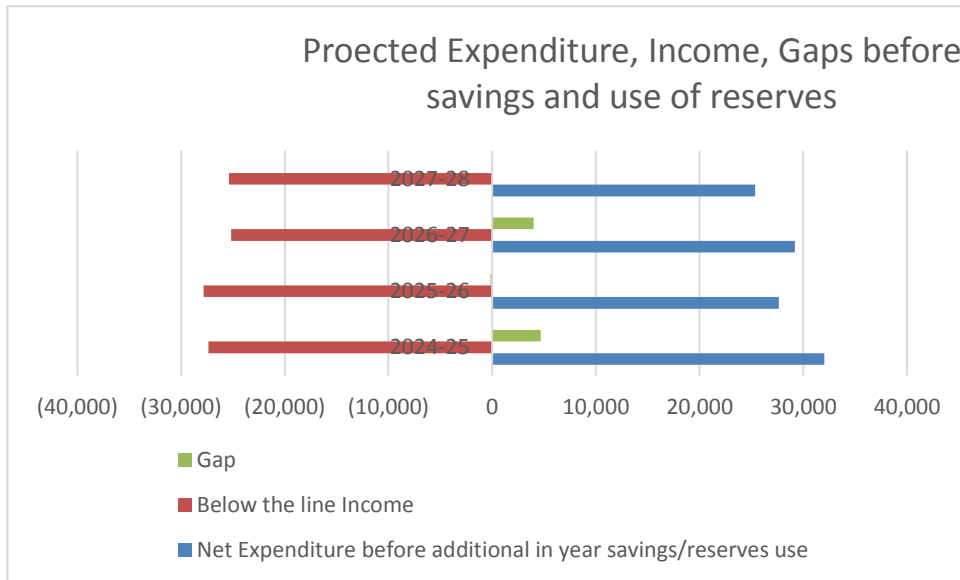
b) to show underlying gaps reflecting projected expenditure and income including identified savings streams (and specific savings items identified for 2024-25 by managers), and use of reserves

c) to show underlying gaps reflecting projected expenditure and income including identified savings streams, and use of specific reserves

d) to show underlying gaps reflecting projected expenditure and income including identified savings streams, and use of specific reserves and residual savings to be found and use of reserves to balance the Budget each year

A)

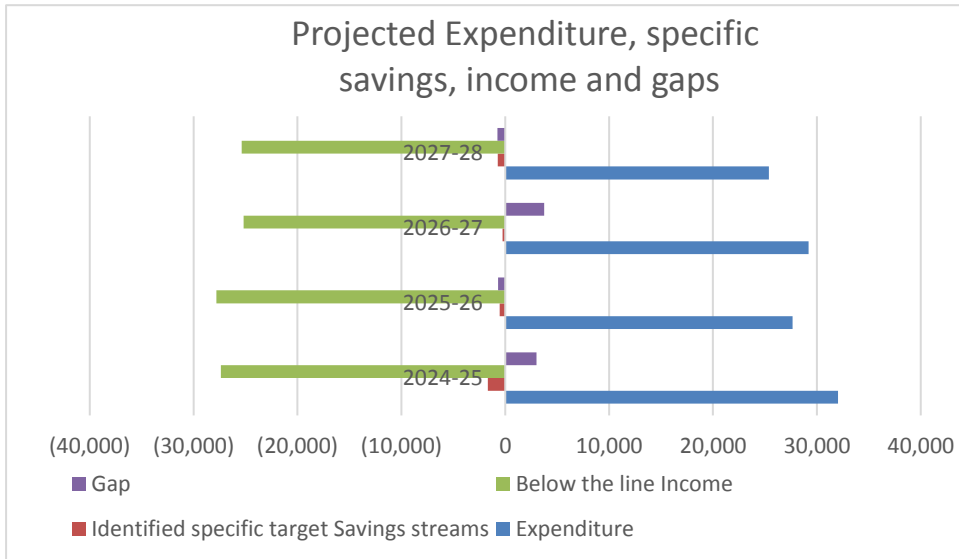
	£000's	£000's	£000's	£000's
	2024-25	2025-26	2026-27	2027-28
Net Expenditure before additional in year savings/reserves use	32,035	27,659	29,191	25,377
Below the line Income	(27,367)	(27,816)	(25,175)	(25,385)
Gap	4,669	(157)	4,015	(8)



B)

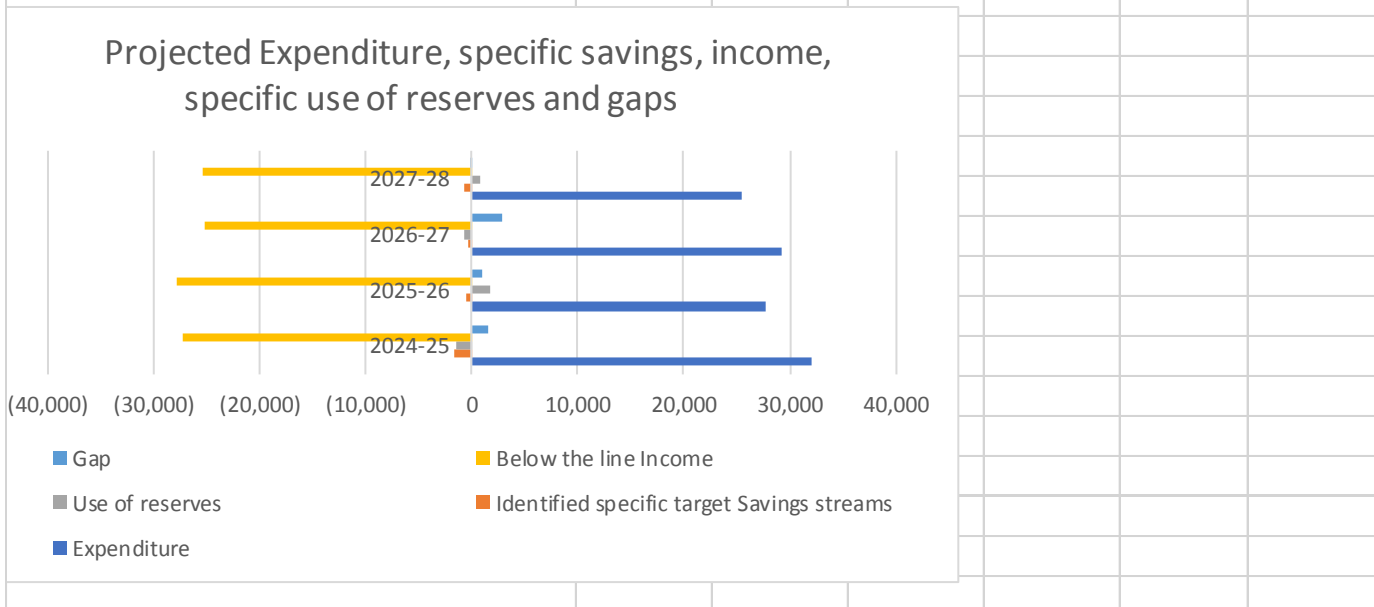
Gross Expenditure and Income after savings and before use of reserves

	£000's	£000's	£000's	£000's	£000's
	2024-25	2025-26	2026-27	2027-28	Total
Expenditure	32,035	27,659	29,191	25,377	
Identified specific target Savings streams	(1,667)	(535)	(270)	(735)	(3,207)
Below the line Income	(27,367)	(27,816)	(25,175)	(25,385)	
Gap	3,002	(692)	3,745	(743)	



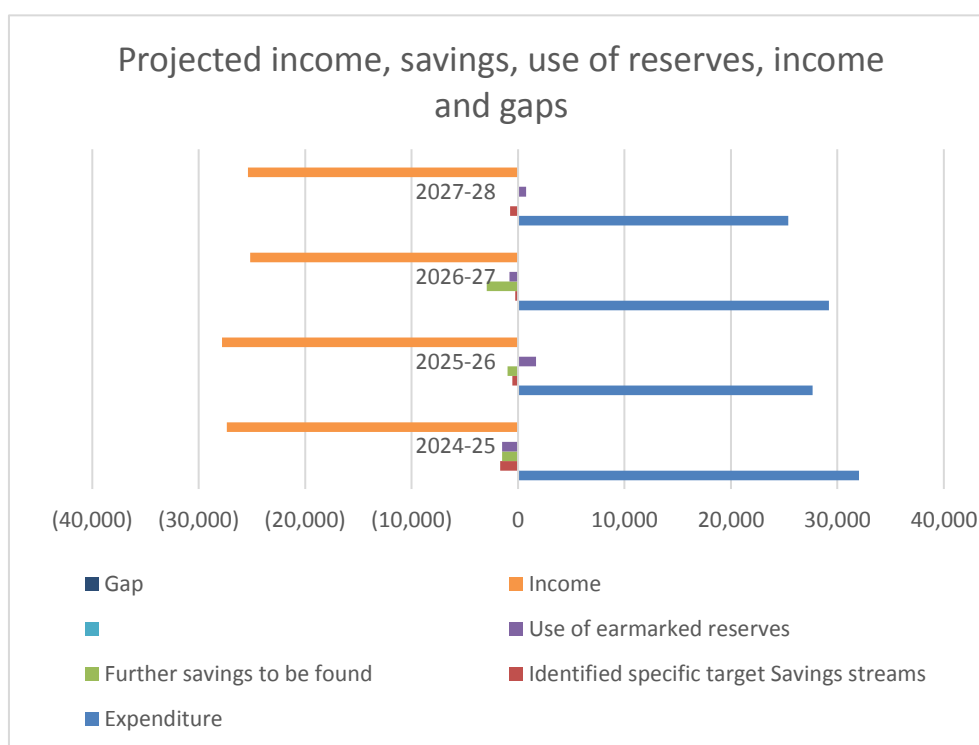
C)

Gross Expenditure and Income after savings and before use of reserves					
	£000's	£000's	£000's	£000's	£000's
	2024-25	2025-26	2026-27	2027-28	Total
Expenditure	32,035	27,659	29,191	25,377	
Identified specific target Savings streams	(1,667)	(535)	(270)	(735)	(3,207)
Use of reserves	(1,501)	1,692	(800)	743	134
Below the line Income	(27,367)	(27,816)	(25,175)	(25,385)	
Gap	1,500	1,000	2,945	(0)	



D)

	£000's	£000's	£000's	£000's	£000's
	2024-25	2025-26	2026-27	2027-28	Total
Expenditure	32,035	27,659	29,191	25,377	
Identified specific target Savings streams	(1,667)	(535)	(270)	(735)	(3,207)
Further savings to be found	(1,500)	(1,000)	(2,945)	0	(5,445)
Use of earmarked reserves	(1,501)	1,692	(800)	743	134
					0
Income	(27,367)	(27,816)	(25,175)	(25,385)	
Gap	0	0	0	(0)	



1.83 Under option D above we would indicatively balanced the Budget each year. Pursuing this suggested indicative approach suggests that there are a further £1.5m of savings to find to balance the budget. If that level of savings can not be found then greater user of reserves would need to be made.

The above analysis excludes movements in and out of the sinking funds.

Currently excluding sinking funds reserves and sums in reserves relating to CIL there is a balance of approximately £24m of reserves. Applying the above indicative use of reserves would ensure that over the four year period that the closing balance would be similar to the opening balance. This is important as we are aware that are accumulated capitilised costs some of which could depending on how our regeneration schemes are taken forward could need to be written off to Revenue in the future. Effectively we are identifying use of reserves to support closing the Budget in the two years which have more pressures ie 2024-25 and 2026-27 and replenishing the reserves in the easier two years 2025-26 and 2027-28.

	£000's	£000's	£000's	£000's
	2024-25	2025-26	2026-27	2027-28
Non-committed Reserves				
Total Non-committed (excluding sinking funds, CIL reserves)				
Opening balance	24000	22,499	24,191	23,391
Balance after above use of reserves	22,499	24,191	23,391	24,134

Key Assumptions Underpinning the Projections

- Council tax is expected to increase by the referendum limit in each financial year, which currently for 2024/25 is 2.99% and then 2.99% for the following years
- Council base is set at 39,241 Band D equivalent dwellings for 2024-25 (see separate report on the Agenda) and assumes a 5% non-collection rate in the face of growing cost of living pressures (3% for 2023-24)
- The Council Tax base (number of properties) will increase by 1.5% per year
- Business rates income has been estimated at the settlement funding assessment expected as part of the LGFS
- That each year the Council's investment assets will make a £10m contribution towards supporting the cost of the Council's services. This will be regulated by use of the sinking funds reserves as an equalisation mechanism
- Any change to local government funding and a reset of the business rates retention scheme has been assumed to take place in 2026-27, on the assumption that there is not sufficient time for the necessary consultation to be undertaken by Government post the next General Election to implement any business rates reset in 2025-26
- Other grants are based on S151 Officer advice based on best information available
- Investment interest is expected to reduce from current rates to 4% and then 3% over the MTFP
- Employee budget inflation is assumed at 3% for 2024-25 (of which 2% is carried forward) and 2.5% per annum in the following three years
- General Inflation is assumed at 5 based on inflation forecasts from the Bank of England
- That the control on additional posts will continue with no FTE growth bids to be considered unless they are externally funded or are a specific statutory requirement
 - Fees and charges increase has been assumed as at least 5% (subject to the review outlined below)
- That in 2026-27 there will be a further £500k increase in employers pension contributions following the next triennial valuation

1.84 After savings already found and a suggested use of £1.5m use of reserves, the Council is currently facing a budget gap of £1.5m for 2024-25 (scenario B above). The Council is also facing a significant Budget gap in 2026-26 when we are assuming fair funding review/business rates rest and employers pensions contributions will hit. More work will be undertaken between now and February to close the gap for 2024-25.

2. Financial announcements and implications

2.1 **Council Tax** – In the 2022 Autumn Statement, the Chancellor announced that for 2023/24 and 2024/25, lower tier councils can increase their council tax bills by 3%. In comparison upper tier councils such as Surrey County Council will be able to increase by 3% plus a further 2% for adult social care. At the time of writing this report, we do not know what will be in this year's Autumn Statement, Councils are waiting to see if there will be any revision to the Council tax limitations for 2024-25.

2.2 Applying an increase of 3% in Council would yield an additional aggregate council tax revenue of £254k and £270k for 2024/25 and 2025/26 respectively.

2.3 **Provisional Local Government Finance Settlement (PLGFS)** – the announcement of provisional grant funding for councils by Government is expected to in the week before Christmas, which is very close to Christmas, this is possibly the latest we have ever received settlement details. The final settlement following consultation with councils is then expected at end of January 2024. We are expecting a “roll over” settlement i.e. do not expect any significant funding methodology changes. It is anticipated that the Fair Funding Review and Business Rates will slip to at least 2026/27- in the outline Budget projections we have assumed a reduction of a third in the amount of business rates we retain from 2025-26 and the disappearance of New Homes Bonus at the same time. This is a factor as to why the last two years in the outline budget period are particularly challenging.

2.4 **Business Rate** – The business multiplier has been frozen for another year. Whilst it has not yet been formally confirmed it is anticipated that the Business Rates Retention scheme is going to remain unchanged at 50% (this does not mean councils retain 50% of business rates but above a baseline they gain 50%) and that the associated baseline levels will not be reset for councils. There are some indications that the focus on Levelling Up by the Government may cause Government to reflect further on whether it wishes to move to a 75% Business Rates retention scheme. When the business rates baseline is reset, there is a risk for the Surrey councils as when the baseline was set in 2013-14 for the 50% retention system the Surrey Councils did relatively well. Business properties will be revalued every three years from April 2023.

2.5 **From 1st April 2023**, across England rateable values have been revalued. The Government will allow reductions to feed through immediately but has a transitional relief scheme to assist those ratepayers whose values and therefore bills are rising. We are working through analysis to understand the impact on the Council's own properties.

- 2.6 **New Homes Bonus Grant** – The PLGFS will announce figures and confirm whether the scheme is being extended.

3. Other considerations

- 3.1 Based on the current projections as shown in 1.82 above, Officers are projecting a deficit for 2024-25 which needs to be closed by the time the detailed Revenue Budget is proposed in February significant deficits for the following three years, therefore, Council will have to plan carefully how it manages the 2024/25 Budget, through the budget setting process.
- 3.2 The current net growth bids for 2024/25 amounting to £1.306m (a reduction compared to the initial bids of £2.3m put forward) will need to be carefully considered and by allowing them in 2024/25, this will impact on 2024/25 and beyond, therefore, between now and the first draft of the budget more refinement of these bids will be required, and this should increase the surplus available for Council.
- 3.3 As mentioned above, Officers have allowed for the maximum increases in Council Tax, based on the Autumn Statement (3% for 2024/25 and 2025/26) should Council decide to implement a £5.00 (2.3%) increase, this would reduce the surplus by £58k and £66k for 2024/25 and 2025/26 respectively.
- 3.4 Alternatively, Council could consider putting these funds into an earmarked reserve to assist with the Cost of Living and inflationary pressures to protect key front line services to our elderly and vulnerable residents.
- 3.5 Officers have forecast that the Council will draw down the maximum amount from available earmarked reserves (Cost of Living & Sinking Funds) and they may wish to retain the funds in these reserves to deal with future issues.
- 3.6 The MTFs and assumptions made by Officers, provides Council with some options to consider, taking into account the projected future years deficit beyond 2024/25.

