



Please reply to:

Contact: Karen Wyeth
Service: Committee Services
Direct Line: 01784 446341
E-mail: k.wyeth@spelthorne.gov.uk
Date: 30 August 2024

Notice of meeting

Corporate Policy and Resources Committee

Date: Monday, 9 September 2024

Time: 7.00 pm

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

To the members of the Corporate Policy and Resources Committee

Councillors:

J.R. Sexton (Chair)

C. Bateson (Vice-Chair)

M. Beecher

M. Bing Dong

J.R. Boughtflower

J. Button

S.M. Doran

R.V. Geach

M. Gibson

K.M. Grant

K. Howkins

M.J. Lee

S.C. Mooney

L. E. Nichols

O. Rybinski

H.R.D. Williams

Substitute Members: Councillors M.M. Attewell, D.C. Clarke, S.A. Dunn, J.T.F. Doran, A. Gale and K.E. Rutherford

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

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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

Agenda

Page nos.

1. **Apologies and Substitutes**

To receive apologies for absence and notification of substitutions.

2. **Minutes**

7 - 20

To confirm the minutes of the meeting held on 08 July 2024 as a correct record.

3. **Disclosures of Interest**

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

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

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

At the time of publication of this agenda 2 questions was received:

Question 1 – Margaret Geraci, Director for Thames Edge Management Ltd

The five-storey height of Thames Edge Court was agreed with the Council to be broadly in keeping with the appearance of the riverfront and the scale of the cinema building it replaced. Does the Committee agree that the apparently proposed maximum height of 30 metres for the new hotel under consideration for the Bridge Street Carpark site in the Conservation Area, almost twice the height of Thames Edge Court and just 20 short metres across the road from it, is wholly inappropriate and unacceptable?

Question 2 – Mr N Rowe, nominated contact for the Riverside Residents (Staines) Coalition

Findings of the Royal Holloway research present a serious challenge to the further development of Staines, not only on groundwater flooding generally but as a potential source of increased flooding risk for existing residents from new large developments. Even the Council's consultants said in July that the proposed Bridge Street development is "*unlikely to be able to be managed to ensure the development would be safe for its lifetime without increasing flood risk elsewhere.*" Will the Council therefore insist there is a contractual guarantee from the developer that the proposed development will not increase flood risk

for nearby properties?

5. Annual Complaints Performance 2023-2024 **21 - 36**

The Committee is asked to note the report on the Council's complaints performance for the period 01 April 2023 to 31 March 2024.

6. Housing Complaints Performance and Self-Assessment against Housing Ombudsman Complaint Handling Code **37 - 70**

The Committee is asked to:

1. Receive and respond to the annual report on Metropolitan Thames Valley Housing's (MTVH) complaint handling performance and learning from complaints, in relation to complaints from residents of Harper House and White House,
2. Approve the self-assessment of MTVH's Complaints Policy against the Complaint Handling Code for submission to the Housing Ombudsman Service; and
3. Appoint a member or committee to fulfil the role of Member Responsible for Complaints (MRC).

7. Solar Canopies Over 'Eclipse' Leisure Centre Car Park **71 - 78**

Committee is asked to:

1. Authorise a tender process to procure market solutions for the solar canopy car park project; and
2. Note that the Sustainability Team and the Assets Team will report the outcome of the tender process to this Committee with detailed proposals.

8. Bus Shelter Maintenance **79 - 82**

Committee is asked to:

1. agree a direct award contract with Clear Channel to maintain the bus shelters in the Borough. This equates to Clear Channel spending £90k p.a. in Spelthorne; and
2. Authorise the Group Head of Corporate Governance to enter a contract for a period of 3 years with a 2 year extension option (3+2) and any ancillary documentation with Clear Channel.

9. Q1 Capital Monitoring Report

Committee is asked to note the Capital Programme forecast overspend of £857k for schemes under way or scheduled to commence in 2024-

25 or 2025-26 as at 30 June 2024.

10. Q1 Revenue Monitoring Report

Committee is asked to note the forecast underspend of £46,000 as at 30 June 2024.

11. Forward Plan

83 - 90

To consider the Forward Plan for committee business.

12. Urgent Actions

To note those urgent actions which have been taken by the Chief Executive in consultation with the Leader since the last Corporate Policy and Resources meeting on 08 July 2024.

13. 5 Swimmers Statue

91 - 104

The Committee is asked to:

1. Authorise the Group Head of Corporate Governance to enter into a long art loan agreement for the 5 Swimmers statue with Berkeley Homes (or such other appropriate form of agreement as shall be agreed with Berkeley Homes).

14. Waterfront Development Agreement

105 - 206

The Committee is asked to recommend to Council to:

1. Approve the Heads of Terms for the Council to enter into an Agreement for Lease with the proposed tenant for the Waterfront Site, Bridge Street, Staines-upon-Thames to facilitate the delivery of a new hotel led regeneration on this prime riverside site,
2. Delegate authority to the Chief Finance Officer, in consultation with the Leader, to agree any minor variations to the Heads of Terms and the final terms of the Agreement for Lease subject to valuation advice received,
3. Delegate authority to the Group Head of Corporate Governance in consultation with the Leader to finalise and enter into the Agreement for Lease and any other associated documentation in connection with the grant of the Lease to the proposed tenant; and
4. Note the Local Government Act S.123 'Best Value' valuation

undertaken by Cushman and Wakefield in respect of the proposed terms of this transaction.

15. Exclusion of Public & Press (Exempt Business)

To move the exclusion of the Press/Public for the following items, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

16. Commercial Property Insurance Renewal

207 - 212

The Committee is asked to:

1. Approve Option 1, being the award of the Commercial Real Estate Insurance Contract for a period of 1 year from 26 September 2024 as a combined policy with Zurich and Everest at a cost of £794,529 (including insurance property tax (IPT),
2. Approve the award of the Engineering Insurance Policy and the Engineering Inspection Policy to Zurich for a period of 1 year from 26 September 2024 at a cost of £25,300 (including IPT); and
3. Authorise the Group Head of Assets to enter into any necessary documentation relating to the selected insurance policies.

17. Corporate Policy and Resources Chair's Updates

To receive any updates from the Chair of the Committee.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

**Minutes of the Corporate Policy and Resources Committee
8 July 2024**

Present:

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

Councillors:

M. Beecher	K.M. Grant	S.C. Mooney
M. Bing Dong	R.V. Geach	L. E. Nichols
J.R. Boughtflower	K. Howkins	O. Rybinski
J. Button	N. Islam	
S.M. Doran	M.J. Lee	

Substitutions: Councillor K Rutherford

Apologies: Councillor H Williams

In Attendance: Councillors S Beatty, J Caplin

78/24 Apologies and Substitutes

Apologies were received from Councillor Williams. Councillor Rutherford attended as his substitute.

79/24 Minutes

The minutes of the meeting held on 3 June 2024 were agreed as a correct record.

80/24 Disclosures of Interest

Councillor Sexton and Councillor Mooney declared they were Surrey County Councillors.

Councillor Nichols declared he was on the board for Knowle Green Estates.

81/24 Questions from members of the Public

There were no questions from members of the public.

82/24 Minutes of Development Sub-Committee

The Deputy Monitoring Officer provided the following statement regarding the minutes of the Development Sub-Committee held on 20 May 2024:

“At Development Sub-Committee on Monday 20 May 2024, it was reported that ‘*The Group Head – Assets advised that this was a very focussed consultation with Ward Councillors and adjacent local residents that would be most affected.*’ This statement referred to a meeting that was held in March 2024. The officers have clarified that one ward councillor had been invited to that meeting, but none attended.”

The Committee **resolved** to agree the minutes of the last Development Sub-Committee meeting held on 20 May 2024 as a correct record.

83/24 Treasury Management Annual Outturn Report 2023/24

Concerns were raised by the Committee concerning the complexity of the report and it was agreed that the Members Financial Working Group would work with officers to find an agreed solution to ensure that financial reports were easier to understand.

It was requested by Committee that a glossary of financial terms be produced for members to refer to when reading financial reports.