4. Financial implications

- 4.1 No material implications, other than those discussed above, noting that it is not an exhaustive list.

5. Procurement

- 5.1 Procurement will play a significant role in helping to identify saving opportunities.

6. Risk considerations

- 6.1 As set out in the report, focusing on opportunities to procure goods and services smarter should generate some opportunities to deliver financial savings. Whilst the Council is mitigating risks with respect to dips in investment assets income streams there remain risks if there were higher than expected lease breaks/non renewals over the outline budget period which might result in the need to reduce the £10m annual contribution towards the Revenue Budget.
- 6.2 There remains an ongoing risk that if the Council is unable to achieve positive outcomes on its regeneration site it will have to write back to Revenue Budget

accumulated capitalised costs and potentially charge capital losses on the sites to the Budget.

7. Legal considerations

- 7.1 Councils have a statutory duty to set a balanced Budget. It is essential that the Council has plans in place to ensure the Council remains financially viable over the next few years.

8. Equality and Diversity

- 8.1 Any savings proposals impacting on service users will require an Equality Impact Assessment to be undertaken.

9. Sustainability

- 9.1 There is the potential to align climate change objectives with budget sustainability reductions as reductions in energy consumption assist in easing pressures on the Revenue Budget.

10. Timetable for implementation

- 10.1 November 2023 - Committees review and input into the Service Plans and agree the 2024-25 Fees & Charges proposals for their Cost Centres.
- 10.2 December 2023 - draft 2024-25 budget made available to Committees to consider ahead of reviewing in January for approval.
- 10.3 January 2024 – all Committees review and consider their growth and savings bids and submit list of bids to the Corporate Policy & Resources Committee for final short listing to feed into the final Detailed Budget for 2024-25.
- 10.4 January 2024 – Corporate Policy & Resources Committee meet to finalise the Net Service Budgets for each Committee, along with the budgets for investment and regeneration properties, movement on reserves.
- 10.5 22 February 2024 – Council approves growth and savings bids as part of the 2023/24 annual budget debate.

11. Contact

- 11.1 P.taylor@spelthorne.gov.uk

Background papers: *Budget Briefing Presentation 10 October 2023.*

Appendices:

Appendix 1 – MTFS 2024-25 to 2027-28

Medium Term Financial Plan Revenue for 2024-25 to 2027-28

Appendix 1

21/11/23

	2023-24	2024-25	BH	2025-26	2026-27	2027-28
	£000's	£000's		£000's	£000's	£000's
Net Service Expenditure	25,171	25,938		26,465	23,978	20,603
Growth bids	0	2,287	2,784	180	180	0
Additional savings to be found						
Savings Bids	0	-1,312	-1,910			
Further Savings to be found		-1,500		-1,000	-2,945	
Inflation						
Fees and Charges	0	-668		-561	-365	-374
Pay	0	734		618	633	649
Suppliers	0	723		0	0	0
Food	0					
Heat & Light	0					
Triennial pensions impact	0	61		45	500	500
Leisure Centre funding	0	750		0	0	0
Short fall in income - COVID	0	-200		-300	0	0
Cashable savings						
Cashable savings	0	-120		-120	-120	-120
Business Improvements	0	-85		-215	-50	-65
Green Initiatives	0	-50		-100	-50	-500
Collaboration	0	-100		-100	-50	-50
PPA Income - statutory increase.						
Lapsed growth bid		-178		-6	0	0
One off 2024-25 growth bids reversed		0		-262	0	0
Uplift in leisure centre management fee		295		-665	-1,109	-1,440
Development Properties		134				
Revised Net Service Expenditure	25,171	26,709		23,978	20,603	19,203
Declassification of capitalised costs						
Net Property investment income including MRP & Int	-5,986	-8,512		-10,003	-12,242	-8,653
Net Property regeneration income including MRP & Int	0	-1,539		-937	2,229	-1,347
Other MRP	0	328		337	916	937
Other Interest	0	1,831		1,809	4,457	4,502
Capitalised Interest	-1,400	-1,217		-1,217	-1,217	-1,217
Short Term loan interest rec	-500	-250		-200	-160	-128
Interest Cash Equivalent	-700	0		0	0	0
Interest rec'd pooled funds	-1,200	-1,224		-1,248	-1,273	-1,299
Net interest KGE	-819	-762		-754	-747	-739
Net interest SDS	-20	-16		-12	-8	-4
Net expenditure after interest earnings	14,546	15,348		11,753	12,558	11,255
Apportionment to/(from) revenue reserves						
Revenue contribution to Capital Outlay	750	0		0	0	0
Movement to/(from) revenue grants	-1,123	-965		1,692	-800	743
Budget requirement	14,173	14,383		13,445	11,758	11,998
Allocation from NNDR Pool	-450	-500		0	0	0
Retained Business Rates	-1,929	-1,929		-1,929	-1,200	-1,000
RSG	-91	-91		-91	-91	-91
S31 Grants	-875	-875		-875	-875	-875
Empty Property Premia	-500	0		0	0	0
Lower Tier Service Grants	-80	-80		-80	-80	-80
Core Spending Power Guarantee Grants	-1,483	-1,483		-1,200	0	0
New Homes Bonus	-101	-121		-100	0	0
Funding From Earmarked Reserves		-58				
Building Control Reserve		-29				
Environmental Impact Reserve		0				
Planning Performance Agreement		-40				
Green Initiative Fund		-46				
Local Plan Reserve		0				
Initiation Reserve		0				
BRR Retention - EcDev		-84				
IFRS16 Reserve		0				
Green Belt Fighting Fund		-280	-252			
Net Budget Requirement	8,665	8,767		9,170	9,512	9,952
Collection fund	100	100		100	180	180
Council Tax	-8,765	-8,867		-9,270	-9,691	-10,132
Closing Deficit/(Surplus)	0	0		0	0	-0

New growth reflects Woking TUPE staff transfer, 10% reduction in one off items deemed contingency.

Increase in savings shows income to be received due to above.

reduction due to 10% contingency in costs - reflected also above in growth.

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Council

14 December 2023



Title	<i>Adoption of the Asset Management Strategy and Asset Management Plan, replacing the Asset Management Plan dated September 2020.</i>
Purpose of the report	To make a Key Decision
Report Author	<i>Sian Bowen - Principal Asset Manager & Coralie Holman – Group Head Assets</i>
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Environment Service delivery
Recommendations	Council is asked to: 1) Approve the adoption of the Asset Management Strategy and Asset Management Plan
Reason for Recommendation	<i>Following Development Subcommittee on 6 November 2023 this report sets out the recommendation which Council is asked to approve.</i>

1. Summary of the report

- 1.1 On 6th November 2023, the Development Sub Committee approved a proposal to recommend to Corporate Policy & Resources Committee the adoption of the Asset Management Strategy and Plan. On 27 November 2023 the Corporate Policy & Resources Committee agreed to recommend to Council this this strategy be adopted. This Strategy and Plan is to replace the Asset Management Plan adopted in September 2020 for the period 2020 to 2025 which reflects the changes in Administration and the new strategy and priorities to be adopted.

The Asset Management Strategy (AMS) has been designed with Member input from two workshops and is intended to be the overriding document above the Asset Management Plan (AMP) which summarises the key objectives for each portfolio: investment, municipal and development/regeneration.

The AMP reflects the operational delivery methodology for all each of the portfolios and covers the entirety of the Council's property estate.

The AMS has been through a delivery management process via two Development Subcommittees (2 October 2023 and 6 November 2023) and two workshops held by nominated Members and officers.

It is intended that both the new AMS and AMP will be put in place for a five-year period, with both having the flexibility to be adapted and amended as strategies and policies evolve.

Both documents will be publicly available.

Sitting under the AMS and AMP are the annual business plans, annual asset investment strategy, bi-annual Investment report, quarterly sinking fund monitoring, annual and bi-annual development delivery strategy and quarterly budget monitoring. These documents will remain confidential for Member and Officer use only. This hierarchical structure is shown in Appendix 1.

Three property portfolios have been identified and each portfolio has a specific identity and objective. These portfolios are 1) Investment, 2) Development and Regeneration and 3) Municipal.

Both the AMS & AMP have been designed to ensure that it will also possible that property assets may be transferred between portfolios, for example if the alternative use is more beneficial to the Councils need than as an income producing asset.

- 1.2 Members of the Councillor workshops consider the future governance of the investment portfolio needs to be agreed. This report recommends the Asset Portfolio Working Group (APWG) be replaced with a new Sub Committee Group Structure consisting of 4/5 members, to include an independent external advisor. It is suggested this subcommittee report into CPRC.

2. Key issues

- 2.1 The AMS key identified different objectives for all three portfolios (investment, municipal and development/regeneration), but with a single common theme:
“The Council will own an optimum estate which enables the effective delivery of its services and objectives. This will be managed efficiently, effectively and sustainably on a basis that represents value for money, minimises risk and has the interests of the local community at its heart”
- 2.2 Each portfolio of assets has identified specific objectives and strategic priorities as contained in Appendix 2.

2.2.1 Investment Portfolio Objectives

“To deliver positive net returns to support the Council’s ability to provide services, particularly discretionary, for its residents”

- ▶ Deliver a secure and sustainable income net of all attributable costs.
- ▶ Maintain capital value in real terms over the ownership period.
- ▶ Generate a net profit over medium and long term after deduction of attributable costs and with appropriate sinking fund contributions.
- ▶ Ensure that income returns meet or exceed budget targets and wider industry-standard benchmarks on a medium- and long-term basis, with an expectation of long-term income growth.

- ▶ Diversify risk through leasing assets to a broad range of tenants operating across different business sectors and with a mixture of income lengths (i.e., between 5 and 15 years)
- ▶ Make a positive contribution to the Council's commitment to reach Net Zero for Scope 1 & 2 emissions by 2030.
- ▶ The Council to retain these assets if they perform to required criteria but will continually assess alternative options in the event of under-performance or reasonable expectation of adverse future circumstances.

2.2.2 Development and Regeneration Portfolio

"To ensure the borough remains an attractive place to live, work and undertake leisure activities through the delivery of high-quality affordable housing, social infrastructure and commercial property that meets the needs and requirements of residents and local businesses."

- ▶ Ensure all development / schemes / partnerships meet the Council's corporate objectives ("CARES") and aim to deliver high quality housing and other economic and community places in a timely and financially efficient manner.
- ▶ Prioritise delivery of affordable housing and mixed-use projects to meet the needs of Spelthorne residents.
- ▶ All significant proposed developments will be subject to meaningful public consultation.
- ▶ Delivery mechanisms and longer term buy/hold/sell decisions will be decided by Members on a basis that meets the needs of our residents, businesses, and wider communities.
- ▶ All developments will contribute to the Council's commitment to reach Net Zero for Scope 1 & 2 emissions by 2030.

2.2.3 Municipal Portfolio Objectives

"To manage all property assets within the borough professionally and effectively to support service delivery, the voluntary, charitable and community sectors and provide amenity and community benefit to residents and support our CARES corporate priorities."

- ▶ To provide well maintained and accessible assets that benefit all who live in the borough, and support local community groups and vulnerable residents.
- ▶ To promote the use by residents of our attractive parks, open spaces and public places, with a focus on biodiversity.
- ▶ To consult with our residents, where appropriate, on the best use for municipal assets in the borough.
- ▶ The granting of occupational agreements to third parties by the Council will be dealt with in a fair and open manner, and where required in accordance with the Community Letting Policy.

- ▶ Good relationships will be maintained with our tenants to ensure compliance with lease obligations.
 - ▶ The portfolio will contribute to the Council's commitment to reach Net Zero for Scope 1 & 2 emissions by 2030.
- 2.3 The AMP identifies in detail the operational demands and requirements across all three portfolios, team structure, reporting structures, KPI's and risk register. A copy is within Appendix 2.

It will be the intention once the new Member sub committee is established to further develop the risk register and KPIs in conjunction with the Development Sub Committee members.

Both the AMS and AMP will have the ability to be updated to reflect the new Administrations review of the Boroughs Corporate priorities in 2024.

- 2.4 Following the proposed streamlining of committees, It was originally intended that reporting for the investment portfolio would be by way of a new Commercial Assets Sub Committee. However following member workshops an alternative smaller group has been proposed with an independent external advisor.

It is considered that this smaller group will ensure greater governance on the investment portfolio, with the group obtaining a greater understanding, specialism and knowledge base on the portfolio.

It is advised that this smaller sub committee will have similar Terms of Reference to the proposed Commercial Assets Sub Committee recommended by Development Sub Committee on 31 July 2023 (Appendix 4).

3. Financial implications

- 3.1 Pulling together the Asset Management Strategy and Asset Management Plan has been undertaken using existing internal resources so there has not been an additional expenditure/budget impact, beyond the opportunity cost of the staff and councillor time focused on the exercise. Having said that both the Asset Management Strategy and Asset Management Plan link well to and feed into the Council's Capital Strategy, Capital Programme and Revenue Budget, all of which will be updated and approved by Council next February for 2024-25 and beyond. It is important that in order to manage financial risks and to obtain the best returns on use of assets that there are clear strategy frameworks and parameters for the different categories of asset. As part of the framework, it is useful to be clear on the approach to business plans, usage of sinking funds, budget monitoring etc. Assets and Finance will very much work in partnership in moving these arrangements forward.

4. Risk considerations

- 4.1 Risk: Where governance arrangements are not adequately robust, this could adversely impact strategic direction, quality of decision making and outcomes (financial and other) relating to the Council's asset portfolio.

Controls and mitigation: This report refers to how the Council are seeking to strengthen governance arrangements through proposal of a new Sub Committee Group Structure (reporting to CPRC) with representation of an

independent external advisor to provide specialist knowledge and support. This group will also build upon current KPI'S and the risk register for the investment portfolio.

- 4.2 Risk: If there is a lack of ongoing coordination between the different strands of the overarching Asset Management strategy, this could lead to the Council applying a fragmented rather than holistic approach in seeking optimal value in the management of its assets

Controls and mitigation: Please add proposed controls and mitigations planned to address this risk identified.

5. Procurement considerations

This report references throughout the support of an independent external advisor, which, dependent on value, will need to be procured in accordance with Contract Standing Orders, and will require a scope of services to be developed.

6. Legal considerations

Any new subcommittee needs to be considered by the Committee System Working Group and then referred to Standards Committee. In the event this is approved, a recommendation is to be made to Council to adopt.

7. Other considerations

- 7.1 Future reporting and Governance of the investment portfolio will need to be agreed in conjunction with the Head of Governance to bring about changes in conjunction with the wider committee structures.
- 7.2 A new Sub Committee Group Structure (similar to the APWG) is proposed, with a smaller number of members (4/5) to include an independent external advisor, it is anticipated this committee will report into CPRC.
- 7.3 The proposed new working group will also review and build upon the current KPIs and Risk Register for the Investment Portfolio.

8. Equality and Diversity

- 8.1 There are no specific considerations.

9. Sustainability/Climate Change Implications

- 9.1 Climate change policy within the AMS and AMP have been aligned with the Corporate plan targets and specifically identified within both documents.

10. Timetable for implementation

- 10.1 Based on the recommendation above, approval will be sought at full council on 14 December.

Contact

- 10.2 Coralie Holman c.holman@spelthorne.gov.uk

Appendices: Appendix 1 – Hierarchy of documents for reporting
Appendix 2 - AMS
Appendix 3 – AMP

Appendix 1

Asset Management Strategy

Asset Management Plan (5 year portfolio level plan)

Business Plans
(Annual)

Asset
Investment
Strategy
(Annual)

Investment
Report
(Annual & Six
Month review)

Sinking Fund
Monitoring
(Quarterly)

Development
Delivery
Strategy
(Annual & Six
Month review)

Budget
Monitoring
(Quarterly)

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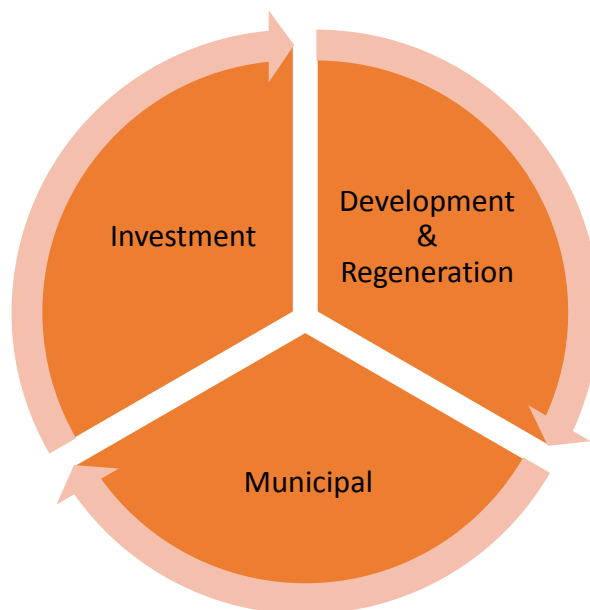
Asset Management Strategy 2023/24 – 2027/28

1. Overriding Objective

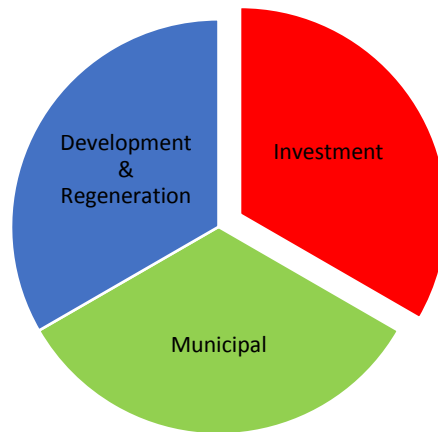
The Council will own an optimum estate which enables the effective delivery of its services and objectives. This will be managed efficiently, effectively and sustainably on a basis that represents value for money, minimises risk and has the interests of the local community at heart.