The Committee **resolved** to note the Treasury Management Outturn position for 2023/2024.

84/24 Local Plan - Resumption of Examination

The committee was advised that work had been undertaken with the Environment Agency (EA) to reach a statement of common ground following the EA’s concerns around flooding and the access and egress of certain sites. The Group Head of Place, Protection and Prosperity advised the committee that the EA’s concerns would not on their own make the Local Plan unsound but their comments would be considered by the Inspector when reaching a decision as to whether the Council’s Local Plan was sound or not.

It was proposed by Councillor Boughtflower and seconded by Councillor Mooney that any changes to the wording within the policy should be brought back before the committee for them to agree to and not be finalised by the

Group Head of Place, Protection and Prosperity in consultation with the Chair and Vice of this committee.

A vote was taken as follows:

For the motion – 7

Against the motion – 9

The motion **FELL**

The Committee **resolved** to make the following recommendations to Council:

1. To propose a Main Modification to the Inspector to remove Bridge Street Car Park/Hanover House/Sea Cadet Building and Riverside Surface Car Park as site allocations from the Local Plan;
2. To propose a Main Modification to the Inspector to agree to new policy wording in relation to site allocations at risk from access and egress issues and for such wording to be finalised by the Group Head of Place, Protection and Prosperity in consultation with the Chair and Vice-Chair of the Corporate Policy and Resources Committee;
3. That the Chair of the Environment and Sustainability Committee write to the Inspector with further proposed Main Modifications (if agreed) in order to progress the Local Plan back to examination.

85/24 Productivity Plan

The Committee were advised that the deadline for submission of the Productivity Plan Report to the Government was 19 July 2024.

The Deputy Chief Executive advised the committee that further amendments would be made to the report following discussions with the Leader. The amended report would be circulated to committee members by 16 July 2024..

The Committee **resolved** to agree the submission of the Productivity Plan to DLUHC subject to any further amendments being agreed by the Group Head of Commissioning and Transformation in consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.

The meeting was adjourned at 20.30

The meeting resumed at 20.39

86/24 Implementation of Solar Canopies Over the 'Eclipse' Leisure Centre Car Park

The Committee requested that additional information be included within the follow-up report that was to be brought back to committee in September 2024.

This included a cost comparison between the current leisure centre costs and the proposed costs if the Council installed the solar panels and examples of electricity prices to highlight any potential risks if the price of electricity fell.

The Committee queried what funding would be used to facilitate the proposed Solar Canopy if the bid for Community Infrastructure Levy funding was unsuccessful. They were advised that alternative funding streams would need to be considered.

A detailed specification would be written before a full procurement exercise was undertaken to invite companies to submit a tender for the works.

The Committee **resolved** to agree to support in principle progressing a solar canopy scheme for the 'Eclipse Leisure Centre' car park.

87/24 Sunbury Leisure Centre - Swimming Pool Grant

The Committee **resolved** to

1. Agree to directly award a contract to Low Carbon Europe to deliver the Sunbury Leisure Centre decarbonisation project funded by Sport England through the Swimming Pool Support Fund;
2. Delegate authority to the Group Head of Corporate Governance to enter into any necessary documentation in connection with the project;
3. Recommend to Council approval of the scheme as a supplementary Capital Estimate for a value of £995,000.

88/24 Waterfront Site - WITHDRAWN

With the Chair's approval, this item was withdrawn from the agenda and would be considered at a future meeting.

89/24 Customer Services - Service Plan

The Committee were advised that this Service Plan was submitted late as a restructure had just been finalised.

Committee members asked that the Service Plan template to be updated to include a section on what had been achieved in the previous year.

Committee **solved** to note the Customer Services Service Plan.

90/24 Forward Plan

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

91/24 Urgent Item - Retrospective Approval to Include Ashford Cemetery Lodge Refurbishment Works in the Capital Programme

It was proposed by Councillor Bateson and seconded by Councillor Button to suspend Standing Order 5.1 to continue the meeting beyond three hours.

Councillor Geach left the Chamber at 22.02

The Committee **resolved** to agree the recommendation as outlined in the report.

92/24 Urgent Actions

There were no urgent actions.

93/24 Exclusion of Public & Press (Exempt Business)

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

94/24 New Spelthorne Leisure Centre - Phase 2 Contractor Appointment

The Committee requested that consideration is given to recycling as much as possible within the old Leisure Centre before it is demolished. The Leader asked the Development Advisor to provide members with a list of what was to be recycled.

Concerns were expressed about the demolition impacting on Knowle Green Nursery that is located next to the old Leisure Centre. The Committee were advised that Collards would have to adhere to Health & Safety Legislation and would be liaising with neighbouring properties and would try to keep demolition works that might directly affect the nursery would be undertaken at weekends.

The Committee were advised that an asbestos survey had been undertaken and that none had been found in the areas they were able to check but due diligence would be taken during the demolition process to ensure that care is taken when dealing with areas that had not previously been accessible.

The Development Advisor confirmed that the demolition of the old Leisure Centre did not have to be considered by the Planning Committee.

The Committee **resolved** to

1. Approve the appointment of the preferred bidder to undertake works associated in providing a new and extended car park for the new Spelthorne Leisure Centre in accordance with the approved planning permission; and
2. Delegate authority to the Chief Finance Officer in consultation with the Group Head of Corporate Governance and the Leader to finalise all legal and contractual terms for their appointment.

95/24 Annual Commercial Property Report for Financial Year 2023/2024

The Committee **resolved** to approve the Annual Commercial Property Report for the year ending 31 March 2024 subject to the inclusion of comments from the Commercial Assets Sub-Committee, and approved publication on the Council's website.

96/24 Corporate Policy and Resources Chair's Updates

There were no updates provided at this meeting.

Corporate Policy and Resources Committee



9 September 2024

Title	Annual Report on Complaints 2023-2024
Purpose of the report	To note
Report Authors	Sandy Muirhead, Group Head Commissioning and Transformation
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	Committee is asked to receive and endorse the report.
Reason for Recommendation	Not applicable

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Local Government and Social Care Ombudsman (the Ombudsman) has issued its Annual Report on the Council’s complaints performance for the period from 1 April 2023 to 31 March 2024. 	<ul style="list-style-type: none"> To give councillors oversight of our complaints performance and how learning from complaints drives service improvements.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Inform members of the Ombudsman report. Inform members of the Council’s complaints handling performance under its two-stage Complaints Policy. Inform members of the service improvements identified and implemented as a result of learning from complaints. 	<ul style="list-style-type: none"> The performance report will be published on the Council’s complaint webpage. Measures to improve response times at Stage 1 will be investigated and implemented.

- 1.1 This report seeks to inform members of the Annual Report from the Local Government and Social Care Ombudsman (the Ombudsman) for the period from 1 April 2023 to 31 March 2024. It also provides an overview of the performance of the Council over the same period in responding to complaints under the Council’s Corporate Complaints Policy.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account. This report outlines the learning points and improvements identified and implemented as a result of the complaints investigated in 2023-2024.

2. Key issues

Annual Report from the Local Government and Social Care Ombudsman

- 2.1 The Ombudsman has recently circulated its Annual Review letters for 2023-2024 to all local authorities (**Appendix 1**).
- 2.2 The Annual Review letter includes a breakdown of complaints about Spelthorne Borough Council received by the Ombudsman and how they were dealt with. (**Appendix 2**).
- 2.3 The Ombudsman publishes [an interactive map](#) containing the complaint data for each local authority in England in a searchable format. It collates the annual letters sent to each local authority, how often they complied with the Ombudsman’s recommendations, the improvements they have agreed to implement and published decisions.
- 2.4 As part of the Council’s Complaints Policy, if a customer remains dissatisfied following receipt of their Stage 2 response, they can take their complaint to the Ombudsman which is the final stage of the complaints process.
- 2.5 The Ombudsman received five complaints regarding the Council in 2023-2024. Four of these complaints arose from an escalation of a complaint the Council had responded to at Stage 2 of the internal complaints’ procedure, and one was a direct approach to the Ombudsman.
- 2.6 In all five instances, the Ombudsman closed the complaint after initial enquiries as an investigation was not warranted by the alleged fault.
- 2.7 This is an extremely positive outcome, when considered both in the context of the Ombudsman upholding 80% of complaints at national level, and the number of complaints responded to at Stages 1 and 2 of our internal complaints’ procedure as detailed later in this report. (Paragraphs 2.10 to 2.22)
- 2.8 This is also an improvement on the number of complaints referred by Spelthorne residents to the Ombudsman in the last two years, as shown by the table below:

Table 1

Complaints referred to Ombudsman	2021/22	2022/23	2023/24
No. received	8	9	5
No. investigated	1	0	0

No. upheld - maladministration	1	0	0
--------------------------------	---	---	---

2.9 The Ombudsman’s Annual Letter makes reference to the recently launched Complaint Handling Code for councils which we are encouraged to adopt without undue delay. Officers have been familiarising themselves with the Code since it was published and identifying the areas of our current Policy and procedures which will need reviewing to comply with the Code. This review will take place before the end of this year with the aim of adopting an updated Policy early next year.

Councils Corporate Complaints Performance

- 2.10 Formal complaints from residents about unsatisfactory service or the behaviour of staff are considered in accordance with the Corporate Complaints’ Policy. [The Policy](#) is available on the Council’s website.
- 2.11 A complaint is defined within the Council as “an expression of dissatisfaction about anything we have done, or perhaps not done. It might be about: failure to deliver a service; delay in providing a service; unsatisfactory quality of a service; the behaviours of a member of our staff or failure to follow Council policy.”
- 2.12 Complaints recorded under the formal procedure (and dealt with in this summary report) do not include those ‘first time’ representations which were effectively requests for a service and dealt with as such. Accordingly, a new report of a missed bin, or a noise nuisance, for example, would not be registered and dealt with as a complaint, but as a request for action. Of course, if the Council failed to respond to the ‘request’ appropriately, then that may generate a complaint.

Complaints 2023-2024

- 2.13 The annual complaints log contains personal information that should not be published. Neither would it be appropriate for the Committee to review the circumstances of, or decisions reached, in respect of individual complaints. This corresponds with the Ombudsman’s view that it is neither necessary, nor desirable, for the Council to make such details public. As a result, the information provided in this report is largely statistical in nature.
- 2.14 The following table gives a breakdown of the number of complaints received and responded to at each Stage of the Complaints process in 2023-24.

Table 2

Stage of Complaints process	Number of complaints 2023-24
Service level (Stage 1)	44
Escalation to Group Head (Commissioning and Transformation) (Stage 2)	27
Local Government and Social Care Ombudsman	5 4 escalations from Stage 2, 1 direct enquiry to LGSCO

2.15 The following table illustrates the number of complaints received at both Stages of the process in 2023-24 compared to the previous three years.

Table 3

Year	Complaints at Stage 1	Complaints at Stage 2	Percentage of complaints escalated
2020-21	31	23	74%
2021-22	21	18	86%
2022-23	56* (43 received through online Portal)	20 (10 were escalated through the Portal)	36%
2023-24	44* (14 received through online Portal)	27 (2 were escalated through the Portal)	61%

2.16 *In the summer of 2021 we launched an online Complaints Portal; a facility for residents to make their complaint through our website. This has made it easier for residents to raise a complaint and receive a response online.

2.17 The use of the online facility increased noticeably in 2022-23, the second year since the launch, which was attributed to the familiarity many members of the public have with using online complaint facilities across many sectors. However, online complaints dropped off considerably in 2023-24 to less than half the number submitted in 2022-23.

2.18 As well as the online Portal, customers may continue to use the traditional methods of making a complaint by telephone (followed up in writing), email or letter. Thirty of the complaints raised in 2023-24 used one of these methods.

2.19 Although the percentage of Stage 1 complaints which are escalated to Stage 2 has increased again this year, there has not been an equivalent increase in the number of complaints which were upheld as illustrated in Table 4.

Table 4

Year	Not upheld (no finding of fault)	Upheld (finding of fault or partial fault)	% Upheld	Remedies for fault
2020/21	14	9	39%	Apology
2021/22	15	3	17%	Apology
2022/23	14	6	30%	Apology – 4 Financial remedy - 2
2023/24	18	9	33%	Apology – 6 Financial remedy – 2 Other remedy - 1

2.20 The following Table 5 illustrates the breakdown of complaints by service area.

Table 5

Service Area	2021-22	2022-23	2023-24	Upheld at Stage 2 in 2023-24	Outcome of upheld complaints
Planning Development and Enforcement	5	6	10	0	-
Neighbourhood Services	3	19	16	3	Offer to reinstate to previous position – 1 Apology and requested action taken – 1 Apology and improved processes - 1
Council Tax and Business Rates	0	11	7	3	Apology for delay to respond – 2 Financial compensation - 1
Housing Options	4	6	6	3	Apology for delay to respond– 2 Financial compensation - 1
Parking Services	2	5	0	0	-
Environmental Health	1	3	4	0	-
Housing Benefits	2	5	0	0	-
Assets	1	1	1	0	-
Corporate Governance	5	0	0	0	-
Family Support	1	0	0	0	-
Communications	1	0	0	0	-

3. Learning points

3.1 The Council treats every complaint as an opportunity to identify learning outcomes and improve service provision regardless of whether a complaint was upheld. Complaints are valuable not only in identifying service improvements but in improving public perception and satisfaction with the Council as a whole. Each complaint is considered an opportunity to make changes or service improvements on a small or greater scale.

3.2 Examples of some of the learning points and improvements made arising from complaints investigated during 2023-24 include:

- Improved liaison with volunteer groups involved in biodiversity projects on Council owned land;

- New written procedures for contractors and the parks maintenance team working in parks/green spaces to protect the work of volunteers;
- Refuse operatives given training on new procedures for missed bins;
- New logging procedures by Depot staff for missed bin collections;
- New procedures established for addressing non-compliance with bylaws in the Council's cemeteries and burial grounds;
- An inspection of compliance with bylaws in cemeteries and burial grounds has been completed and action to enforce instances of non-compliance taken and continuing;
- A review of procedures in the Council Tax and Business Rates Teams by Internal Audit is planned;
- New residents of Harper House and White House are provided with information on the complaints process through Metropolitan Thames Valley Housing (MTVH);
- Quarterly contract review meetings with MTVH cover the status of all emergency and routine repairs and Health and Safety matters.

4. Time taken to respond

Stage 1

- 4.1 The Council's Complaints' Policy states that complaints will be responded to in full at Stage 1 within 10 working days of receipt. Where this is not possible (for example, because of the complexity of the complaint, the number of third parties involved or awaiting additional information) a holding response will be sent to the customer advising them when they can expect a reply.
- 4.2 In 2023-24, Stage 1 responses met this timescale in 60% of cases received by email (18 out of 30) and in 100% of those cases received through the online Portal.
- 4.3 This represents a significant drop compared to last years' response times when we achieved a 98% response within ten working days. However, this year is similar to the response times for the previous two years when 58% of cases in 2020-2021, and 52% of cases in 2021-2022 met the deadline.
- 4.4 Of the 12 complaints which were not responded to within the 10 working days:
- 4.5 3 received a response within a further four days with an apology for the delay.
- 4.6 1 received a phone call and holding response within 10 days, with the full response sent in a further 20 days.
- 4 were escalated direct to Stage 2 due to the lack of a response at Stage 1.
- 4.7 4 complaint responses in two service areas were delayed beyond 20 days due to staff resource issues. Steps to address these are discussed in paragraphs 4.10-4.11 below.
- 4.8 It is recognized that there may be instances when a delay in responding is inevitable. This is considered acceptable provided the complainant is kept updated as to when a response can be expected and that the delay is no more than a further ten days.