2. Strategy Overview

This Asset Management Strategy covers all of the Council's property holdings. These are held in three distinct portfolios as shown below, but it is intended that individual assets may be transferred from one portfolio to another if required (for example if alternative use is more beneficial to the Council's need than as an income producing asset).



3. Investment Portfolio – Strategic Purpose

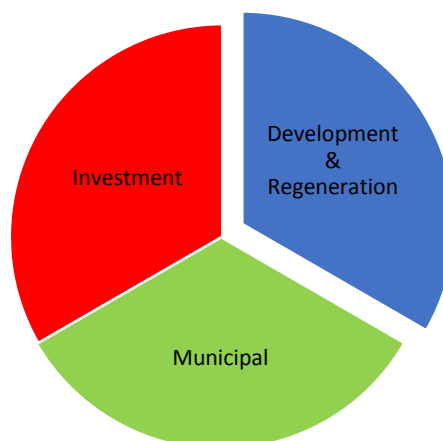


To deliver positive net returns to support the Council's Revenue Budget and support the Council's ability to provide services, particularly discretionary, for its residents.

The Investment Portfolio will seek to:-

- a. Deliver a secure and sustainable income net of all attributable costs
- b. Maintain capital value in real terms over the ownership period
- c. Generate a net profit over medium and long term after deduction of attributable costs and with appropriate sinking fund contributions
- d. Ensure that income returns meet or exceed budget targets and wider industry-standard benchmarks on a medium and long term basis, with an expectation of long term income growth
- e. Diversify risk through leasing assets to a broad range of tenants operating across different business sectors and with a mixture of income lengths (i.e. between 5 and 15 years)
- f. Make a positive contribution to the Council's commitment to reach Net Zero for Scope 1 & 2 emissions by 2030
- g. The Council to retain these assets if they perform to required criteria, but will continually assess alternative options in the event of under-performance or reasonable expectation of adverse future circumstances.

4. Development & Regeneration Portfolio – Strategic Purpose



To ensure the borough remains an attractive place to live, work and undertake leisure activities through the delivery of high quality affordable housing, social infrastructure and commercial property that meets the needs and requirements of residents and local businesses.

The Development & Regeneration Portfolio’s strategic priorities will be:-

- a) To ensure all development / schemes / partnerships meet the Council’s corporate objectives (see below) and aim to deliver high quality housing and other economic and community places in a timely and financially efficient manner.
- b) To prioritise delivery of affordable housing and mixed use projects to meet the needs of Spelthorne residents.
- c) All significant proposed developments will be subject to meaningful public consultation
- d) All delivery mechanisms and longer term buy/hold/sell decisions will be decided by Councillors on a basis that meets the needs of our residents, businesses and wider communities
- e) All developments will contribute to the Council’s commitment to reach Net Zero for Scope 1 & 2 emissions by 2030.



To put our communities at the heart of everything we do, building strong relationships with our residents and businesses, and helping to forge links within those communities, so that they feel empowered, included, supported, safe and healthy.



To deliver housing which meets the needs of all sections of our communities, building new homes, helping people to stay in their existing accommodation and ensuring that none of our residents are homeless.



To provide support and guidance to our residential and business communities to enable them to recover from the significant effects of the COVID-19 pandemic.

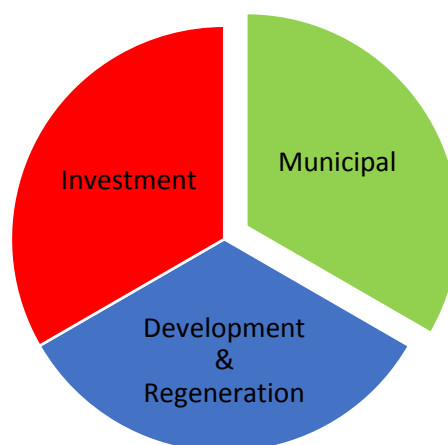


To work with our communities and partners to minimise our effects on the environment, play our part in tackling the threat of climate change and to maintain a clean, green and attractive Borough, which recognises and protects biodiversity.



To deliver efficient and effective services which meet the changing needs of our communities, adapting to meet new challenges, new ways of working and different ways of interacting with our communities.

5. Municipal Portfolio – Strategic Purpose



To manage all property assets within the borough professionally and effectively to support service delivery, the voluntary, charitable and community sectors and provide amenity and community benefit to residents and support our CARES corporate priorities.

The strategic priorities of the Municipal Portfolio are:-

- a) To provide well maintained and accessible assets that benefit all who live in the borough, and support local community groups and vulnerable residents.
- b) To promote the use by residents of our attractive parks, open spaces and public places, with a focus on bio-diversity.
- c) To consult with our residents, where appropriate, on the best use for municipal assets in the borough.
- d) The granting of occupational agreements to third parties by the Council will be dealt with in a fair and open manner, and where required in accordance with the Community Letting Policy.
- e) Good relationships will be maintained with our tenants to ensure compliance with lease obligations.
- f) The portfolio will contribute to the Council's commitment to reach Net Zero for Scope 1 & 2 emissions by 2030.

6. How will performance against strategic objectives be measured?

The Asset Management Strategy is the overarching report that informs a number of tools by which performance will be measured and reported to Councillors. These are summarised below:-



Key

Yellow – whole portfolio

Red – Investment portfolio

Blue – Development & Regeneration portfolios

7. Contacts & Further Information

This Asset Management Strategy has been developed by Councillors. Any queries should be directed to the Chair or Vice Chair of the Development Sub-Committee.

Further information on the Council’s property portfolio can be found using the link <https://www.spelthorne.gov.uk/article/16779/Property-and-investments>

8. Next Steps

Take reports to CPRC on 27th November and Full Council in xx December with following recommendations:

- Asset Management Strategy (AMS) and Asset Management Plan (AMP) to be publicly available documents
- Business Plans; Asset Investment Strategy; Investment, Sinking Fund and Budget reporting, Development delivery programme to remain confidential Councillor and Officer documents (links to all documents will be included within section 6 of the AMS)
- Agree future Reporting and Governance of investment portfolio via either:
 - New Sub Committee (previously requested CASC) who report into CPRC, potential to include an external advisor
 - New Working Group Structure (similar to APWG) with a smaller number of members (4 or 5) to include an independent external advisor who also report into CPRC
- Current/New Working group to review and build on current KPIs and Risk Register for Investment Portfolio

October 2023

Spelthorne Borough Council's Asset Management Strategy 2023/24 – 2027/28

“The Council will own an optimum estate which enables the effective delivery of its services and objectives. This will be managed efficiently, effectively and sustainably on basis that represents value for money, minimises risk and has the interests of the local community at its heart”

Contents

EXECUTIVE SUMMARY	3
1.0 INTRODUCTION.....	4
1.1 Spelthorne Geographic Area.....	4
1.2 Why the Council owns and uses property.	4
1.3 Purpose of the Asset Management Strategy.....	5
1.4 Capital Strategy	6
.....	7
2.0 CONTEXT AND DRIVERS INFORMING THE STRATEGY.....	7
2.1 Corporate Plan Priorities	7
2.2 External Guidance on Managing Property Portfolio Risk.....	8
2.2.1 Public Interest Report and KPMG Audit for FY 2017/2018	8
3.0 OVERVIEW OF THE PORTFOLIO MANAGEMENT	9
3.1 The Golden Thread.....	9
4.0 THE COUNCIL'S PORTFOLIO	11
4.1 The Assets.....	11
5.0 THE INVESTMENT PORTFOLIO.....	12
5.1 Strategy, Policy and Risk Management.....	13
5.2 Risk management, performance measurement and monitoring	14
5.3 Governance and Reporting	15
5.4 Risk	16
5.4.1 Industry risk	16
5.4.2 Asset stress test.....	16
5.4.3 Portfolio Stress test.....	16
5.4.4 Financial prudence.....	17
How the income is used – worked example 2023/24	17
5.4.6 The Local property market	18
6.0 THE MUNICIPAL PORTFOLIO	19
6.1 Repairs, maintenance, and compliance	20
6.2 Value for Money Maintenance Policy	21
6.3 Conservation and Bio-Diversity	22
6.4 Community Lettings Policy.....	22
6.5 Partnerships.....	22
7.0 REGENERATION, DEVELOPMENT & ALTERNATIVE USE	22
7.1 Surplus Property.....	22
7.2 Housing Development and Delivery.....	23
7.4 Strategic intervention and regeneration.....	24
7.5 Sustainability and Carbon Reduction	25
8.0 KNOWLE GREEN ESTATES	27
8.0 PROPERTY INFORMATION MANAGEMENT.....	28
8.1 Utilities	28
9.0 FACILITIES MANAGEMENT	29

EXECUTIVE SUMMARY

Local authorities have been impacted by significant reduction in government funding (in many cases near 100% removal) in recent years, which has led to councils identifying alternative ways to generate income, including property acquisition, to ensure service levels are maintained for their residents, communities and businesses.

Between 2016 and 2018, Spelthorne Borough Council acquired a small portfolio of investment properties with the main aim of generating sustainable long term income streams to contribute towards the cost of discretionary council services for residents. In addition, the acquisition of the BP site, allowed the council to control the future of a key strategic site within the Borough and retain a key employer. The Council also purchased 3 regeneration assets to facilitate longer term 'place making' priorities within the Borough and support the long term economic prosperity. These properties together with the Council's municipal assets form the Council's land and property portfolio. The Council is no longer looking to acquire income producing assets.

This Asset Management Strategy (AMS) sets out the direction for the entire portfolio supporting the Council's Corporate priorities and the proactive approach the Council will adopt to manage its assets over the five-year period April 2023-March 2028. Key focuses include value for money and future sustainability. This AMS builds upon the previous Asset Management Plan (2019-2024) and reflects several changes to governance, economic context and the impact of COVID-19 together with a new Council Administration, following the May 2023 elections.

The overriding objective of the Strategy is to ensure that each of the Council's property assets supports the provision of the Council's Corporate priorities, by generating sufficient income to meet the cost of discretionary council services, provide land and property holdings that allow our community to live and work in an environment that is sustainable and evolving to meet the ever changing needs of the community whilst meeting all statutory compliance targets and minimizing risk for the Council.

Asset Management processes are highlighted to demonstrate how the Council analyses and assesses opportunities to ensure that the portfolio provides the best returns for the community, whilst factoring in 'risk' within decision making to mitigate and manage factors that could negatively impact the Council's income. This includes annual reviews of all assets to identify surplus or non-performing property.

The AMS is supported by suite of operational plans and procedures that comprehensively set out the approach, governance, reporting and decision-making activities connected to the entire portfolio. As set out above the portfolio is split into 3 main areas, being:

- Investment assets
- Regeneration assets
- Municipal assets

The same basic proactive management style is adopted for the entire portfolio, however bespoke reporting and governance applies to the assets within the portfolio that carry the highest value, risk and impact on the council's day to day activities i.e. the investment assets. These assets are subject to greater monitoring and scrutiny via a bespoke set of Key Performance Indicators, Risk Register, medium term 3-5 year business plans and an annual plan for each investment, known as the Asset Investment Strategy (AIS). Each AIS is a forward-looking document setting out the key management aims and activities for the forthcoming year.

The performance and objectives of the portfolio will be reported to Full Council on 3 occasions each year; at the commencement of each financial year based on the main focuses from April to March. This is support by a half yearly review in October and then a full report at the end of each financial year. All property based activities are reported on a monthly basis to, two specific property sub-committees. The Commercial Assets Sub Committee(CASC) will focus on the income generating properties and the Development Sub Committee takes the lead on decision making for all other areas of the portfolio.

1.0 INTRODUCTION

1.1 Spelthorne Geographic Area

Spelthorne Borough Council covers an area of 51.15 km². It has an estimated population of around 102,956 (Census 2021) and a significant employment base and strong local economy. It is 15 miles from central London and shares its northern border with Heathrow Airport, a major local employer and a significant positive influence on the local economy. Its southern boundary is defined by the River Thames. The main town in Spelthorne is Staines-upon-Thames. Other urban areas include Ashford, Shepperton, Sunbury-on-Thames, and Stanwell.

Staines-upon-Thames serves an area well beyond the borough, for retail and as a large office and commercial focus. It has direct rail links to Waterloo, Reading, Windsor and Weybridge and is within 10 minutes' drive to the M25 and Terminal 5. It is the nearest significant town to Heathrow Airport. Sunbury-on-Thames is the second major office location within the borough, adjacent to Junction 1 of the M3.

1.2 Why the Council owns and uses property.

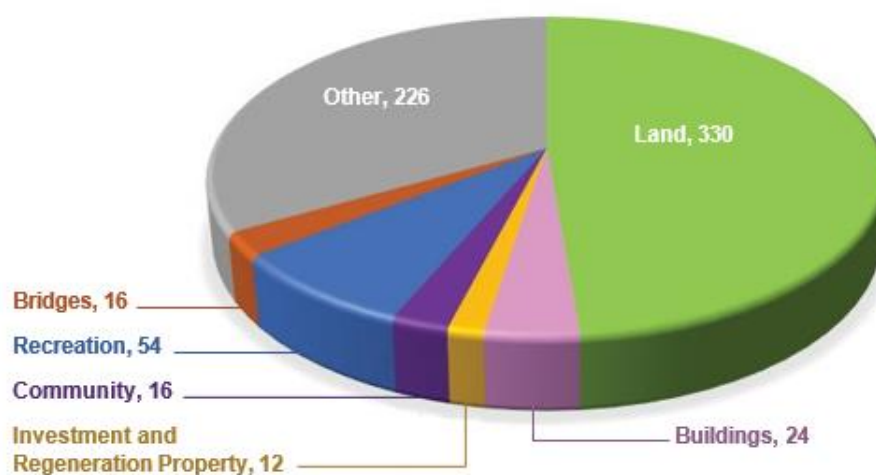
Spelthorne Council is the administrative body for the area, providing a wide and varied range of local services to residents and businesses, from community buildings, planning and housing support through licensing, permits and food safety to parks and car parking.

Properties are held for a variety of reasons both financial and non-financial including:

- To provide a base and back office support to deliver front line services
- Provide facilities for the community to bring them together and provide space for a wide variety of community activities.
- To stimulate and influence the wider environment and economy to enhance economic developments and wellbeing in the Borough.
- Provide opportunities for start up businesses which may not be available through the private sector.
- Improve the quality of the public realm
- Generate income to be re-invested in delivering the Council's wider priorities.
- For place making and regeneration purposes

In addition to the Operational portfolio, a number of commercial Investment assets sit alongside the traditional asset base and are detailed in section 5.

In total, the Council's estate comprises of 678 property assets, broadly made up as follows by number of assets:



1.3 Purpose of the Asset Management Strategy

Each of the Council's asset should support the Council delivering at least one of its corporate priorities via the following objective ***“The Council will own an optimum estate which enables the effective delivery of its services and objectives. This will be managed efficiently, effectively, and sustainably on a basis that represents value for money and minimizes risk.”*** There is a clear need to ensure that the property Spelthorne owns, uses, and has invested in is fit for purpose, managed proactively and represents value for money. The aim of the AMS is to minimise long-term risk to the Council and its local population and help sustain the local economy, the Council and aide the delivery of its services. The AMS is derived from the Corporate Plan and vision 2021-23.

An up to date strategy, setting out the way in which the Council uses, controls and reports on its assets, is key to implementing robust processes and minimising risk and unnecessary cost. When risks are properly understood, managed, and mitigated with appropriate procedures they are significantly less likely to have a detrimental impact on the council's activities and services.