- 4.9 It is not acceptable for any complainant at Stage 1 to wait longer than 20 days for a response, or in some cases even an acknowledgment, or so long that they have to resort to escalating their complaint to Stage 2 in order to be provided with a response.
- 4.10 A staffing restructure in one department where four complaints had not been responded to in a timely manner has resolved the issue of complaints about that service being 'overlooked'.
- 4.11 There is an ongoing staff resource issue in another service where two complaints were not responded to in a timely manner. The managers in that service are particularly conscientious about doing a thorough investigation and full response to complaints, which have usually already had a great deal of contact with the service before the complaint is raised. This results in the officers needing additional time to pull together all the relevant evidence into the response, and the resultant delay.
- 4.12 The Group Head for Commissioning and Transformation is considering other measures to improve response times at Stage 1, including:
- Refresher training for all staff on complaint handling
 - A new process for recording receipt of Stage 1 complaints was introduced in July 2024. This involves complaints received by Customer Services being copied to the complaints team who can then log the complaints and send the relevant service timely reminders to send their Stage 1 response.

Stage 2

- 4.13 When a complaint is escalated to Stage 2, the Group Head Commissioning and Transformation aims to respond within 20 working days. This timescale was met in 74% of escalated complaints (20 of the 27 complaints). Where it was not possible to respond within this time frame, usually due to the complexity of the complaint, the complainants were made aware that there would be a delay and when a full response could be expected.
- 4.14 Five complaints were responded to within a further 10 days and two within a further 20 days.

5. Options analysis and proposal

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

6. Financial implications

- 6.1 There are no direct financial implications arising from this report.
- 6.2 In the case of two Stage 2 complaint investigations in 2023-24, a financial remedy was offered for the injustices caused.
- One consisted of a compensation payment of £1,000 in recognition of the distress and inconvenience caused over an extended period. The amount of compensation accorded with Ombudsman guidance and was met from within the service budget.
 - In the other case, the remedy was a refund of fees, court costs and a goodwill payment. The fees amounted to £20,437 and were refunded by the Council's enforcement agent at no further cost to the Council. The court costs were credited to the customer's account following withdrawal

of a summons. The goodwill payment of £600 was met from within the service budget.

6.3 Therefore, the total cost to the Council arising from upheld Stage 2 complaint investigations amounted to £1600.

7. Risk considerations

7.1 The Group Head for Commissioning and Transformation routinely reviews and reports on complaints data to ensure our processes are effective and to minimise any risk.

7.2 There is a risk relating to complainants being unaware of the formal complaints' procedure. To mitigate this risk, all Stage 1 responses provide information on how to escalate a complaint to Stage 2. The Complaints Policy is available to read on our website, paper copies are available on request and a link to, or copy of, the Policy is sent to all complainants at both Stages so that they fully understand all stages of the process, including the role of the Ombudsman.

7.3 There is a risk that residents may feel that Spelthorne Borough Council does not take complaints seriously. The annual complaints report demonstrates that this is not the case.

7.4 There is a risk that complaints are not dealt with within the specified timescale. Reasons for this vary, for example: the availability of officers (e.g. due to workloads, sickness absence or leave) or the need for more time to carry out a full investigation. To mitigate this the Corporate Governance Support Officer maintains a detailed spreadsheet and provides support and reminders to any officer dealing with a formal complaint. The new process introduced in July 2024 is intended to further mitigate this risk. Where the service requires more time to respond, they may advise the complainant of the delay and advise a new timescale.

8. Procurement considerations

8.1 There are no procurement considerations arising from this report.

9. Legal considerations

9.1 There are no legal considerations arising from this report.

10. Other considerations

10.1 There are none.

11. Equality and Diversity

11.1 The Council is required to have due regard to its public sector Equality Duty.

11.2 The Council's Duty is stated under the Equality Act 2010 and is to have regard to the need to:

a) eliminate unlawful discrimination, harassment or victimisation

b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it

c) foster good relations between those who share a relevant characteristic and those who do not.

11.3 There were no instances of discrimination, harassment or victimisation identified in any of the Stage 2 investigations.

11.4 Customers are provided with a range of methods by which to raise a complaint as described in paragraphs 2.16-2.18. Spelthorne's website includes audio visual tools so that no-one should be prevented from raising their concern due to a Protected Characteristic.

12. Sustainability/Climate Change Implications

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

13. Contact

13.1 Gillian Scott, Corporate Governance Support Officer,
g.scott@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Ombudsman's Annual Review Letter from 2023-24

Appendix 2 – Table of decisions made by the Ombudsman in 2023-24

This page is intentionally left blank

17 July 2024

By email

Mr Mouawad
Chief Executive
Spelthorne Borough Council

Dear Mr Mouawad

Annual Review letter 2023-24

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic. This year, we also provide the number of upheld complaints per 100,000 population.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and give credit to organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 24 July 2024. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld

The Ombudsman carried out no investigations in this period

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority

The Ombudsman did not uphold any complaints in this period

This page is intentionally left blank

Reference	Authority	Category	Received	Decided	Decision	Decision Reason
23005703	Spelthorne Borough Council	Environmental Services & Public Protection & Regulation	22/07/23	18/08/23	Closed after initial enquiries	Not warranted by alleged fault
23006396	Spelthorne Borough Council	Environmental Services & Public Protection & Regulation	03/08/23	30/08/23	Closed after initial enquiries	Not warranted by alleged fault
23009124	Spelthorne Borough Council	Environmental Services & Public Protection & Regulation	25/09/23	13/10/23	Closed after initial enquiries	Not warranted by alleged injustice
23009760	Spelthorne Borough Council	Environmental Services & Public Protection & Regulation	02/10/23	25/10/23	Closed after initial enquiries	Not warranted by alleged fault
23011668	Spelthorne Borough Council	Planning & Development	30/10/23	28/11/23	Closed after initial enquiries	Not warranted by alleged fault

This page is intentionally left blank

Corporate Policy and Resources Committee



9 September 2024

Title	Housing Complaints Performance and Self-Assessment against Housing Ombudsman Complaint Handling Code
Purpose of the report	To make a Decision
Report Author	Gillian Scott, Corporate Governance Support Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Services
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Receive and respond to the annual report on Metropolitan Thames Valley Housing’s (MTVH) complaint handling performance and learning from complaints, in relation to complaints from residents of Harper House and White House; 2. Approve the self-assessment of MTVH’s Complaints Policy against the Complaint Handling Code, for submission to the Housing Ombudsman Service; and 3. Appoint a member or committee to fulfil the role of Member Responsible for Complaints (MRC).
Reason for Recommendation	To comply with the statutory Housing Ombudsman Complaints Handling Code.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • We own two properties (White House housing 31 homeless households and Harper House, housing 20 households) for which Spelthorne Borough Council is the social housing landlord, although we have a Managing agent, Metropolitan 	<ul style="list-style-type: none"> • The Code aims to achieve best practice in complaint handling and ultimately to provide a better service to residents. • If the Council fails to meet any requirements of the Code and does not move into compliance within a

<p>Thames Valley Housing (MTVH), who handles complaints from the tenants of those properties, on our behalf.</p> <ul style="list-style-type: none"> • As social housing landlords, Spelthorne BC and MTVH are registered with the Housing Ombudsman’s Scheme. • The Housing Ombudsman Complaint Handling Code (the Code) became statutory on 1 April 2024, meaning we must take steps to comply. 	<p>reasonable timescale the Ombudsman may issue a Complaint Handling Failure Order.</p> <ul style="list-style-type: none"> • Although complaints from residents of Harper House and White House are handled by MTVH who have completed their own self-assessment of compliance with the Code, the Ombudsman has advised the Council that as the landlord, it ‘needs to ensure that MTVH’s complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code, as it is handling these on behalf of the Council for the units it manages.’
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<p>In order to comply with the Complaint Handling Code we must:</p> <ul style="list-style-type: none"> • Submit a self-assessment of MTVH’s Complaints Policy, practice and procedure against the Code, to the Housing Ombudsman. • Appoint a “Member Responsible for Complaints”. • Report on MTVH complaints handling performance in relation to complaints from residents of Harper House and White House. 	<ul style="list-style-type: none"> • Following the Committee’s approval of the self-assessment, this will be published on the Complaints section of the Council’s website together with the Committee’s response to the annual report on social housing complaints performance and service improvement. • Submit the self-assessment to the Housing Ombudsman.

- 1.1 This report seeks to report on Metropolitan Thames Valley Housing’s (MTVH) complaint handling performance and learning from complaints, in relation to residents of Harper House and White House. It also seeks approval of a self-assessment of compliance by MTVH with the [Housing Ombudsman Complaint Handling Code](#) (the Code) in its handling of complaints from those residents, on behalf of the Council.
- 1.2 The Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. The social housing complaints performance report and the self-assessment are appended to this report. **(Appendices A and B)**

1.3 The Code further requires that a member of the landlord's governing body, is appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person/committee is referred to as the Member Responsible for Complaints (MRC). The Ombudsman's suggested role profile for the MRC is at **Appendix C**.

2. Key issues

2.1 As Spelthorne Borough Council is a social housing landlord, in respect of Harper House and the White House, it is required to be a member of the Housing Ombudsman Scheme. The Housing Ombudsman has had a complaint handling code since March 2022, but it has only recently become statutory, which means that landlords are obliged by law to follow its requirements.

2.2 MTVH is also a social housing landlord and registered with the Housing Ombudsman. As the Managing agent for Harper House and White House it handles complaints from residents of those properties (51 homeless households) on behalf of the Council.

The Ombudsmen and the Complaint Handling Codes

2.3 Residents can escalate complaints about all services, other than those in respect of social housing, to the Local Government and Social Care Ombudsman (LGSCO). Complaints about social housing fall within the jurisdiction of the Housing Ombudsman (HO).

2.4 The Ombudsmen consulted on a joint Complaint Handling Code towards the end of 2023. However, due to their different powers they have had to retain separate Codes; the HO's Code is statutory whereas the LGSCO Code is advice and guidance. Nevertheless, the principles, processes and timescales in the Codes of the two Ombudsmen are aligned.

2.5 The HO Code required compliance in policy and practice by 1 April 2024. MTVH has met this requirement, however the Ombudsman has advised that as a social housing landlord, Spelthorne Borough Council, 'needs to ensure that MTVH's complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code, as it is handling these on behalf of the Council for the units it manages.'

2.6 The LGSCO Code was launched in February 2024 and although local councils are encouraged to adopt the Code as soon as they are able, the LGSCO does not intend to start considering the Code as part of its processes until April 2026 at the earliest. Unlike the Housing Ombudsman, the LGSCO does not have specific responsibility for monitoring compliance with the Code but is developing a good practice guide to go alongside its Code in the next year.

2.7 The Council's Corporate Complaints Policy and procedures will be reviewed in due course to achieve compliance with the LGSCO Code.

Social housing complaints performance report and self-assessment

2.8 The Housing Ombudsman requires that the governing body of a social housing landlord receives a report on its social housing complaints performance and self-assessment of compliance against the Code, in time to

publish the self-assessment and the governing body's response to the performance report by 30 June each year.

- 2.9 MTVH has complied with the above requirement in respect of all the properties it owns and manages.
- MTVH latest self-assessment is [here](#).
 - MTVH Complaints performance is [here](#).
 - MTVH Board's response to the performance report is [here](#).
- 2.10 The Corporate Complaints Team reviewed documentation produced by MTVH to respond to its Stage 1 and 2 complaints related to Harper House (none were received about the White House) to assess compliance in practice with the Code.
- 2.11 The attached performance report (**Appendix A**) covers only those complaints handled by MTVH from residents of Harper House about their social housing.
- 2.12 The purpose of the self-assessment (**Appendix B**) is to demonstrate how MTVH's complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code.
- 2.13 The self-assessment will be published on the Council's Complaints webpage as part of the annual complaint performance and service improvement report.
- 2.14 To provide assurance that the self-assessment is a true reflection of MTVH's complaint handling at Harper House and White House, this Committee's response to the report will be published alongside it.

Member Responsible for Complaints

- 2.15 The Complaint Handling Code requires one member (or committee) of the governing body to have lead responsibility for complaints. This role is responsible for ensuring the governing body receives regular information on complaints that provides insight and learning on the Council's complaint handling performance.
- 2.16 Corporate Policy and Resources Committee has responsibility for complaints and as such is the relevant governing body. The one exception to this is in respect of findings of maladministration which are statutorily required to be reported by the Monitoring Officer to the Council.
- 2.17 The Member Responsible for Complaints (MRC) will be responsible for ensuring that future annual self-assessments of compliance with both Ombudsmen's Codes, are scrutinised and challenged. This forms part of their role in embedding a positive complaint handling culture across the organisation. The suggested role profile for the position as provided by the Housing Ombudsman is attached at **Appendix C**.
- 2.18 The Housing Ombudsman has provided further information to give a better insight into the role on its [website](#).
- 2.19 The Housing Ombudsman suggests that the MRC in Councils could be the lead member for housing in a Cabinet system. In the Committee System, the equivalent lead member would be the Chair of Community Wellbeing and

Housing Committee. Alternatively, the role could be the responsibility of the whole Committee.

2.20 The LGSCO Code also advises the appointment of an MRC with an equivalent role, although the LGSCO is yet to provide a detailed suggested role profile. Complaints falling within the jurisdiction of the LGSCO relate to every service of the Council with the exception of social housing. These complaints far outweigh the number of complaints handled by MTVH in the last year about social housing.

2.21 As it is proposed to appoint one MRC to cover both Ombudsmen's jurisdictions, Committee may consider that a member (or Committee) other than the Chair of Community Wellbeing and Housing Committee, is suitable for appointment to the role.

3. Options analysis and proposal

3.1 There is only one option. We must submit a self-assessment of MTVH's handling of our social housing complaints against the Code and appoint an MRC. The deadline for compliance has already passed. If we do not comply within a reasonable timescale, we risk being issued with a Complaint Handling Failure Order.

3.2 The self-assessment as drafted, evidences that MTVH is compliant with the Code in policy, procedure and practice.

3.3 The appointment of a Member Responsible for Complaints is a requirement for compliance with the Code.

3.4 The proposal therefore is as set out in the recommendations and detailed in the appendices to this report.

4. Financial management comments

4.1 There are no specific financial implications arising from this report.

5. Risk management comments

5.1 The risk of being issued with a Complaint Handling Failure Order is mitigated by the fact that MTVH has already demonstrated its compliance with the Ombudsman's Code in its published self-assessment. It is further mitigated by bringing this matter to Committee as soon as reasonably practical.

6. Procurement comments

6.1 Not applicable to this report.

7. Legal comments

7.1 As referred to earlier in this report, the Housing Ombudsman's Complaint Handling Code is a statutory requirement for all social housing landlords. Therefore this report seeks to ensure the Council's compliance with the Code, as soon as reasonably practicable.

8. Other considerations

8.1 There are no other considerations relevant to this report.

9. Equality and Diversity

9.1 There are no direct equalities duties arising from this report.

9.2 It is noted that MTVH has completed an Equalities Impact Assessment in developing its Complaints Policy to ensure there is no adverse impact on any of the identified equality strands.

10. Sustainability/Climate Change Implications

10.1 The proposals in this report do not impact sustainability or climate change issues.

11. Timetable for implementation

11.1 Following Committee approval, the annual performance report and self-assessment will be published on the Council's website, on its Complaints page.

12. Contact

12.1 Sandy Muirhead, Group Head Commissioning and Transformation
(s.muirhead@spelthorne.gov.uk)

Background papers: There are none.