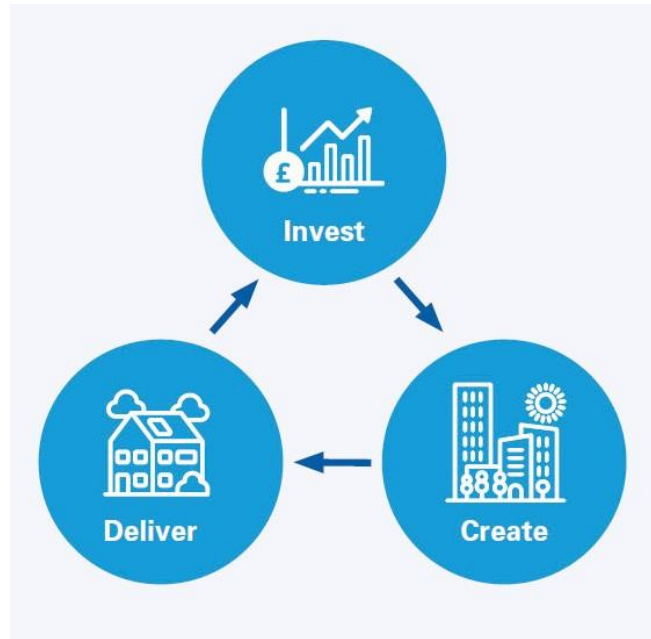
This strategy aims to balance the competing needs for investment in order to:

- Support economic prosperity
- Facilitate place shaping and regeneration opportunities
- Keep properties fit for purpose be it operational, community or investment property.
- Bring obsolete properties up to date or redevelop to comply with current regulations.
- Balance expenditure on responsive cyclical and planned works
- Reduce carbon emissions from buildings through improved energy efficiency.
- Maintain the value of the assets, including maximization of utilization and income of the operational, administrative, and commercial portfolio.

The asset Lifestyle Delivery Model follows the key cycle during a property's life. Proper lifestyle management ensures how optimum value is driven across the portfolio.

1.4 Capital Strategy

- The Plan recognises the need to manage costs, and to generate income to protect and maintain the delivery of core services.
- In total, the investment and regeneration portfolio is currently valued at £773.60m (net balance sheet value as at 31.3.23) which generates a net income of over £10million per annum which contributes to direct services to residents in the borough.
- The Council's Capital Strategy (www.spelthorne.gov.uk/capitalstrategy) sets out how the Council will prioritise its capital expenditure, and how the expenditure will enable delivery of corporate priorities. There are 3 key priorities, which align the property portfolio to the Corporate Plan:



2.0 CONTEXT AND DRIVERS INFORMING THE STRATEGY

2.1 Corporate Plan Priorities

The Corporate Plan priorities inform the objectives of Asset Management Strategy. Spelthorne's five overarching priorities 'CARES' focus on specific themes, values and plans to achieve a sustainable future. In summary these are:



2.2 External Guidance on Managing Property Portfolio Risk

The Council has within the last year received guidance from external experts around key focuses to ensure the Council is able to properly understand, capture and manage the risk associated with its investment portfolio. This Asset Management Strategy recognises and embraces input by the following organisations:

2.2.1 Public Interest Report and KPMG Audit for FY 2017/2018

KPMG, were the Council auditors up to the financial year 2017/18. In November 2022, they provided guidance in the form of a Public Interest Report (“PIR”). The PIR contained five recommendations, as the Council has completed its investment acquisition programme and there are no plans to invest in further commercial property assets for yield and recommendations 1 to 3 are addressed on an ongoing basis, this strategy focuses on recommendations 4 & 5 only, in terms of new processes to monitor sinking fund activity and balances, together with a risk register and revised Key Performance Indicators (KPIs). See Appendix 3

Further information relating to the Public Interest Report can be found here:

<https://www.spelthorne.gov.uk/publicinterestreport>

2.2.2 CIPFA Capital Review

In light of the of the current economic climate, there are challenges that impact on Spelthorne’s borrowing requirements to directly deliver its housing priorities. In view of this and changes to public borrowing guidelines, this Council has taken proactive steps to review its development delivery approach. Our emerging approach to delivering new housing and other regeneration schemes within the borough, will consider options including joint venture schemes and partners providing the funding required to bring schemes forward.

It is important to differentiate between our housing development programme and our investment assets, as these portfolios have vastly different risk profiles. Following the covid pandemic we remain confident that the assets within our investment portfolio will continue to remain resilient to changing market demands and deliver the rental income needed to continue to contribute to our revenue budget and sinking fund reserves.

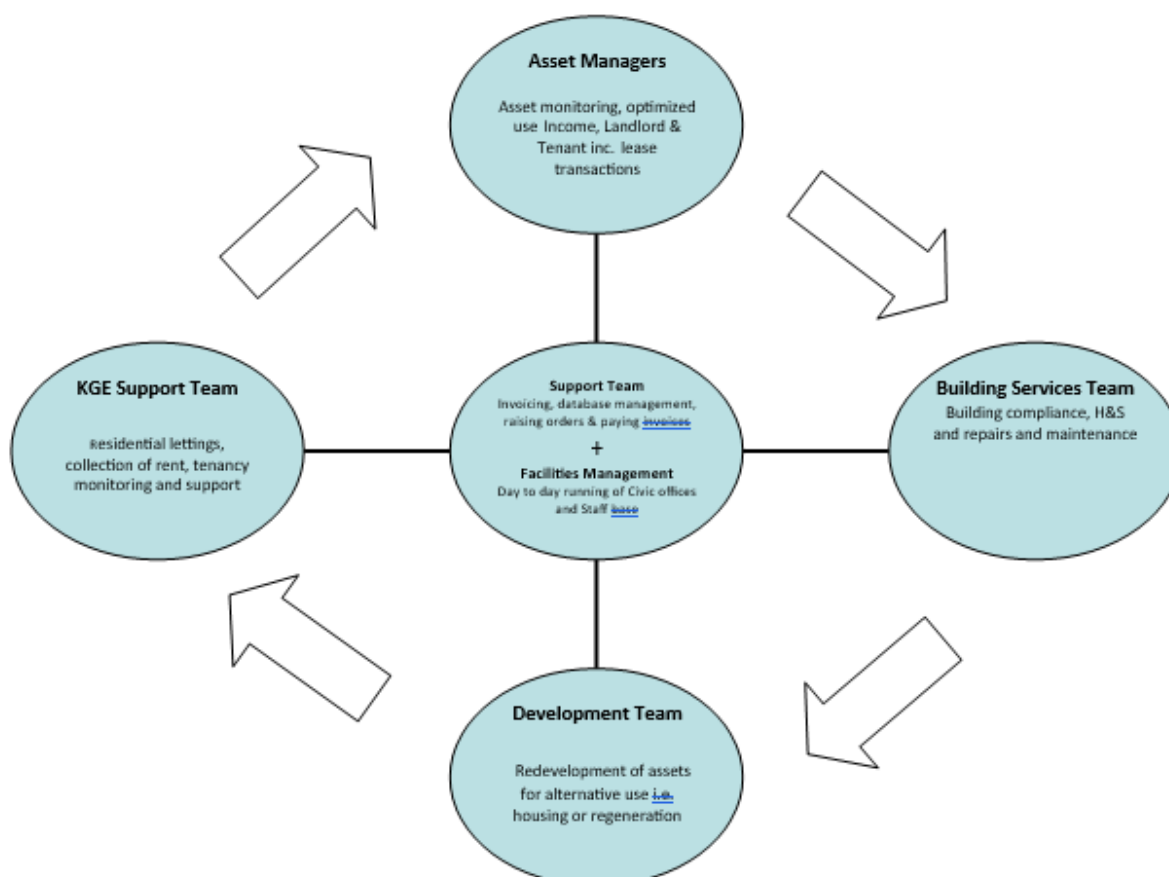
The value of our portfolio may be substantially higher than similar sized authorities, but our well-considered investment acquisition strategy (our last property acquisition was in 2018), coupled with our highly skilled Asset Management Team is reflected in the ongoing high levels of performance our portfolio achieves.

3.0 OVERVIEW OF THE PORTFOLIO MANAGEMENT

3.1 The Golden Thread

The Assets team currently comprises 25 people and is led by the Group Head for Assets and effectively represents the Council’s “Corporate Landlord”. The team works closely together to deliver a ‘golden thread’ comprehensive approach to managing the portfolio. The team also work closely with other officers and partners of the Council to ensure that the views and needs of those who use and occupy the buildings, and who deliver services from them are understood, and considered in any review and decision-making processes. Our stakeholders form the client base that the Assets team manage the property on behalf of.

To ensure our management of the assets delivers optimal performance, we will as a core part of our management approach, meet with report to and consult with all relevant stakeholders internally and externally.

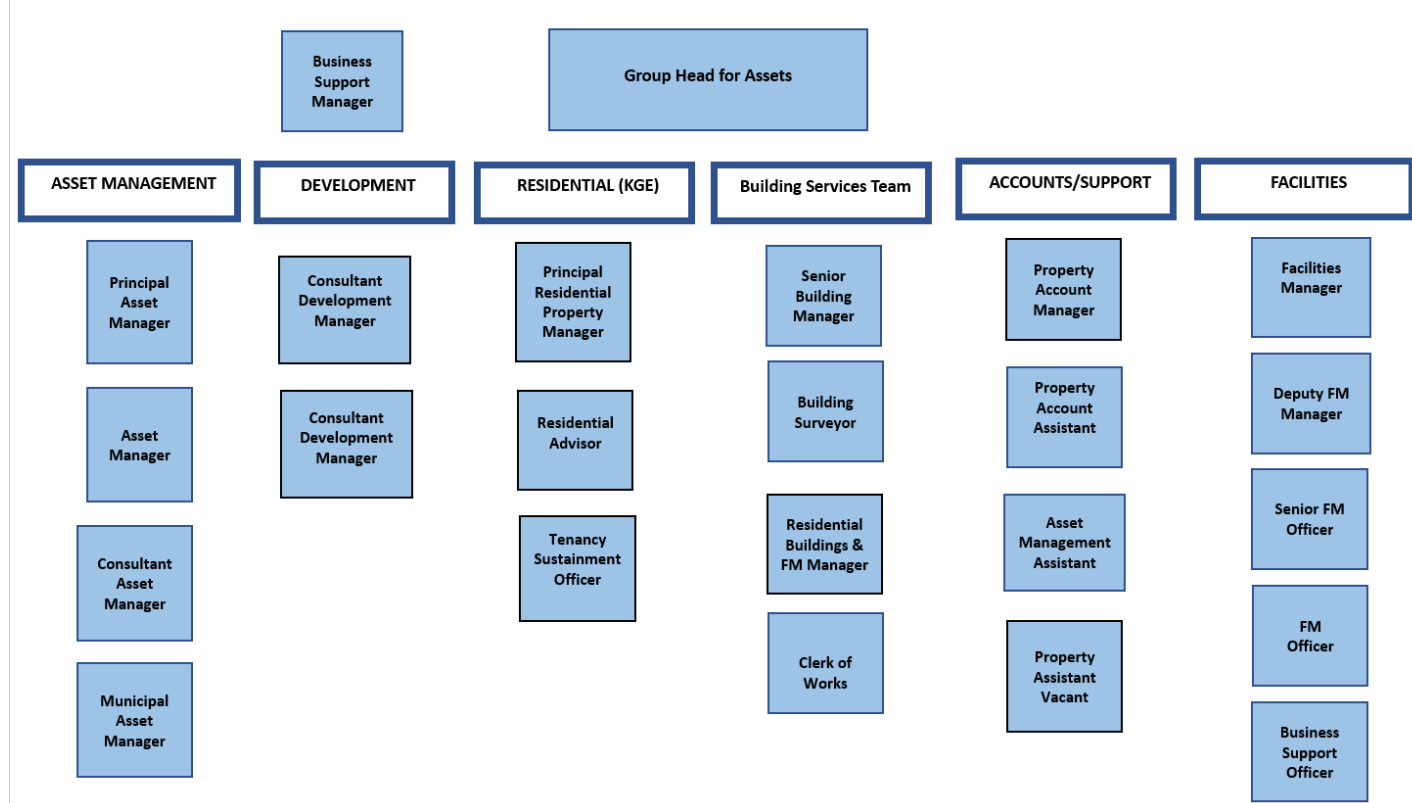


In summary, the Assets Team has overall responsibility for the following:

- Investment Strategy and portfolio review to ensure certainty of income generation
- Landlord and Tenant matters inc Lettings; Rent Reviews; Lease renewals
- Disposals and Alternative use inc. Development Strategy and housing delivery
- Compliance with legal and regulatory requirements, e.g. Asbestos Register, fire compliance, insurance, risk assessment, electrical compliance, cladding requirements etc.

- Health and Safety; Condition surveys; planned and reactive maintenance
- Facilities Management related directly to the buildings (Cleaning etc.)
- Valuation – Annual asset valuations, insurance valuations, ad-hoc valuation
- Maintaining the asset register and appropriate property records
- Addressing day to day queries and issues relating to Council owned assets
- Meeting future risks and associated with climate change and working towards carbon neutrality in its assets.

3.2 The Assets Team



Asset Management

The Assets Team is responsible for the management of the investment portfolio, the regeneration portfolio (comprising assets acquired with the aspiration to develop and/or regenerate) and management of the municipal portfolio.

Development

The Development Team works with a diverse range of stakeholders to deliver economic, social and regeneration benefits to the borough and its residents. It works closely with Spelthorne’s Housing, Sustainability, Assets, Councillors, regulatory bodies as well as the public in shaping viable high-quality schemes. This includes delivering affordable homes for local and vulnerable people that are often outpriced from accessing decent housing within the Borough

Residential (KGE Support)

The team manage the residential portfolio of affordable homes, keyworker and PRS (private rental sector property) owned by Knowle Green Estates. The team deal with lettings, rent and tenancy management; and work closely with the Building Services team to ensure the portfolio is maintained to a high standard.

Building Services

Building Services Team maintains Spelthorne’s municipal and residential properties in an appropriate condition in accordance with regulations, standards and best practices to ensure that property remains safe, secure and conducive for staff, residents, occupants and members of the public who use the buildings.

Facilities Management (FM)

Building Services Team maintains SBC municipal and residential properties in an appropriate condition in accordance with regulations, standards and best practices to ensure that property remains safe, secure and conducive for staff, residents, occupants and members of the public who use the building.

Property Accounts/Support

The property accounts team, working in partnership with Finance, ensure effective collection and management of invoices, accurate reporting and maintenance of the Bluebox property management system.

4.0 THE COUNCIL'S PORTFOLIO

4.1 The Assets

The property assets can be broken down into the following components:-

- **The Investment Portfolio:** the land and buildings owned by the Council to generate an income that will provide funding towards the delivery of Councils Corporate Plan. This is considered in detail in Section 5.0
- **The Municipal Portfolio:** the land and buildings owned and/or occupied by the Council and/or its direct agents or service delivery partners for the purposes of providing services to the residents and businesses of Spelthorne. This is considered in detail in Section 6.0
- **Regeneration (Strategic) Portfolio inc. sites for housing development:** the land and buildings owned by the Council to enable housing and economic development, and involvement in/control over strategic uses in Spelthorne (such as the Elmsleigh Centre, Staines), to enable regeneration and to provide opportunities for development to meet the Council's Corporate Plan. This is considered in detail in Section 7.0
- **Knowle Green Estates Limited support:** This is a portfolio of residential property owned by Knowle Green Estates, being the Council's wholly owned property company. The Residential team manage this portfolio of affordable homes, keyworker and PRS (private rental sector property) on behalf of Knowle Green Estates. This is set at section 8.0 and Governance is covered in Section 9.0.

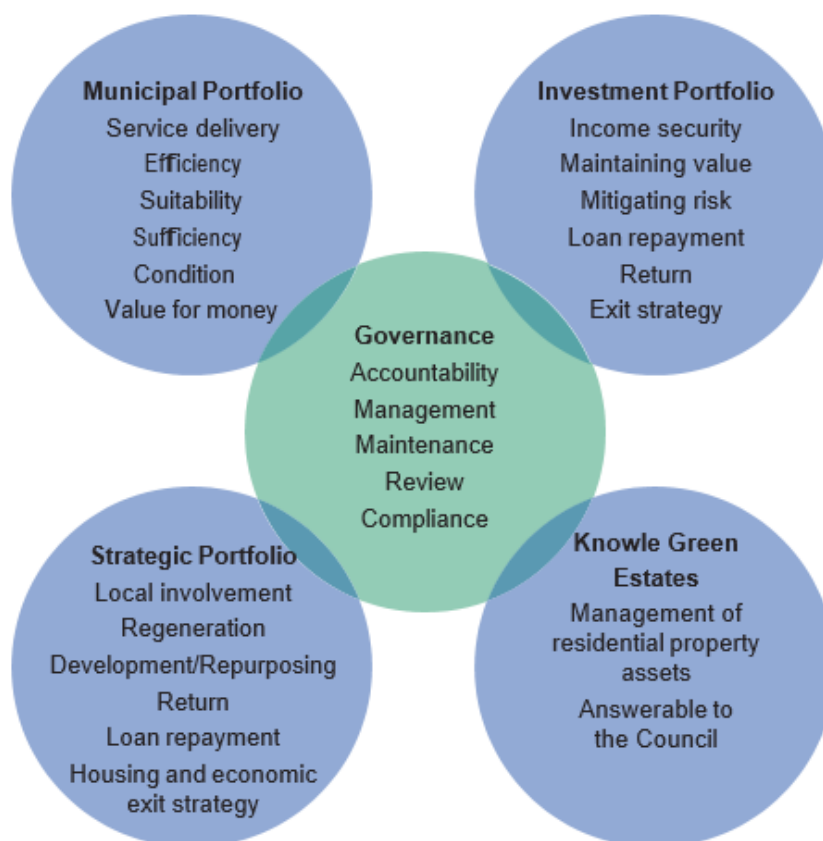


Fig 8: Portfolios, structure and governance

5.0 THE INVESTMENT PORTFOLIO

One of the Council’s key corporate objectives is to secure long-term financial sustainability of the Council protecting its ability to deliver services for residents. A key aspect of this aspiration is the generation of a sustainable revenue stream to underpin the delivery of the Council’s services and offset the upfront costs of the housing delivery programme.