Appendices:

Appendix A - Annual Social Housing Complaint Handling Performance Report 2023-2024

Appendix B - Self-assessment of MTVH compliance with the Code

Appendix C – Role profile for Member Responsible for Complaints

Annual Social Housing Complaint Handling Performance Report 2023 - 2024

1. This report is the first annual report of Spelthorne Borough Council on the performance in handling complaints by its managing company Metropolitan Thames Valley Housing (MTVH), in the Council's capacity as a social landlord for Harper House and the White House.
2. This report addresses the requirements of the Housing Ombudsman's Complaint Handling Code (the Code) which became statutory on 1 April 2024.
3. The Code requires that this report includes the following:
 - a. the annual self-assessment against the Code to ensure our complaint handling policy remains in line with its requirements
 - b. a qualitative and quantitative analysis of the landlord's complaint handling performance - this must also include a summary of the types of complaints the landlord has refused to accept
 - c. any findings of non-compliance with this Code by the Ombudsman
 - d. the service improvements made as a result of the learning from complaints
 - e. any annual report about the landlord's performance from the Ombudsman
 - f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord
4. Addressing each point above: -
 - a. The annual self-assessment against the Code follows at Appendix B.
 - b. A qualitative and quantitative analysis is shown in the following tables:

Year	No. Stage 1 complaints	Response time	Decision
2023-24	3	2 complaints responded to outside of the 10 working day timescale, with agreed extensions as per the Code. 1 complaint withdrawn	Both upheld – 1 offered compensation for time and trouble and service failure.

Year	No. Stage 2 complaints	Average response time	Decision
2023-24	1	Complaint responded to within 20 working days	Upheld – increased compensation offered

MTVH did not refuse to accept any complaint. Their [Complaint Policy](#) outlines the reasons they may choose to refuse a complaint, which is compliant with the Code.

- c. MTVH have not received any findings of non-compliance with the Code by the Ombudsman, in relation to their complaint handling at these two properties.
- d. Learning outcomes from the two complaints escalated to Stage 2 in 2023-24:
 - 1. MTVH has made one major improvement as a result of learning from these complaints which is to agree a service offer from their Repairs Team that gives them assurance of quality and completion of works. A Team Leader from the Repairs Service now visits the services regularly to make sure that repairs raised are completed and to check quality of repairs completed by the Handyperson.
 - 2. Additionally, the Council has required reporting from MTVH at its quarterly contract review meetings on the status of all emergency and routine repairs at Harper House and White House.
 - 3. The Council has reinforced the need for MTVH to immediately report to us any issues of health and safety, including fire hazards, that they are made aware of.
- e. No reports in relation to MTVH's complaint handling for Harper House and White House have been received from the Ombudsman.
- f. No other relevant reports or publications have been produced by the Ombudsman in relation to the work of MTVH at Harper House and White House.

Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	A complaint must be defined as: <i>'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'</i>	Yes	MTVH Complaints Policy	Scope and definitions at section 2 of Policy .
1.3	A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.	Yes	MTVH Complaints Policy	Section 3.1 MTVH Policy adopts the definition of complaint as an expression of dissatisfaction. The customer Care Team manages all complaints including those about a contractor or third party acting on their behalf.
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.	Yes	MTVH Complaints Policy	Definitions of both are set out at Section 2 of the Policy. Service requests can be reported online here Report a problem - Metropolitan Thames Valley (mtvh.co.uk)
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if	Yes	MTVH Complaints Policy	Section 2 defines a complaint.

	the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.			
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	MTVH self-assessment 2024	Customer Insight and Customer Voice teams are aware of this requirement and have completed e-learning to support with opening complaints if required

Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	MTVH Complaints Policy	Section 3.5 of their Policy.
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Matters that have previously been considered under the complaints policy. 	Yes	MTVH Complaints Policy	Sections 3.3 and 3.5 of their Policy
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept	Yes	MTVH Complaints Policy	Section 3.3 of their Policy

	complaints made outside this time limit where there are good reasons to do so.			
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	Yes	MTVH Complaints Policy	Section 3.5 of their Policy
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	MTVH Complaints Policy	Section 3.5 of their Policy

Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	MTVH Complaints Policy is published on their website and residents are given a 'how to complain' leaflet on sign up. Channels for making complaints are provided at: Make a complaint about MTVH - Metropolitan Thames Valley	The Policy includes different channels through which complaints can be made. An Equalities Impact Assessment has been completed and is held by the Policy Team.

3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes	MTVH Complaints Policy section 3.1	MTVH has a mandatory complaint training module for all staff.
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	MTVH Complaints Policy Section 1. Complaint volumes monitored and reported regularly as detailed in Complaints Policy Section 4.	Reporting indicates a growing level of complaints and awareness within the organisation of the importance of learning from complaints.
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	Yes	The Policy is published on their website and a translation service provided.	The Policy complies and this information is also provided here: : Make a complaint about MTVH - Metropolitan Thames Valley and under the tab 'when things go wrong' here: mtvh-service-standards.pdf Complaint information is also provided to residents at the start of their tenancy with reminders shared in resident communications (e.g. MTVHResident-newsletter Summer-2023 Iss02 WEB.pdf)
3.5	The policy must explain how the landlord will publicise details of the complaints	Yes	MTVH Complaints Policy	Contained in introductory paragraph to Policy – Section 1 and on website.

	policy, including information about the Ombudsman and this Code.			
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	MTVH Complaints Policy	At paragraph 3.1 of Policy
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	Yes	Appendix 1 to MTVH Complaints Policy And Make a complaint about MTVH - Metropolitan Thames Valley	Information in Appendix to Policy and on website and shared with residents as appropriate throughout the complaints process.

Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	Complaints Policy Section 3.1	Their centralised Customer Care Team manage all complaints.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also	Yes	The Customer Care team has this authority and autonomy.	The Policy confirms this at paragraph 4.

	have the authority and autonomy to act to resolve disputes promptly and fairly.			
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	E-learning is available to all colleagues and is a mandatory requirement where relevant. The Customer Care team are suitably resourced with additional resource added in May 2023 and further resource to be added in May 2024.	The Policy has a commitment at paragraph 4 that all relevant staff are trained in complaint handling.

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk)	A single Policy is published on MTVH website. Complaints Policy Section 4 outlines how complaints will be handled without bias
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	Complaints Policy Section 3.2	The Policy consists of two stages. There are no informal complaint stages in the Complaints Policy.
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes		As above.

5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk)	If complaint raised with third party it can be escalated to MTVH for review. Section 3.1
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	Complaints Policy Section 3.1	
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	Complaints Policy Section 3.2	The complaint definition was included in the acknowledgements to the 3 Stage 1 and 2 complaints raised by residents of Harper House.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	Complaints Policy Section 3.2	
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> a. deal with complaints on their merits, act independently, and have an open mind; b. give the resident a fair chance to set out their position; c. take measures to address any actual or perceived conflict of interest; and 	Yes	Section 4 of Complaints Policy	

	d. consider all relevant information and evidence carefully.			
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	Complaints Policy Section 3.4	MTVH agreed extensions to its responses where necessary in relation to complaints raised by residents of Harper House.
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	Complaints Policy Section 3.1, 5 and 7.	Further information is also provided on their website: Make a complaint about MTVH - Metropolitan Thames Valley
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	Complaints Policy Sections 3.3 and 3.5	
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.	Yes	A CRM system is used to log, investigate and respond to all complaints. Records of the complaint are kept in line with this requirement of the Code	

5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	MTVH Complaints Policy	Paragraph 3.2 sets out ways in which a complaint may be resolved.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	Yes	Unreasonable Behaviour Policy and process is in place.	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	Unreasonable Behaviour Policy and process in place. This policy meets the provisions of the Equality Act 2010.	

Section 6: Complaints Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation,	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk)	Paragraph 3.2

	apology or resolution provided to the resident.			
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received.</u>	Yes	Outlined on website: Make a complaint about MTVH - Metropolitan Thames Valley and mtvh-service-standards.pdf	Sets out standards that meet this requirement. Evidenced in the 3 complaints from Harper House.
6.3	Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.	Yes	Outlined on website: Make a complaint about MTVH - Metropolitan Thames Valley and mtvh-service-standards.pdf	Sets out standards that meet this requirement. Evidenced in the 3 complaints from Harper House.
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	As above	Poor service in this regard was compensated for in an upheld complaint.
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Details of how to contact the Ombudsman are provided by the Customer Care team at this stage.	Paragraph 3.4 of Policy and in Appendix 1
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	Complaints Policy Section 3.2 Action plans are provided when appropriate.	Poor service in this regard was compensated for in an upheld complaint.

6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	The Customer Care team are trained to address and respond to complaints in line with this requirement.	Evidenced in the responses to the 3 complaints from Harper House.
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk)	Paragraph 3.2 – how we handle your complaint
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.	Yes	The Customer Care team respond to complaints in line with this requirement of the Code.	Evidenced in the responses to the 3 complaints from Harper House.

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	Complaints Policy Section 3.3 and mtvh-service-standards.pdf	
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	Yes	Outlined on website: Make a complaint about MTVH - Metropolitan Thames Valley mtvh-service-standards.pdf	Sets out standards that meet this requirement. Evidenced in the one escalated complaint from Harper House.
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk) The Customer Care team are trained to address and respond to complaints in line with this requirement	If a customer is not satisfied with S1 response their complaint will be escalated to S2. Paragraph 3.3 of Policy
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	Yes	Self-ass says Policy section 4 but no ref in there	MTVH states that no same case handler will investigate, or resolve the same case at Stage 1 and Stage 2 of their process. Evidenced in the one escalated complaint from Harper House.
6.14	Landlords must issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.	Yes	Outlined on website: Make a complaint about MTVH - Metropolitan Thames Valley mtvh-service-standards.pdf	Sets out standards that meet this requirement. Evidenced in the one escalated complaint from Harper House.
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the	Yes	As above	As above The one complaint evidenced was responded to within the timescale.

	expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.			
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Details of how to contact the Ombudsman are provided by the Customer Care team at this stage.	Not evidenced
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	Complaints Policy Section 3.2 Action plans are provided when appropriate	
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	The Customer Care team are trained to address and respond to complaints in line with this requirement.	Evidenced in the one escalated complaint from Harper House.
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and	Yes	The Customer Care team respond to complaints in line with this requirement of the Code	Evidenced in the one escalated complaint from Harper House.

	g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.			
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	Complaints Policy Section 3.3	

Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:</p> <ul style="list-style-type: none"> • Apologising; • Acknowledging where things have gone wrong; • Providing an explanation, assistance or reasons; • Taking action if there has been delay; • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; • Providing a financial remedy; • Changing policies, procedures or practices. 	Yes	Complaints-Policy-April-2024.pdf (mtvh.co.uk)	<p>Paragraph 3.2 sets out what MTVH will do to put things right.</p> <p>Evidenced in the one escalated complaint from Harper House.</p>

7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	Microsoft Word - V2 MTVH Compensation Policy.docx	The compensation offered reflects impact on resident
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	As above	The remedy is confirmed in the response letter at each stage. Evidenced in the one escalated complaint from Harper House.
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	The Policy is based on Ombudsman guidance.	A review of the Compensation Policy will be undertaken during 2024/25. The Housing Ombudsman Remedies Guidance will influence any amendments made to the policy.

Section 8: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include: a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must include a summary	No	Complaints Policy Section 4 Annual complaints performance information is published on our website: Complaints performance - Metropolitan Thames Valley (mtvh.co.uk)	This year a more detailed annual complaints performance and service improvement report has been produced to exceed this requirement of the Code.

	<p>of the types of complaints the landlord has refused to accept;</p> <p>c. any findings of non-compliance with this Code by the Ombudsman;</p> <p>d. the service improvements made as a result of the learning from complaints;</p> <p>e. any annual report about the landlord's performance from the Ombudsman; and</p> <p>f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</p>			
8.2	<p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.</p>	Yes	<p>The Board's response is published here: Complaint Performance and Service Improvement Report - Metropolitan Thames Valley (mtvh.co.uk)</p>	
8.3	<p>Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.</p>	Yes	<p>A self-assessment will be completed as required.</p>	
8.4	<p>Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.</p>	Yes	<p>A self-assessment will be completed as required.</p>	
8.5	<p>If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.</p>		<p>This requirement will be fulfilled if required</p>	

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes	Complaints Policy Section 1 and 3.2 Complaint trends and learnings are identified through reporting to the Customer Services Committee on a quarterly basis. The Customer Voice Framework outlines how complaints are used as a valuable source of customer feedback to influence service delivery: Customer Voice Framework 2022 - 2025 (mtvh.co.uk)	
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	Complaints Policy Section 1 The Customer Voice Framework outlines how complaints are used as a valuable source of customer feedback to influence service delivery: Customer Voice Framework 2022 - 2025 (mtvh.co.uk)	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	Complaint trends and learnings are identified through reporting to the Customer Services Committee on a quarterly basis. MTVH Residents Annual Report outlines how they have learned from complaints: 2023 Residents' Report: Listening to residents, improving service - Metropolitan Thames Valley	

9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	<p>The Executive Director of Customer Services, Kush Rawal, is the Lead Accountable Person for complaints.</p> <p>This accountability is published on their website: Board and executive - Metropolitan Thames Valley (mtvh.co.uk)</p>	
9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes	The Chair of the Customer Services Committee, Helen Cope, is the Member Responsible for Complaints.	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes	<p>Regular updates are provided to the Board by the MRC as required.</p> <p>The Lead Accountable Person and the Head of Customer Voice support the MRC to perform their role as required.</p>	
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: <ul style="list-style-type: none"> a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders 	No	<p>Updates as required are provided to the Customer Services Committee and to the MRC on a quarterly basis.</p> <p>The annual complaints performance and service improvement report was shared with the Customer Services Committee on 1st May 2024.</p>	

	related to severe maladministration findings; and d. annual complaints performance and service improvement report.			
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and c. act within the professional standards for engaging with complaints as set by any relevant professional body.	Yes	A standard complaint handling objective has been issued to all colleagues as part of the annual performance objective setting cycle. Third party providers are required to abide by the MTVH Contractor Code of Conduct.	

This page is intentionally left blank

Member Responsible for Complaints - Role profile

Both the Housing Ombudsman's and the Local Government and Social Care Ombudsman's (LGSCO) Complaint Handling Codes require local authorities to appoint a "Member Responsible for Complaints" on their governing body, to support a positive complaint handling culture.

Further information, guidance and FAQ's are available online:
[Member Responsible for Complaints \(MRC\) | Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

The LGSCO has not yet (as of July 2024) issued detailed advice on the role.

The Member

A councillor (or Committee) who has oversight of complaints handling and performance.

Appointment

Three-year appointment for a maximum two terms.

Purpose of the role

The role is:

- To champion a positive complaint handling culture.
- To provide assurance to the governing body on the efficacy of its complaints system, including challenging the data and information provided to the Council.
- To seek assurances from the complaints team and where appropriate the operational teams that complaints are being managed, change is happening and that residents are being heard through the process.
- To ensure complaint handling promotes service improvement for residents and learning and business improvement for the organisation.

Responsibilities – Governing Body Assurance

1. To promote a culture of openness and transparency where complaints made by residents are seen as a form of insight into the how the organisation is managed. To provide assurance that systems are in place to capture learning from complaints and that governing bodies are engaged with this. To ensure senior level ownership of learning and accountability stemming from complaints.
2. To provide assurance to the governing body, through engagement with operational teams, that complaints are valued as an opportunity to learn, to give an early warning of ineffective processes, policies, or behaviours, to identify areas for improvement and to improve awareness and accessibility; and how this is happening across the organisation.

3. To engage with the chair of the audit and risk committee, or equivalent, to discuss any risks emerging from complaints and any recommendations for improvement in service areas which may be relevant to internal audit's activities.
4. To engage in, oversee, and ratify the annual self-assessment against the Complaint Handling Code, providing assurance that an accurate self-assessment is produced and published each year. This may include engaging residents in the self-assessment exercise.
5. To alert the governing body of any concerns they have about the handling of complaints, the substantive issues giving rise to complaints, or the outcome of an individual complaint.
6. To ensure the whole governing body understands its responsibilities to deliver a positive complaint handling culture and that complaints are given the status they deserve within the senior leadership's work.