This is reflected in the key priority set out in the Capital Strategy for investing in commercial property to derive revenue.

The Council has acquired a range of commercial properties for primarily income. The portfolio represents a very significant investment of over £770 million which generates a gross income of over £46 million per annum.

Spelthorne Borough Council - Commercial Property Portfolio



Fig 1 Location of commercial assets

Collectively, these properties comprise the Council’s investment portfolio.

Annually these contribute approximately £10m net to the Council’s Revenue Budget and cumulatively c. £38m to the sinking fund earmarked reserves, enabling the Council to continue to deliver discretionary services that would otherwise have to be cut, including for example such valued services as Meals on Wheels or community centres.

“The strategic objectives for the investment portfolio are that it:”

- Provides a net revenue return to the Council after all costs and risks are accounted for
- Maintains its long-term value
- Contributes to the Council’s wider objectives and the economic and social wellbeing of Spelthorne residents
- Does not put the Council in a position of unquantified risk”

Asset Management Core Principle 3

5.1 Strategy, Policy and Risk Management

The Council recognizes the significance of the amount of money it has been invested in its commercial portfolio. This has generated almost £92m of surplus income to date and has enabled the council to continue meet its ‘Service Delivery’ corporate plan priority.

In holding these assets, the Council is acutely aware of the need to proactively manage the portfolio to minimise the risks inherent to property investment during the ongoing ownership of the asset. The Council’s strategy moving forward is hold those assets to generate an ongoing net income. As outlined earlier in the strategy the Council’s approach to reducing the risk is to manage the portfolio utilizing a bespoke set of Key Performance Indicators (KPIs – see Appendix 3)), Risk Register (see Appendix 2), medium term 3-5 year business plans and an annual plan for each investment (AIS). Each AIS is a forward-looking document setting out the key management aims and activities for the forthcoming year.

Going forward we continue to objectively review our portfolio, with 5 yearly external audits of the each asset within the portfolio and the portfolio as a whole, to ensure it remains ‘fit for purpose’. This review will include an updated ‘exit’ strategy for each investment property in the event any are no longer performing to required levels. Benchmarks will include minimum occupation levels, minimum contributions to the sinking fund, Council’s revenue budgets and levels of non-recoverable expenditure.

As part of our commitment to ensure our policy is focussed on up to date information that allows us to understand the risk profile of the portfolio we ensure a comprehensive approach to asset value performance is understood. This will influence decisions around sinking fund levels, debt profiles against each asset. We will appoint a different external valuer every 3 –5 years and will explore options to appoint 2 external unconnected valuers over the same 3-5 year period, of which each would value 50% of the portfolio on a bi-annual basis during the contract period.



5.2 Risk management, performance measurement and monitoring

Risk assessment is an intrinsic part of the ongoing management of the portfolio. In accordance with Treasury Management Guidance, the Council considers the balance of all its investments on the basis of security, liquidity and yield. It is recognized by central government that the priority for property investments differs from other investments, in that it is inherently lacking in liquidity, as property sales take longer than the disposal of stocks and shares, so are harder to cash in. To mitigate this, the Council has modelled future potential liabilities and built up sinking funds.

The security of income is continuously monitored with regular assessments of the financial standing of each tenant. The yield is a product of the income as a return on investment over time. This is considered by assessing the property market for the asset type and location and considering the condition and quality of the accommodation.

Performance of the Investment portfolio will be measured against KPIs, identified in Appendix 3 and the portfolio benchmarked against recognized industry standard by sector, lease type, geographical location and classification.

The property market also informs the liquidity of the asset, albeit incomparable to other forms of asset, as the sale of an investment property will be easier and quicker to secure in a stronger market for that asset type and will similarly be more straightforward for a high-quality asset with tenants of good covenant ie those seen to be of lower than average risk profile. One of the reasons the Council maintains sinking funds is out of recognition of the relative illiquidity of fixed assets

In managing the risk to the Council, it is important to assess both the individual performance of each asset, and that of the portfolio as a whole. This enables risk to be quantified, which is key to ensuring that the Council is aware of its liabilities over time. The elements that should be considered from a quantitative point of view are as follows:

- Income generation against benchmark level of vacant floor space
- Rental growth against a benchmark level of total portfolio rental income
- Income certainty against a benchmark lease length/remaining term
- Alternative use options and values compared to existing use asset values

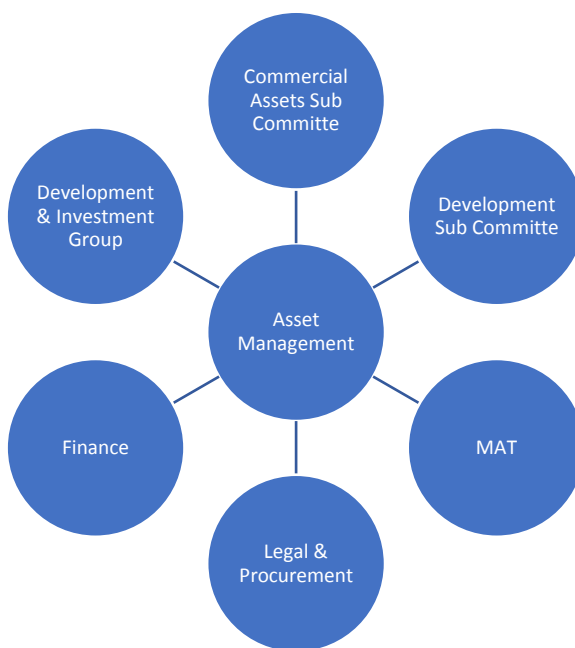
- Asset Value compared to outstanding debt – a risk that is likely to diminish over time
- Revenue liability for loan repayment, management costs and sinking fund as a percentage of total income – for the portfolio as a whole, or for each asset
- Percentage of income that is at risk of becoming void within the next 5 years
- The percentage by which income would have to fall to reach a break-even revenue position (stress test)

This also enables targets to be set which can then inform decisions relating to the management of the portfolio. KPIs will be used pro-actively to identify emerging trends to enable timely action to be undertaken.

5.3 Governance and Reporting

The management of the Investment Portfolio is carried out by the Council’s Asset Management Team with specialist input and support as required from external investment advisers and outsourced where their expertise is necessary, the level of external input will be kept under regular review. This team reports fortnightly to the Council’s Management team, monthly to property specific sub committees and 3 times per year to the Council as a whole.

The reporting structure within the teams and Members is detailed below.



Reports on the investment portfolio will be produced as follows during this strategy period:-

Date of Full Council Meeting	Type of Update	Period update covers
October 2023	Review first half of Financial Year Look forward to remainder of Financial Year	April 2023 – September 2023 October 2023 – March 2024
Each February	Look forward to next Financial Year with Asset Investment Strategy	Next financial year
Each July	Review previous Financial Year	April– March
October	Review first half of Financial Year Look forward to remainder of Financial Year	April September October – March

5.4 Risk

To ensure the Council fully understands all risks associated with its investment portfolio and can fully understand, manage and mitigate against the risks on an individual property by property basis, external guidance will be brought in at least every 5 years to assess the performance and alternative options for the portfolio as a whole, as well as on an asset-by-asset basis. This review will consider the following areas:

5.4.1 Industry risk

The analysis of industry risk looks at the industry categories that the occupiers fall into, to see whether this is balanced or skewed towards any area. A skew means that the industry which represents a disproportionate percentage of the value of the portfolio will need to be more carefully monitored, and any significant economic issues that might affect that industry explored with the Council's professional advisers.

5.4.2 Asset stress test

The asset stress test considers the amount the rental income in a property could fall before the break-even position is reached both at face value and taking account of sinking fund balances available to offset any potential loss. This can then be compared to the income risk related to the timing of rent reviews, break clauses, ending of rental guarantees etc. If the stress test for a particular asset falls below the assessed income risk for a specific investment or the portfolio, then this would trigger a review.

5.4.3 Portfolio Stress test

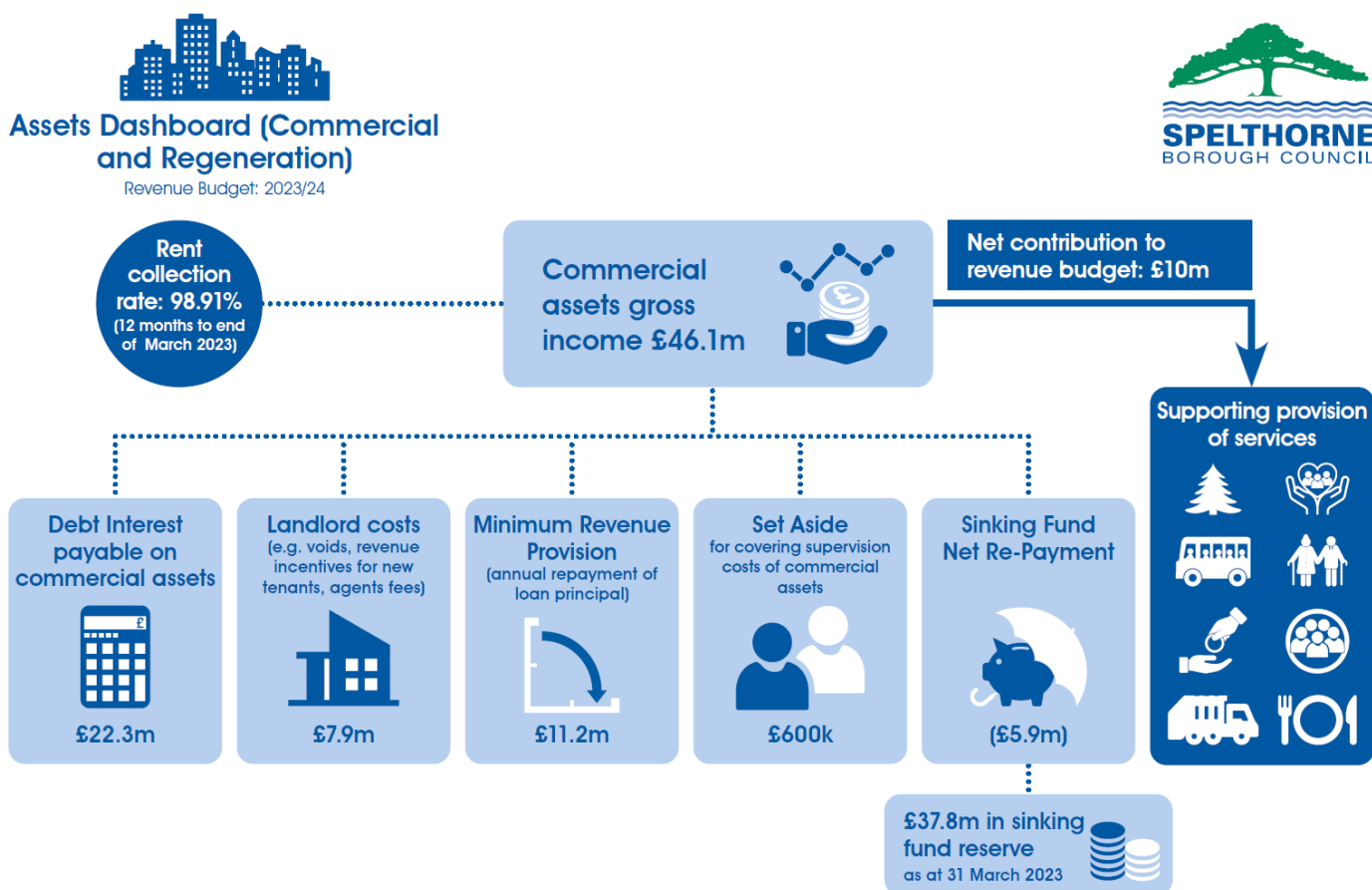
A target can also be set for the portfolio stress test to remain at or above a specified percentage of income. It is recommended that this should be in the order of 15%, as a fall in rental income of over 10% will usually indicate some form of structural change either in the sector that the building represents (offices, warehousing, retail etc – as currently being experienced in the retail sector) or an issue with the building, such as a change affecting its location, or a need for investment from the Sinking Fund to maintain its market position.

5.4.4 Financial prudence

Part of the management of risk is to ensure that the income received from the properties is managed in a financially prudent manner. Whilst the overall investment portfolio aims to support the local economy of Spelthorne and provide the Council with a sustainable income to underpin its Revenue Budget, this does not mean that all the income received from the investment portfolio can be spent on services and developments.

- The first call on income is the repayment of borrowing used to finance the purchase. Borrowing is paid down on an annual basis.
- The second call is the costs of managing the portfolio, including securing the right internal resources and external expertise as required. This will include the risk mitigation measures set out above. If the portfolio is poorly managed, or inadequately analysed, this will increase risk to the Council. The approach needs to anticipate over time the management time of maintaining the assets may increase.
- The third call is the sinking fund. This is a proportion of the income to put aside to maintain the long-term value of the asset and to avoid impact on the Council’s revenue budget in the event of future voids and rent-free periods. If the property is allowed to become obsolete in its function, or if there are works of updating required to secure the best quality lettings, then unless the appropriate ongoing investment is made the income will not be sustainable for the long-term.

How the income is used – worked example 2023/24



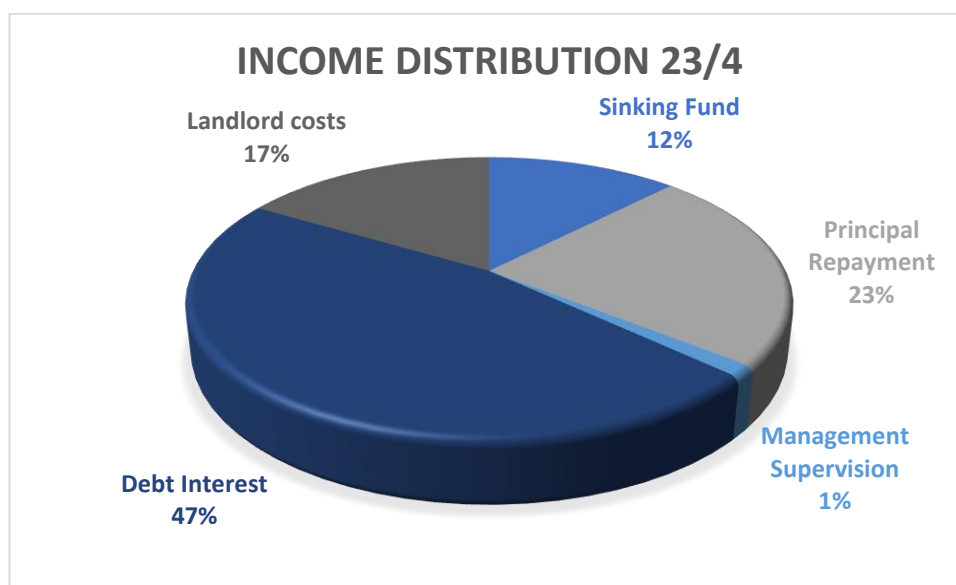
Published June 2023

5.4.5 Sinking Fund

To ensure sustainability, a set of sinking fund earmarked reserves have been established into which a percentage of the annual income from each investment asset is saved. This money is ringfenced for use to maintain or enhance the value of the investment portfolio through future capital

investment/refurbishment, and to reduce long-term risk (including covering potential future voids/rent free periods). The sinking fund is invested in accordance with the Council's Treasury Management requirements, which require a minimum average contribution of £3.5m pa or £17m over a 5 year period.

Only after the above costs have been met will surplus income be available for use as part of the Council's annual revenue budget. The ability to generate such a surplus will have been considered as part of the assessment prior to purchase. Currently, the net return available for such use represents in the order of 20% of the total income generated. The percentage of total income contributing to the Council's revenue account is measured by assets and by portfolio and reported as part of the annual performance report.



5.4.6 The Local property market

The commercial property market in Spelthorne is dominated by the influence of Heathrow Airport, within a 10-minute drive time of Staines-on-Thames. Heathrow Airport and related industries represent the largest employers in Spelthorne. Notably, the film industry continues to expand within the Borough, with Shepperton Studios now the second largest film studio in the world.

Of particular importance to Spelthorne's investments is the performance of the local and regional office market. The regional office market, like the rest of the UK has been negatively affected by the Covid pandemic, the structural shift to hybrid working practices, and the downturn in the UK economy. Consequently, those buildings which can offer high quality accommodation will see superior growth in rental and capital value. Spelthorne's Investment assets are 'best in class', both in terms of location and specification and going forward should perform well compared to average office returns.

If a third runway were still to happen, it is also anticipated to result in a doubling of the cargo transport passing through Heathrow, which will have a direct impact on the demand for warehouse and logistics related development in the surrounding area. There is already a shortage of warehousing compared to demand, and a restricted supply of land suitable for additional warehouse development.

5.4.7 Void and Empty Property Costs

Part of the risk for the Council in holding the investment portfolio are the void or empty property costs and costs associated with the day to day running of each building. In order to minimize these costs the following actions are taken as part of our proactive management approach and to achieve value for money.

Service charges

Service charges are a mechanism within a commercial lease that enables the Landlord to recover the costs of servicing and operating a property from the tenants who occupy the development. The majority of leases within the Investment Portfolio enable the Landlord to recover these costs and any associated costs incurred with managing of the property with the sums invoiced being calculated proportionately on how much space the commercial tenant occupies within the development. These costs can be recovered can include:-

- The cost of maintaining the structure of a building.
- The costs of maintenance, repair and replacement (usually where beyond economic repair) of the fabric
- The cost of maintaining the plant and machinery required for properties operation
- Health and safety compliance
- Maintenance and upkeep of the common areas

The service charges within the Investment portfolio are run by Spelthorne's appointed Professional Consultants who operate in line with the occupational leases, the RICS and accountancy regulations. Good practice ensures that Planned Property Maintenance Programmes are put in place across the portfolio to help preserve the properties condition and help prevent problems from occurring. The life expectancy and budgeting of big expenditure items for example lifts are also regularly assessed to ensure Tenants understand the financial liabilities during the lifespan of a lease. Where voids are present, the Landlord will be responsible for these void service charge costs and for seeking to mitigate these where possible.

Void Costs

Where the Landlord has an impending void (vacant unit) in the portfolio, the Asset management team will actively engage with the management team at the property, tenants already present in the building and local agents to ensure that there is an immediate awareness of the impending availability, provided there is no commercial sensitivity to the outgoing tenant and their staff. This enables marketing to commence prior to a tenants vacation and ensure immediate engagement with the existing occupiers who may also require additional space. We will seek advice from property agents who are expert in letting vacant space to market the void and take advice with regard to refitting space, re-sizing and other market demands to ensure our buildings remain best in class in a competitive market.

Void costs, primarily business rates and service charge costs are kept to the minimum where possible, through pro-active marketing and good asset management. This will include regular engagement with property agents and existing occupiers, effective marketing of the void and understanding market driven requirements to ensure we are as flexible as possible to conclude a swift transaction from the issuing of Heads of Terms through to completing the lease.

6.0 THE MUNICIPAL PORTFOLIO

The vast majority of the Council's buildings and structures (97%) are owned outright by the Council as freehold interests. Some of these are leased out by the Council to third parties, often for the delivery of Council related services. The remainder of the Council's portfolio is occupied on a leasehold basis, some of which is then sublet to third parties. A summary of the municipal assets by category is found in Appendix 1.

Some of these properties are income producing, and others are owned or held to enable a service to be effectively delivered for wider community benefit. The Council has a community lettings policy, which is outlined in more detail in section 6.4 below.

It is important to ensure that the municipal buildings fulfil their purpose and represent value for money. The Building Services team manages repairs, maintenance and compliance and an ongoing 5-year condition report to proactively manage the municipal portfolio. The Council has in place a Value for Money Maintenance Policy as in 6.3. The Asset Manager will have regular meetings the tenants or with other colleagues from the wider team to assess whether the buildings are suitable for the use, whether they are performing, sufficient in terms of size, in appropriate condition to ensure they are compliant with all regulatory requirements and properly maintained and represent value for money.

“The Council’s Strategic Objectives for its Municipal Estate are that it:

- Positively Contributes to the delivery of the Council’s Priorities and services
- Is suitable, sufficient and of appropriate quality and condition
- Represents Value for Money
- Enhances the Council’s reputation
- Meets future carbon neutral targets”

Unless the Council’s municipal property is managed consistently, and through procedures that ensure the technical property matters are fully taken into account, then situations can arise that represent a physical or financial disadvantage to the Council. For this reason, the following principle will be applied to all Council owned property:

The Council’s Asset Management Team has overriding responsibility for all municipal property, and the acquisition, disposal, leasing and licensing of any space required by the Council or third parties for service delivery

6.1 Repairs, maintenance, and compliance

The Building Services Team develops and articulates the standards to which Spelthorne property assets are maintained in order to meet corporate standards consistent throughout asset portfolio in regard to physical condition, functional quality, and efficient operational performance.

It is vital that that the assets are properly maintained to ensure that they continue to function as efficiently and effectively as possible in supporting the delivery of a wide range of Spelthorne’s services. The Building Services Team adopt guiding principles (table below) to deliver a consistent approach to the planning, management and reporting of building maintenance integrated with Council policy objective, providing a good environment for tenants, staff and other users of SBC assets whilst complying with legislative requirements, best practice and British Standards Codes of Practice.

Category	Sub category	Definition
Physical Condition Survey	5-Yearly Building Physical Condition Survey	Property physical condition surveys are undertaken to identify the life cycle, repairs required of the elements in each property, estimate the cost of the works identified and generate a 5-year maintenance resource plan for Council assets.
Statutory Maintenance	Inspections, Tests and Maintenance	Inspections, tests, repairs and improvement works carried out to ensure that Council assets adhere to all statutory and regulatory compliance laws
Planned Maintenance	Term Maintenance	These actions are performed to prevent failure by providing systematic inspection and monitoring to detect and prevent avoidable deterioration or failure and includes testing to confirm correct Operation

	Planned Maintenance	Schedule maintenance work carried out to restore asset to its required condition by enhancing health and safety, increasing efficiency and extending lifespan of assets.
	Backlog Maintenance	Maintenance that has been deferred on a planned or unplanned basis
Reactive Maintenance	Routine and Breakdown Maintenance	This is a planned and unplanned reactive maintenance strategy deployed to restore an asset to operational condition after unforeseen failure.
	Incident Maintenance	Unplanned maintenance that is carried out to restore an asset to an operational or safe condition as a result of damage resulting from natural causes (storms, etc.), fire, forced entry and vandal damage.

6.2 Value for Money Maintenance Policy

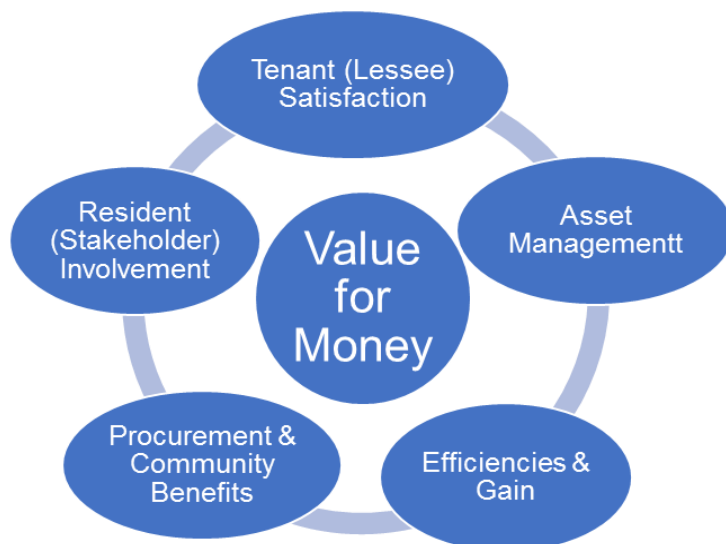
Spelthorne is under ever increasing pressure to drive efficiencies and reduce expenditure on asset maintenance. Asset Management Team through Building Services Team operationally strive for high performance and high satisfaction, whilst considering costs by making the right choices in how it uses its money and resources. Staff are encouraged to think not just about saving money, but also about Value for Money in its wider sense, such as the cost to the customer, service quality, performance and social value.

The Building Services Team nurture and develop relationships with stakeholders who play a vital role in driving improvement and helping to maximise positive impact.

The team works with Corporate Procurement and Legal Services throughout procurement processes for Procured Works and Services Contracts which are carried out in accordance with Spelthorne's contract standing orders and / or in accordance with the Public Contracts Regulations 2015 (where appropriate financial thresholds are reached).

The contracts for property maintenance service are placed on average for a period of 5 years to provide stability and certainty of procurement to ensure an efficient, effective and value for money service aimed at prolonging the useful life of SBC properties and delivering customer satisfaction through high standards of service.

Asset management will continue to measure the wider impact on the borough of Spelthorne using range of tools e.g. tenants survey, etc. to monitor our Value for Money effectiveness as a corporate & social landlord through the provision of consistently high standards in procurement, repairs and maintenance works which are delivered in compliance with statutory, regulatory and contractual obligations and in ways that ensure services meet the expectations of SBC stakeholders.



6.3 Conservation and Bio-Diversity

Spelthorne own several open spaces, grazing land and recreation grounds and consideration is made in conjunction with our Corporate Programme Management and Climate Change colleagues to ensure these areas are protected and their diversity nurtured and enhanced.

<https://www.spelthorne.gov.uk/article/18087/Biodiversity-and-conservation>

6.4 Community Lettings Policy

The term Community Letting refers to the allocation of a lease of a Community Asset to a community organisation for 5 years or more.

The purpose of the Community Lettings policy is to establish a transparent and positive framework that sets out the Council's desired objectives for long-term community asset usage. This policy will be used to robustly evaluate current and proposed community usage arrangements through the establishment of a cross service evaluation criteria and procedure.

The full policy is outlined in the link below.

<https://www.spelthorne.gov.uk/article/20268/Community-Lettings-Policy>

6.5 Partnerships

Spelthorne has established a positive partnership working relationships through the One Public Estate programme. This is a public sector partnership where the Council acts as lead partner, working collaboratively with other public sector organisations to explore opportunities for more efficient use of the collective public sector estate. The aim of the programme is to challenge how the public sector uses its property and identify opportunities to improve service delivery, achieve revenue savings, generate capital receipts and release land for housing and economic growth. This collaborative approach is also mirrored with neighbouring Councils, including Surrey County Council.

The Council is building its strategy with partners for the joint use of assets, joint working, frontline integration and back-office shared services, as part of an agreed joint public sector asset management plan

7.0 REGENERATION, DEVELOPMENT & ALTERNATIVE USE

7.1 Surplus Property

When property from either the investment or municipal property become surplus to operational

requirements or are not meeting the benchmark performance outlined in section 5.2, the Council will consider the on-going purpose of these assets to its portfolio. The three options available are typically identifying an alternative use, re-development, or disposal. An options appraisal will be undertaken to identify the best option for the council and a report will be taken to the relevant committee detailing the available options, supported by financial viability appraisals and other key data. The reports will also include an officer recommendation as to which option it considers should be progressed. On many occasions a straight forward disposal will not offer the best outcome for the Council in terms of achieving its statutory obligations of best value.

7.2 Housing Development and Delivery

One of the Council's key corporate objectives is the delivery of housing for its residents.

“The strategic objectives for the Housing Development, Economic Regeneration and Strategic Portfolio are that it:

- ***Enables the delivery of housing or regeneration in accordance with the Council's key corporate objectives***
- ***Represents value for money***
- ***Does not put the Council in a position of reputational or unquantifiable financial risk.”***

Asset Management Core Principle 2

Spelthorne's stated priority to meet local housing needs is driven by:

- The number of households in emergency or temporary accommodation
- The size of the Housing Register
- Lack of housing stock within the Borough
- Limited private rental accommodation
- Very limited affordable accommodation
- Pressure of people relocating from central London
- The need for supporting social infrastructure
-

The private property market is failing to address these needs.

Historically the Council has embarked on a programme of direct involvement in the development of accommodation to meet demand and support local people. This has been possible by the Council where the council has acquired sites specifically for development, which is then retains ownership of and transfers to its wholly owned housing company Knowle Green Estates (see section 8) and regeneration.

7.3 'Place Making'

Whereas the Council has previously been well placed to deliver schemes itself rather than rely on market activity, in the context of a changing and challenging economic context, the approach to delivering new development within the borough is shifting towards joint ventures and forms of commercial transactions that will enable the Council to direct the type and use of development, via the input of its land and buildings but obtain partner finance to deliver the schemes, whilst limiting the need for the Council to borrow.

Completed housing led schemes which have been completed or have planning approval to progress -

SPELTHORNE HOUSING DEVELOPMENT PROJECTS AND PROPOSALS		
Location	Type of dwellings	No. of dwellings
Land at Churchill Way (delivered)	Houses	3
Bugle House, Shepperton (delivered)	Flats	8
Benwell House (phase I completed)	Flats - phase 1	55

Phase 2 – planning submitted	Flats - phase 2	35
Harper House (completed)	Flats	20
White House site (completed)	Hostel	31
Phase 2 Residential – planning submitted	Flats	17
Knowle Green Offices West Wing (completed)	Flats	25
Ashford Victory Place (planning granted)	Flats	127
Total		321

Fig 11: Spelthorne Housing development projects and proposals as at March 2020

This type of opportunity is stereotypical of the analysis the Council will undertake when appraising options for property no longer meeting its original purpose. The Council holds a number of assets specifically for redevelopment and it is anticipated this portfolio will grow in size over the strategy period where sites originally ear marked for direct residential development are being re-appraised for the purposes of ‘place making’ opportunities.

Place making opportunities will be appraised working closely with a wide range of stakeholders in order to progress and appraise opportunities. Internally, this includes reporting to the Development Sub Committee, Full Council, the officers Development & Investment Group, Finance, other teams within Spelthorne and also the public. These groups will inform the shape and quantum of the opportunities meeting both stringent financial and viability parameters.

The Council has also set itself a high bar in delivering schemes that exceed current Building Regulation requirements in terms of energy efficiency and hence reducing our own carbon footprint. For example, the delivery the world’s first Passivhaus multi-functional leisure centre.



7.4 Strategic intervention and regeneration

The strategic/regeneration assets currently held include the following:

- Communications House (on lease expiry) – office building due for redevelopment to provide further residential accommodation – up to 120 units contemplated in early high level feasibility

- Hanover House and Bridge Street Car Park – forming part of the proposed Waterfront Regeneration Area to provide an hotel led mixed use development (which may be delivered for the Council via a third party)
- Elmsleigh Shopping Centre (part of Elmsleigh regeneration) – site has residential led mixed use development potential as identified in the emerging Staines Development Framework
- Elmsleigh Centre Multi-Storey Car Park
- Spelthorne Museum (part of Elmsleigh Regeneration Potential)
- Staines Library (part of Elmsleigh regeneration potential, in partnership with Surrey County Council as occupier)
- Nos 1 – 6 Friends Walk (forming part of a proposed regeneration area associated with the Elmsleigh Centre) – note existing museum, library and Tothill MSCP has potential for circa 170-200 units + ground floor uses (DSC approved budget)
- 105, 119 – 121, and 121a High Street – held for strategic purposes and future involvement in town centre regeneration
- Thameside House – a vacant office building in South Street, Staines which could provide 105 residential units plus offices. A planning application was submitted in December 2022
- Oast House – the former Oast House site on Kingston Road which could provide up to 185 residential units plus valuable, healthcare, amenity and community based accommodation
- Summit Centre – a 4.5 acre industrial estate close to Sunbury Cross

The Council's involvement in and control of these properties ensures an active role in the regeneration of Staines-upon-Thames Town Centre, and importantly the Elmsleigh Centre, which remains critical to the retail offer in the town. It also enables us to support local programmes such as the employment and skills hub within Borough by providing retail accommodation to increase awareness and visibility.

Having a significant and direct stake in the town centre provides the Council with a seat at the decision-making table where regeneration proposals are concerned, rather than a purely reactive role as local planning authority. With structural changes arising in town centres across the UK in response to the modal shift from bricks and mortar retailing to online shopping, it is increasingly recognised that local authorities will need to play a leading role in determining how long-term sustainability (economic, social and environmental) can be maintained. This is anticipated to remain a key focus for regeneration for Spelthorne for the life of this plan and is closely aligned to the Staines Development Framework, linked below.

<https://www.spelthorne.gov.uk/sdf>


Whilst the Asset Management Plan details the development potential for the various wholly owned assets, the aspirations for these sites, uses and densities must be considered in conjunction with the new Local Plan, other Spelthorne adopted policies and the policies of external stakeholders, for example the Environment Agency.


The Council is building its strategy with partners for the joint use of assets, joint working, frontline integration and back-office shared services, as part of an agreed joint public sector asset management plan.

7.5 Sustainability and Carbon Reduction

- The Asset Management Plan sets out how the Council will meet key carbon emissions and energy efficiency commitments for its assets, including the target of aiming to achieve net zero for Scope 1 and emissions by 2030. This is in line with Surrey County Council's Greener Futures Delivery Plan.
- These Policies are to be read in conjunction with the Councils Climate Change Strategy 2020-30. This Strategy shares a vision for the Borough to aim to achieve net zero by 2030, subject to Government, industry and regulators implementing the necessary changes to enable the Borough and rest of the UK achieve this.

- All properties that are subjected to a lease are subject to Minimum Energy Efficiency Standards (MEES) which were introduced as part of the Energy Act 2021. This Act established minimum standards that must be achieved and are assessed under an EPC grading system. The current standard to be met is an EPC of at least a B rating by 2030.

Key Action	Key Task	Desired Outcome	Target	Owner	Funding (if required)	Linked strategy	Progress
 Reduce the Council's emissions from buildings and operations	1. Delivering the Climate Change Strategy and training staff to 'think green'	Deliver Carbon Literacy to staff to increase awareness of climate change/emergency. Staff will become certificated and create 2 pledges to reduce carbon emissions in the workplace	25% of staff trained by end of 2023	Climate Change Team (CCT)/ Officer	£10 per staff member to come from training budget	Greener Futures Plan action point (52), Corporate Priority Environment Plan	First training session booked for 28th Sept for 24 members of staff
	2. Ensure a robust reporting and monitoring progress for all SBC emissions	To be able to better monitor and understand SBC emissions including Scope 3 and reduce these	Q4 2023	CCO/SO/ ICT			Working with Project Manager of Carbon Economics and Data at SCC on reporting process
	3. Carry out energy audits on main Council operations buildings and assets to identify and reduce energy use	Utilise the energy audits carried out on Council buildings to inform future projects to increase energy efficiency measures across Council buildings including removing oil heating from nursery site	By 2025	CCT	PSLCSF, however, there is the potential to mitigate or slow down the rate of increase in the Council's energy spend	Corporate Priority Recovery Plan,	Audits carried out by APSE – projects to be planned to carry out suggested work
	4. Incorporate energy efficiency measures and renewables into conversions, refurbishments, and maintenance of Council buildings and housing developments	Identify projects that are in line for maintenance and explore opportunities to include carbon intervention measures and adaptation retrofits simultaneously eg cooling, rainwater harvesting, and water efficiency with consideration of associated air quality impacts	Ongoing	Assets/ Facilities / CCT			

Key Action	Key Task	Desired Outcome	Target	Owner	Funding (if required)	Linked strategy	Progress
	5. Carry out an energy and carbon audit of all Corporate IT functions	Understand the hidden emissions of ICT and develop a plan to reduce these	2023	ICT/CCT	Green Initiatives Fund (GIF) for possible consultant work if required		
	6. Deliver lighting upgrades and improvements to heating, ventilation and air conditioning, all remaining lighting in Council buildings to be replaced with LEDs where appropriate	Reduce energy use in Council buildings, could also reduce the Council's energy expenditure	Ongoing	SO/ Facilities			Loft insulation recently upgraded in KG
	7. Meter water usage across Council buildings and install water saving devices and consider behaviour change methods	Reduction of water usage across SBC operations will the possibility of reducing water bills also	2025	Facilities		Water Efficiency Policy	
	8. Complete remaining EPC surveys for all Council sites in the commercial portfolio and assess against the requirements of the Minimum Energy Efficiency Standards	Allow assessment of sites and determine if any insulation work is required to reduce energy use	2026	Assets/ Facilities		Corporate Priority Environment Plan and Recovery Plan	
	9. Produce as much energy locally through renewable resources	All opportunities for renewables in Spelthorne explored and developed where feasible including solar and geothermal	2028	Initially CCT	Public Sector Decarbonisation Fund	Greener Futures Delivery Plan action point (41)	Solar PV now on all 3 main operational buildings

Key Action	Key Task	Desired Outcome	Target	Owner	Funding (if required)	Linked strategy	Progress
	10. Consider approaches to decarbonising buildings owned by Spelthorne but leased to others	Reduce Scope 3 emissions	2026	Assets/CCT	Public Sector Low Carbon Skills Fund		
	11. Although Spelthorne does not own any council housing, the Council will work with Knowle Green Estate and suppliers to promote retrofit, insulation, energy efficiency and adaptation measures	Work with Knowle Green Estates and social housing providers to reduce emissions from social housing through energy efficiency measures and reduce residents' bills, whilst recognising the need for appropriate mechanical ventilation to maintain indoor air quality in some circumstances	2027	Housing/CCO/Knowle Green Estates	Social Housing Decarbonisation Fund		
	12. Council decision-making report template to contain Sustainability/Climate Change Impact section to ensure that every new proposal is aligned with our Climate Emergency commitment	All reports/projects across the Council consider the climate change implications of a future report/project and work to reduce impact, this may require training to understand the full impacts	2022			Corporate Priority Environment Plan	Completed
	13. Create new climate change officer role		2021	Group Head Transformation	First-year salary from Green Initiatives Fund	Corporate Priority Environment Plan	Completed
14. Deliver climate change communications to residents	Work with Hubbub to create communications regarding climate change, to raise awareness and help educate residents about the issues		By end of 2022	CCO	GIF	Corporate Priority Environment Plan	Design being finalised with Hubbub

7.6 Alternative use

There are many factors that influence the viability of redeveloping sites on their own or as part of a larger place making strategy. Such projects can take several years from inception to the point of the 'first spade in the ground'. During this period it is essential that the council mitigates any 'holding costs' of empty sites where viable by creating alternative short term uses or by reducing security, business rates or financing costs.

7.7 Disposal

As part of the options analysis of surplus sites the council will always consider the benefits of a straightforward disposal in order to obtain a capital receipt that can be used for other purposes. It should be noted as mentioned earlier in the strategy the disposal option does not always generate 'best value' for the council.

8.0 KNOWLE GREEN ESTATES

8.1 Residential Portfolio

The Residential management team provide a full management service for the residential properties in the Knowle Green Estates portfolio. The service is recharged to KGE and includes assessing suitability of residents, tenancy sign up and ensuring tenants are adhering to tenancy conditions, invoicing, management of rent accounts, and managing voids. We also have a tenancy sustainment officer to provide additional support to residents if needed. This support includes assistance with applying for and monitoring of benefit payments, contacting utilities, advice and guidance on how to manage a tenancy, and signposting to other agencies for additional support. Knowle Green Estates Ltd is a limited company wholly owned by Spelthorne Borough Council. It currently has 104 properties.

How does it work?



*Actual rate charged by Spelthorne Borough Council to KGE Ltd depends on the percentage mix of affordable/ key worker units to private rental units

8.0 PROPERTY INFORMATION MANAGEMENT

Key to the management of all the Council's assets is the collection and management of accurate and reliable data. This enables efficient property management, providing the opportunity for appropriate key performance indicators to be set and to form the basis for regular reporting.

Bluebox is a Property Management and Accounting System has now been integrated for both Spelthorne Borough Council and KGE and provides a full breakdown of the assets including the property and unit details.

Lease information has been inputted on all investment, retail and residential assets and the inputting of the municipal leases has commenced. Data can also be collected for:

- antisocial behavioral issues
- rent collection
- void management
- statutory compliance
- contract management
- building maintenance and repairs
- lettings management
- health and safety allocations

KGE residential is fully supported enabling the running of the asset list, purchase ledger, credit control and banking functions, including setting up suppliers, supplier maintenance, processing and electronic approval of supplier invoices, payment runs, remittance advices, manual payments, lease information, tenant information, rent invoicing, rent receipting, collection stats for KGE board meetings, budget control, budget monitoring, trial balance, tenant notes of various types, additional tenant information, rent statements, tenant recharges, Spelthorne recharges, heat network receipts, etc.

8.1 Utilities

We currently use LASER to procure, validate, bill and monitor the Councils gas and electricity for the

majority of our assets. We benefit from a flexible framework contract which enables the purchase of energy in blocks to minimise risk and limit exposure to volatile fluctuations.

9.0 FACILITIES MANAGEMENT

The Facilities Management (FM) team is based at the Council Offices, Knowle Green. The team's function is to ensure the Council Offices operate smoothly and provide a safe and efficient workspace for staff and Councillors to deliver Council services. FM work closely with the Building Services Team to ensure that all necessary repairs to the Council Offices are instructed and carried out efficiently with as minimum disruption as possible. The team oversee contractors at the offices to ensure they are working in a safe and controlled manner as per their risk assessment and method statement. FM take in all deliveries to the building and manage the cleaning contractors. They set up the meeting rooms and the Chamber including the IT and sound system.

Office Services (OS) is primarily a support service to the Council Offices. OS set up and manage the process for security/ID passes for Knowle Green offices, manages the Imperago system through which staff record working hours and book annual leave etc, set up new starters and oversee all office equipment.

Appendix 1 – Portfolio Breakdown

Asset Type	Number
Advertising Hoarding	9
Allotment	16
Arts Centre	1
Back Garden	9
Bandstand	2
Basketball Area	1
Bathing Station	1
Boathouse	4
Borehole	1
Bowling Green	5
Bridge	16
Building-Commercial	12
Building-Office	2
Building-Vacant	1
Bus Shelter	1
Bus Station	1
Café	3
Campsite	1
Car Park	54
Car Parking Spaces	9
Car Wash	1
Cemetery	4
Changing Rooms	4
Chapel	3
Clock Tower	4
Closed Church Yard	5
Clubhouse	4
Common Land	3
Community	1
Community Centre	5
Community Hall	6
Demolished	1
Depot	1
Development	3
Football Grassed Area	5
Games Area	5
Garage	5
Golf Course	1
Greenhouse	1
Highway Subsoil	2
Ice House	1
Investment Property	4
Investments	8
Kiosk	3
Land	8
Land-Access	6
Land-Access to River	1
Land-Amenity	124
Land-Garden	1
Land-Grazing	6
Land-Highway	44
Land-Highway Subsoil	21
Landing Stage	3
Land-part of park	1
Land-Vacant	2

Leisure Centre	2
Linear Park	1
Memorial Bench	1
Museum	1
Nursery	2
Office	2
Offices	2
Open Space	18
Outside Gym	1
Pavilion	11
Plant Nursery	1
Plant Room	1
Playground	31
Playgroup	1
Portacabin	1
Private Road	1
Public Art	15
Public Conveniences	14
Public Gardens	7
Public Park	33
Public Park-part of	3
Public Shelter	2
Pump Room	1
Pumping Station	1
Railway	1
Redevelopment	1
Residential Flat	3
Residential House	2
Resource Centre	1
Service Yard	6
Skate Park	6
Sports Ground	2
Storage Building	4
Storeroom	1
Structures	2
Sub Station	12
Telecommunications Mast	1
Tennis Courts	8
Towpath	6
Underground Structure	1
Vacant	1
Voluntary Organisation	8
Walled Garden	1
War Memorial	6
Water Feature	4
Workshop	2

Asset Type	Number
Land	330
Buildings	24
Investment Property	12
Community	16
Recreation	54
Bridges	16
Other	226
	678

Appendix 2 - Investment Risk Register

August 2023

Version 1 Jun-23

Investment Portfolio Risk Register			Risk scoring before mitigation			Risk scoring with mitigation			
Risk Owner	Risk	Impact	Likelihood	Impact	Total	Mitigation/ Current Control	Likelihood	Impact	Total
Asset Management	Lack of Rental income growth in a buoyant market	Will not match or exceed budget income and maintain rental levels in line with market rates	4	3	12	Letting agents with knowledge and expertise in the local geographic area are used to secure new tenants on Market terms	2	2	4
Asset Management	Lease events are not planned for or progressed in a timely manner	Opportunities for growth in rental income may be missed and increased rent not achieved in a timely manner, statutory rights may be obtained, resulting in SBC losing control of decision making	3	3	9	Reports are run 12-18 months in advance of lease event dates to ensure work can be programmed and external advice sought where necessary	2	2	4
Asset Management	Poor/Failing Tenant financial strength	Tenant failure, tenant arrears and bad debt	4	3	12	Dun & Bradstreet & Experien credit reports are reviewed prior to enter into a new letting and bi-annually thereafter	2	2	4
Asset Management	Significant expenditure on buildings that is not recoverable	Reduction in net income and contribution towards sinking fund and cost of council services	3	3	9	A suite of documents including the Asset Management Plan, Annual Investment Strategy and individual Asset Business plans set out proposed investment needed to ensure it is recoverable via the service charge or met from capital budgets	2	2	4
Asset Management	New lettings not achieving average market lease lengths	Impact on security of income and asset value	3	3	9	Letting agents are used to secure new tenants on Market terms	2	2	4
Asset Management	Delay in rent collection and/ or Tenant default	Loss of income, impacting the Council's income, revenue budget, financial position and service delivery.	3	3	9	Bluebox (BP), External Managing Agents (Investment) and Customer Services via Integra (Municipal) undertake the rent demand Monitoring in place and reported to both Member and Office forums. Rent Arrears report issued	2	2	4
Asset Management	Non compliance with H&S Legislation (investment)	Serious injury / Loss of Life Fines Reputational damage	4	4	16	External managing agents employed to manage risk, they have a dedicated team dealing with H&S	2	3	6
Asset Management	Non compliance with H&S Legislation (Municipal)	Serious injury / Loss of Life Fines Reputational damage	4	4	16	Spelthorne Building Services team instruct contractors to carry necessary tasks out, supporting the H&S compliance	2	3	6
Asset Management	Not meeting new legislation deadline for EPC's (Municipal)	Unable to grant new leases Loss of income	4	3	12	Building Consultancy team instructed to carry out EPC's where needed and action any works required.	2	2	4
Asset Management	Vacant properties	Loss of income. Exposure to void rates	4	3	12	Monitor lease events. Maintain close professional relationships with tenants. Appoint agents to actively promote and market to secure new tenant.	2	2	4

PERFORMANCE INDICATORS					
	Responsibility	Reason	Data Source	Benchmark	Comments
FINANCIAL (INCOME)					
Portfolio Income Growth	Asset Management	To assess how SBC portfolio compares to budget in terms of net receivable income	Monitoring reports/financial outturn (May each year?)	Target is to match or exceed Budget income outturn	Letting agents are used to secure new tenants on Market terms.
FINANCIAL (EXPENDITURE)					
Recoverable Revenue Expenditure	Asset Management	To monitor expenditure on refurbishments and holding costs against Budget	Monitoring reports/financial outturn	Target = Budget	MSCI would provide a benchmark. A suite of documents including the Asset Management Plan, Annual Investment Strategy and individual Asset Business plans set out proposed investment needed to ensure it is recoverable via the service charge or met from capital budgets
LEASE EVENT MANAGEMENT					
Rent Reviews	Asset Management	To avoid delays in recording rental uplifts and for good estate management reasons		All reversionary rent reviews to be instigated prior to rent review date unless by exception	Reports are run 12-18 months in advance of lease event dates to ensure work can be programmed and external advice sought where necessary
Lease Expiries	Asset Management	To avoid delays in recording rental uplifts and for good estate management		All contracted out expiries to be instigated prior to expiry date unless by exception	Reports are run 12-18 months in advance of lease event dates to ensure work can be programmed and external advice sought where necessary

Page 380

		reasons			
	Responsibility	Reason	Data Source	Benchmark	Comments
TENANT RISK					
Regular review of occupier credit ratings	Asset Management	To ensure that current and future occupier risk is identified and mitigated against	Dun & Bradstreet & Experian	Target = bi-annual reporting	Suggest bi-annual 'RAG' update from credit monitoring source on high risk / high value occupiers with annual review of whole portfolio.
Rent collection (lease rent only, exc turnover)	Asset Management	Regular monitoring of rent collection to assist with Finance budgeting and to identify problem tenants	Cushman JLL	80% within 14 days 90% by Qtr end	Bluebox (BP), External Managing Agents (Investment) and Customer Services via Integra (Municipal) undertake the rent demand Monitoring in place Rent Arrears report issued D&B reports and alerts Regular communication with tenants
PORTFOLIO RISK					
Portfolio Weighted Average Unexpired Lease Term to exceed market average lease length on new letting <i>[Current SE Office index is 7.9 years]</i>	Income	To ensure strategies are in place to preserve longevity of income	Annual Valuation	Carter Jonas	Letting agents are used to secure new tenants on Market terms



APPENDIX 4

Commercial Assets Sub-Committee

Objective:

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the management of the Council's Investment properties and commercial assets within the Council's regeneration programme.

Membership

A minimum of 7 Members reflecting political balance, with at least 1 member from each political party.

Functions

1. Acquisitions relating directly to Regeneration purposes only (acquiring assets for alternative purposes is not covered via the Objectives of this Sub-Committee)
 - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new strategic property acquisitions for regeneration purposes only.
 - (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions.
 - (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with acquisitions in accordance with relevant Council procedure rules.
2. Disposals
 - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold (or long leasehold) disposal of investment assets and/or commercial assets within the regeneration programme.
 - (b) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential joint venture initiative involving investments assets and/or commercial assets within the regeneration programme.
 - (c) Following (a) or (b) above to give an initial steer on whether to investigate further those potential disposals or joint venture initiatives.
 - (d) Following (c) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with the particular freehold (or long leasehold) disposal or joint venture initiative in accordance with the relevant Council procedure rules.
 - (e) To receive recommendations from officers and approve (or otherwise) any proposals for the granting of a new or reversionary lease at an aggregated rent over the term which exceeds officer delegation levels.
2. Management of Investment Assets and Commercial Assets within the Regeneration Programme
 - (a) To approve leasehold disposals (lettings) in investment assets (where officer/member delegation financial limits are exceeded)
 - (b) To approve the change of use of investment assets and commercial assets with the regeneration programme including recommendations to the Corporate

Policy and Resources Committee and the Development Sub Committee regarding alternative use or classification of the asset.

- (c) To receive monthly update reports on the management of the investment assets in accordance with the adopted Asset Management Strategy, including rental income, potential letting opportunities, pending break option and lease expiries over the next 12-month period, significant assignments and any other estate management issues based on officer recommendations.
- (d) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
- (e) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.
- (f) To receive monthly arrears reports on each individual asset/tenant within the investment portfolio by rent quarters.
- (g) To be notified of any potential arrears and issues being faced by individual tenants (including taking decisions on tenant requests to change from quarterly to monthly payments or rent deferment requests) where the rental income exceeds £100,000pa and to be advised of steps being taken by officers to mitigate that risk.
- (h) To receive quarterly reports on the Investment Sinking Funds and to be notified of any change of adverse impact and mitigation measures which are being taken to address.
- (i) To receive notification of and authorize any non-budgeted capital expenditure or any capital expenditure over £50,000. on the investment portfolio.
- (j) To approve, the settlement of rent reviews, lease renewals or lease re-structuring negotiations in respect of the Investment assets where officer/member delegation financial limits are exceeded.
- (k) To review, advise on and approve formal reporting of the investment portfolio to CPRC and/or full council to include Asset Investment Strategies, Business Plans, Key Performance Indicators, Risk Registers, and half yearly update reports.

3. Frequency

Monthly day time meetings. Where meetings are not necessary for lack of business they will be cancelled.

Council

14 December 2023



Title	Appointment of Chair of Standards Committee
Purpose of the report	To make a decision
Report Author	Farida Hussain, Monitoring Officer
Wards Affected	All Wards
Exempt	No but Appendix A exempt
Exemption Reason	Report - Not applicable Appendix A - On the grounds that it contains information relating to an individual and is likely to involve the disclosure of exempt information as defined in Paragraph 1 (Information relating to any individual) of Part 1 of Schedule 12A of the Local Government Act 1972.
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Council is asked to appoint: Gareth Young as the Chair of the Standards Committee for two years, until December 2025.
Reason for Recommendation	Following a recruitment process, Mr Young was considered the most suitable applicant for the role.

1. Requirement for appointments

- 1.1 The Council's constitution specifies that the Standards Committee shall consist of 9 councillors and two independent members who are not staff or councillors.
- 1.2 The Chair and Vice-Chair of the Committee shall be the two independent members. They are present in an advisory capacity and are not entitled to vote at meetings. Initial appointments are for two years with a possibility of renewing the appointments once for another two-year period.
- 1.3 The current Chair, Ian Winter resigned from his position in September 2023 leaving a vacancy for that role. The current Vice-Chair was appointed in 2020 and remains in post till December 2024.

2. Recruitment process

2.1 A recruitment process has been undertaken. The recruitment pack included a person specification stating the essential and desirable requirements for the role, these being:

(a) Essential

As well as being of good character, Independent members of the Standards Committee must:

1. Bring the qualities of impartiality to any decisions which have to be made by the committee;
2. Possess the ability to take an objective approach to decision making without being swayed by popular opinions or influenced by more powerful and articulate councillors taking part in the decision making;
3. Demonstrate the ability to consider contentious matters fairly;
4. Understand and weigh up evidence objectively;
5. Be able to deal with substantial documentation and to analyse and interpret that which is important, meaningful and relevant;
6. Respect others and have respect for strong ethical values;
7. Be a good listener with an open mind;
8. Be able to constructively challenge the accepted views of others and put forward clear and logical alternatives; and
9. Possess good written and oral communication skills.

(b) Desirable

It would be desirable for the Independent member to the Standards Committee to have:

1. Had involvement in or knowledge of public authorities or voluntary organisations;
2. Experience for working in a committee setting, research groups, investigations panels or other similar situations;
3. Experience in dealing with complaints;
4. Knowledge of the role of Councillors in a public authority; and/or
5. Knowledge of the Nolan Principles.

2.2 The role was advertised on the Council's website, in its e-newsletter and on all social media channels from 28 September until 30 October 2023.

2.3 There was a positive response to the advertisement with five applications for the role. However, two applicants subsequently withdrew. The remaining three candidates were interviewed.

2.4 The interviews were undertaken by the Chief Executive, Monitoring Officer and Paul Hoey as an independent advisor. Paul Hoey was selected to be on

the interview panel due to his expertise in this area. He was Director of Strategy at Standards for England from 2001 until its closure in 2013, and he has worked with over 400 authorities in one form or another through provision of training, investigative support and wider governance advice. He most recently assisted the Council to deliver its training to Standards Committee at the induction earlier this year.

- 2.5 The interview panel were unanimous in their decision on the recommendation to put before the Council.

3. Recommendation for appointments

- 3.1 It is recommended that the Council appoints Gareth Young as Chair of the Standards Committee as he clearly demonstrated the essential and desirable skills, knowledge, abilities and personal qualities required for the role.

- 3.2 Mr Young is a senior civil servant and prior to that role has worked for two local authorities. He has considerable experience of working in committees, leading independent reviews and dealing with formal complaints or investigations, in his professional capacity. He demonstrated an ability to analyse substantial documentation and take a fair, balanced and thorough approach to decision making and contentious matters. Further details regarding Mr Young's professional background are contained at Appendix A.

- 3.3 Mr Young demonstrated a good knowledge and understanding of local government and respect for the Nolan Principles.

4. Next steps

- 4.1 If the Council is minded to approve the appointment, training for the Standards Chair would be provided early in the new year prior to the first scheduled meeting of the Committee in 2024.

5. Contact

- 5.1 Farida Hussain, Group Head Corporate Governance and Monitoring Officer
f.hussain@spelthorne.gov.uk

APPENDICES

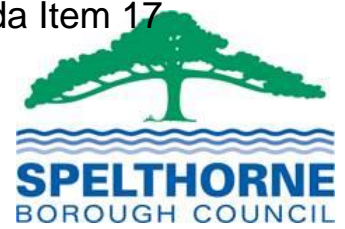
Exempt Appendix A – Summary of Mr Young's professional background

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

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Corporate Policy and Resources Committee

Decisions taken at the meeting held on Monday, 27 November 2023.

Meeting Time:

7.00 pm

Meeting Venue:

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

PRESENT: Councillor Joanne Sexton (Chair), Councillor Chris Bateson (Vice-Chair), Councillor Maureen Attewell, Councillor Malcolm Beecher, Councillor John Boughtflower, Councillor Jon Button, Councillor John Doran, Councillor Sue Doran, Councillor Kathy Grant, Councillor Karen Howkins, Councillor Matthew Lee, Councillor Lawrence Nichols, Councillor Olivia Rybinski, Councillor Katherine Rutherford and Councillor Howard Williams

1. APOLOGIES AND SUBSTITUTES

Apologies were received from Councillor Gibson and Cllr Dunn was present as her substitute.

2. MINUTES

The minutes of the meeting held on 16 October 2023 were agreed as a correct record of proceedings.

3. DISCLOSURES OF INTEREST

Councillor Nichols declared an interest in Item 5, Knowle Green Estates Ltd in that he was the Council's representative on the Knowle Green Estates Board.

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

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were none.

5. KNOWLE GREEN ESTATES - BOARD DIRECTORS PRESENTATION

The Committee received a presentation from the 4 Board Directors of Knowle Green Estates (KGE), Darren Levy, Anne Fillis, Councillor Nichols and Terry Collier that sought to update members on the workings of KGE and the current financial position.

The Committee **resolved** to note the update.

6. MANAGEMENT OF STAINES MARKET*

The Committee considered a report from the Group Head Neighbourhood Services and the Service Monitor that sought approval to commence a tender exercise for the procurement of the Management of Staines Market.

The Committee **resolved** to:

1. Authorise the Group Head Neighbourhood Services to commence a tender exercise for the procurement of the management of Staines Market for a period of 3+1+1 years,
2. Delegate the selection of the Contractor to the Group Head Neighbourhood Services in consultation with the Chair of Corporate Policy & Resources Committee,
3. Authorise the Group Head corporate Governance to enter the contract with the selected supplier.
4. Authorise an increased annual budget to cover additional contractual costs of the market provision; and
5. Delegate authority to the Group Head Neighbourhood Services to authorise charging of ad-hoc market rents.

7. PROCUREMENT OF CLEANING SERVICES FOR THE COUNCIL'S MUNICIPAL PORTFOLIO AND THE RESIDENTIAL PROPERTIES *

The Committee considered a report from the Facilities Manager that sought approval for the procurement process for the letting of a contract for cleaning services to the Council's municipal and residential properties.

The Committee **resolved** to:

1. Approve the procurement process for the letting of a contract for cleaning services to the Council's municipal and residential properties,
2. Agree a contract commencement date of 01 April 2024 for an initial term of 3 years, with the option to extend annually for a further 2 12-month periods, at the Council's sole discretion, taking into account the Contractor's performance on the contract,
3. Delegate the appointment of the Contractor to the Group Head of Assets in consultation with the Chair and Vice Chair of the Corporate Policy & Resources Committee;
4. Authorise the Group Head of Corporate Governance to enter into a legal documentation necessary to implement the new contract.

8. REGULATION OF INVESTIGATORY POWERS ACT POLICY *

The Committee considered a report from the Monitoring Officer that sought approval to adopt the Regulation of Investigatory Powers Act Policy (RIPA Policy).

The Committee **resolved** to adopt the RIPA Policy and delegate to the Group Head of Corporate Governance to keep the Policy under regular review and update the Audit Committee on any updates to the Policy and use of the power thereunder.

9. DETERMINATION OF 2024/25 COUNCIL TAX BASE FOR TAX SETTING

The Committee considered a report from the Chief Accountant that sought a recommendation for Council to agree the gross and net Council Tax Base for 2024/25.

The Committee were advised that this recommendation was in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.

The Committee **resolved** to recommend to Council that:

1. The gross Council Tax Base for 2024/25 is determined at 41,305 (2023/24: 40,867) as Band D equivalents after taking account of the Council's agreed Council Tax Support Scheme; and
2. The net Council Tax Base for 2024/25 calculated as Band D equivalents, is determined at 39,241 (2023/24: 39,233) after adjustment by 5% to allow for irrecoverable amounts, appeals and property base changes.

10. TREASURY MANAGEMENT HALF-YEARLY REPORT

The Committee considered a report from the Treasury Management and Capita Accountant that sought to outline the Treasury Management activity for the six months to September 2023.

The Committee **resolved** to note the performance of the Treasury Department during the first six months of 2023/24.

11. 2024-25 TO 2027-28 OUTLINE BUDGET REPORT

The Committee considered a report from the Chief Finance Officer and the Chief Accountant.

The Committee **resolved** to make a recommendation to Council

12. SURREY COUNTY DEAL

The Committee received an update on the County Deal from the Leader of the Council and the Chief Executive that sought agreement of the Position Statement produced in response to the recent announcement that Surrey County Council have been asked to engage in discussions with Central Government on a Level 2 County Deal.

The Committee **resolved** to agree the Position Statement.

14. ASSET MANAGEMENT STRATEGY & ASSET MANAGEMENT PLAN

The Committee considered a report from the Principal Asset Manager and Group Head Assets that sought:

1. A recommendation to Council to adopt the Asset Management Strategy and Asset Management Plan; and
2. A recommendation to the Committee System Working Group to include, as part of the Committee Structure Review, the establishment of a new Sub-Committee with 4/5 members including an independent external advisor.

The Committee **resolved** to make the 2 recommendations as outlined in the report.

15. FORWARD PLAN

The Committee **resolved** to agree the contents of the Forward Plan for this Committee.

16. URGENT ACTIONS

There was no urgent actions.

17. EXCLUSION OF PUBLIC & PRESS (EXEMPT BUSINESS)

It was proposed by Councillor Bateson, seconded by Councillor Beecher and resolved that the public and press be excluded during consideration of the following items, in accordance with paragraph 3 of Part 1 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.

18. PROGRESSION OF THE WATERFRONT DEVELOPMENT *

The Committee considered an exempt report on the progression of the Waterfront Development.

The Committee **resolved** to approve the recommendations as outlined in the report.

19. CORPORATE POLICY & RESOURCES CHAIR'S UPDATES

NOTES:-

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
 - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
 - (b) *Decisions to award a contract following a lawful procurement process;*
 - (c) *Those decisions:*
 - i. *reserved to full Council*
 - ii. *on regulatory matters*
 - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Administrative Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
 - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
 - b. *Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or*
 - c. *Evidence that explicit Council Policy or legal requirements were disregarded.*

- (6) *Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
- (7) *The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Administrative Committee.*
- (8) *Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Administrative Committee to review the decision subject to call-in at the earliest possible opportunity.*
- (9) *In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Administrative Committee.*
- (10) *In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Administrative Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (11) *The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on **01 December 2023**.*

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Report on the Work of the Environment and Sustainability Committee

This report gives an overview of the items considered by the Committee at its meeting on 21 November 2023.

1. Update on the Air Quality Action Plan

The Committee **resolved** to note the advice from Defra regarding updating the Air Quality Action Plan and the Air Quality Management Area, and to note the work required to complete the Air Quality Action Plan.

2. Local Plan Update

The Committee **resolved** to note the update on the Local Plan.

3. Updates from Task and Finish and/or Working Groups

The Committee **resolved** to note the updates on the work of the Community Infrastructure Levy Task Group and the Climate Change Working Group.

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Report on the Work of the Licensing Committee

This report gives an overview of the key items considered by the Committee at its meetings on

Licensing Committee – 30 October 2023

1. Gambling Act Policy (Draft for Consultation)

The Committee **resolved** to agree to approve the draft Statement of Gambling Policy for consultation.

Licensing Committee – 5 December 2023

1. Gambling Act Policy 2022-2025

The Committee **resolved** to agree to recommend adoption of the Gambling Act Policy 2022-2025 to Council.

2. Statement of Licensing Policy 2024-2029

The Committee **resolved** to agree to recommend the revised Statement of Licensing Policy 2024-2029 to Council for adoption.

3. Review and Setting of Fees and Charges for the Licensing of Hackney Carriages, Private Hire, and Private Hire Operators

The Committee **resolved** to agree to approve the proposed licensing fees and charges for consultation purposes and statutory advertising requirements.

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Report of the Chair on the Work of the Planning Committee

This report gives an overview of the key items considered by the Committee at its meetings on 15 November 2023 and 12 December 2023.

1. Planning Committee Meeting- 15 November 2023

1.1 The Committee considered two reports.

1.2 Application No. 23/00937/FUL Existing Car Park of Communications House, South Street, Staines-upon-Thames TW18 4PR- This application was for the erection of bicycle shelter and the loss of 3 no. car parking spaces.

1.3 The application was **approved**.

1.4 Application No. 23/01212/HOU 83 Holywell Way, Stanwell TW19 7SG- This application was for the erection of a single storey rear extension to the rear of the property.

1.5 The application was **approved**.

2. Planning Committee Meeting- 12 December 2023

2.1

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Motion received from Councillor L Nichols
Seconded by Councillor H Boparai

The Council noted:

- The efforts of Surrey's Police Officers and PCSOs in keeping local communities safe
- The increased levels of burglary and vehicle crimes and lack of visibility of police on the streets of Spelthorne
- That the office costs of the Police and Crime Commissioner have increased by 50% while the number of PCSOs has been halved

The Council believes that the PCC isn't a necessary role and requires the Leader write to the Home Secretary asking that the role be abolished with the financial savings reinvested into frontline policing and review the role of the Police and Crime Panels.

Motion received from Councillor J Sexton
Seconded by Councillor S Doran

Thank you Madam Mayor, I would like to propose that the Council approve for the new leisure centre the name "Eclipse Leisure Centre".

I am delighted to say that progress on the new Leisure Centre is moving ahead at a great pace and I'm informed by the Contractors that we remain on target to reach practical completion by the Summer of 2024. Once completed it will be the largest Passivhaus Leisure Centre in the world. Not only will it be a model for environmentally friendly, sustainable leisure centres everywhere, but it will also be a beacon for health and wellbeing locally and a flagship centre for the new operator Places Leisure. As such, it is only appropriate that it has a suitably fitting name, and following consultation with Members, I propose to the Council that it should be called "Eclipse Leisure Centre".

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