Responsibilities – Complaint Handling Code

7. To review the communication of the Council through its complaints to ensure it is empathetic, effective, and appropriate.
8. To gain assurance of the organisation's timely compliance with Ombudsman evidence requirements and orders promoting an organisation wide culture that demonstrates the learning and the changes to services that are provided for residents.
9. To promote a culture where every employee supports effective complaint handling, where complaint handlers have the authority and respect within the organisation to help put things right when they go wrong. This should also extend to where the local authority uses contractors and other service providers. To have a visible presence that is organisation wide and has access to individual staff members to be able to 'test' that proactive complaint handling is embedded across all staff.
10. To gain assurance following the self-assessment, that the complaints team has the resources available to fulfil its obligations.
11. To receive regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance and take an inquisitorial approach when reviewing this information. The aim is to ensure that information presented to the governing body, provides sufficient assurance of a well-managed and customer focused complaints handling culture.

Responsibilities – Learning

12. To require that intelligence provided by the Ombudsman is used to develop and improve services, gaining assurance that recommendations are actioned and, where necessary, reviewing policies, procedures and approaches to service delivery following Ombudsman reports.
13. To encourage a culture of effective cross-organisational and cross-department learning where operational teams collaborate with each other to produce improved service delivery.
14. To encourage a culture where senior management regularly review issues and trends arising from complaint handling with themes or trends being assessed and reported to the governing body, which identify potential systemic issues, serious risks or policies and procedures that require revision. To gain assurance that where revision or change is required, this is followed through and communicated to the governing body and that residents are central to any change.

This page is intentionally left blank

Corporate Policy and Resources Committee

09 September 2024



Title	To Consider a Tender Process for the Procurement of a Solar Canopy Array for the new Spelthorne Leisure Centre Car Park
Purpose of the report	To make a decision
Report Author	Timothy Snook, Sustainability and Flood Risk Officer
Ward(s) Affected	Staines
Exempt	No
Exemption Reason	N/A
Corporate Priority	Resilience Environment Services
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Authorise a tender process to procure market solutions for the solar canopy carpark project; and 2. Note that the Sustainability Team and Assets Team will report the outcome of the tender process to this Committee with detailed proposals.
Reason for Recommendation	Having undertaken some soft market testing, officers are of the view that a more appropriate approach to the solar carpark would be to write a high-level performance specification around the goals of the project and tender the market for detailed solutions to be submitted that include full financial breakdowns in terms of capital costs and forecast energy production.

1. Summary of the report

What is the situation	Why we want to do something
Committee asked officers to return with detailed financial figures and specifications for the solar carpark project.	Officers are unable to get sufficient detail around the planning or finances of the project without approaching the market.

This is what we want to do about it	These are the next steps
<p>Go to market and tender in order to receive detailed solutions from the suppliers, which will include financial breakdowns and detailed energy performance forecasts.</p>	<p>Finalise the specification and go to tender for market solutions to the solar carpark.</p>

2. Key issues

- 2.1 Following the report to Committee on the 8th of July 2024, Councillors requested that officers report back to the Committee with additional information and a detailed specification on a solar carpark prior to going to tender in the market.
- 2.2 Officers have subsequently undertaken soft market testing and it has become clear that a more appropriate approach to the solar carpark would be to develop a high-level performance specification around the goals of the project and invite tenders from the market for detailed solutions to be submitted that include full financial breakdowns including capital costs and forecast annual energy yield. This approach gives, the market the opportunity to demonstrate its innovation in bringing forward the most appropriate solution for the project.

3. Options analysis and proposal

Option 1 (Recommended)

- 3.1 Officers will issue a high-level specification for tender outlining the goals of the project, to include a solar canopy array, battery and to meet the requirements of the Leisure Centre Car Park. A schedule of requirements is attached at Appendix 1. The specification will be released to a number of potential contractors as part of a tender process to invite bids setting out detailed solutions, capital costs and forecast annual energy yield.
- 3.2 The solutions presented by the bidders through the tender process will be evaluated and recommendations brought back to this Committee.

Option 2

- 3.3 Officers could persist with trying to get informal proposals from operators as part of a soft market test. However, recent experience indicates the market wants certainty around when a party will be appointed and the criteria against which bids will be assessed. Therefore, progressing a tender process gives potential bidders the certainty they seek and enables officers to provide members with greater detail around what the market can offer.

Option 3: Do nothing.

4. Financial Considerations

- 4.1 The market route will be the ultimate way of defining what are likely to costs associated with either option, steel or glulam timber. Through initial proposals it can be expected to be between £1 million and £2 million. This will be reported back to this Committee for consideration at its meeting in December.

- 4.2 There is no allocation within the Capital Programme for bringing this project forwards. However, this Committee would need to consider an allocation in next financial year should it be decided to progress with this project.
- 4.3 Until the tenders are received under the procurement process and costs fully understood final financing options cannot be fully identified at this stage.
- 5. Risk management comments.**
- 5.1 At this stage, there are no risks in going to market with this project as the Council is not committed to accepting any at that stage.
- 6. Procurement comments**
7. The solar panel installation market has a good supply base. The variety and maturity of the supplier market will stir competition and ensure the Council, through a competitive tender appoint a provider that will offer best value. Given recent progress in technologies, it is suggested any procurement design- service takes into consideration the whole life costing, from design, installation, maintenance and the cost of decommissioning the service. Additionally, due consideration should be given to the ability of the preferred supplier to adapt their technology as we evolve, to ensure the installation can be flexible and adaptable to meet future needs. This will ensure that the installation is not outdated before the end of its lifespan.
- 7.1 Given that this project is linked to the car park demolition, officers need to ensure that both projects are linked and identify all critical paths to help manage the risks of delays, and control costs.
- 7.2 Procurement agrees that the Solar Canopy tender can be published as way of testing the market with the view to get the final approval from the Committee to award or to abandon the process, depending on of the price. To go ahead with this option, we will need to ensure that the timetable aligns with December Committee meeting.
- 7.3 The procurement process will also request tenderers to consider other funding options e.g. power purchasing agreements and grants.
- 8. Legal comments**
- 8.1 The Legal Services will provide advice and assistance on the negotiation of the contractual documentation and will obtain specialist external advice where necessary.
- 9. Other considerations**
- 9.1 There are none.
- 10. Equality and Diversity**
- 10.1 There are none to consider at this stage.
- 11. Sustainability/Climate Change Implications**
- 11.1 The Council declared a climate change emergency in 2020 and adopted a subsequent Climate Change Strategy in 2022. This project aligns with the commitments made in the Strategy, to deliver clean, renewable energy on Council sites where viable.

- 11.2 This project would create CO2 savings of around 140 tonnes of CO2 thus contributing to the Council's net zero target of 2030.
- 11.3 This project supports the Council's EV infrastructure strategy adopted in 2023, by creating EV charging facilities on site at the car park, also powered by solar generation.

12. Timetable for implementation.

- 12.1 Upon receiving approval to go to tender, officers will initiate the tender process as soon as possible in order to report back to Committee with completed tenders and a preferred option for further approval at the earliest opportunity. .

13. Contact

- 13.1 Tim Snook, Sustainability and Flood Risk Officer
- 13.2 T.snook@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Schedule of Requirements

Schedule of Requirements Solar Carpark

1. The Requirement

Spelthorne Borough Council (SBC) are constructing a new leisure centre and will be building a new carpark on the adjoining site. SBC wish to erect a solar canopy/solar carpark/solar carport over the new leisure centre carpark. The generated electricity would either be delivered to the grid or to be utilised in running the leisure centre. The solar carpark should provide a maximum supply of just under 1 megawatt. The lifespan of the project will be a minimum of 30 years, with options to extend the lifespan with replacement solar arrays on top of the canopy structure.

The new leisure centre carpark will be built in the first half of 2025.

The solar canopy provider must be an experienced provider with over 3 large scale solar installations within their portfolio and hold experience in working with public institutions.

We require that the solar canopy provider provide:

- The specification for all of the groundworks and foundation design by January 2025 so that the carpark provider can complete those preparations with their work to ensure the car park is fit for the solar canopy installation.
- The full construction details of the canopy including both the specifications for a glulam timber frame and steel frame options.
- A comparison between pricing, warranty, maintenance and life expectancy should be included between either frame option.

2. Scope of the Contract

The scope of the contract will include any and all planning, design and project implementation works related to the development of a solar carpark on the leisure centre carpark. The dimensions and current specification of the carpark will be detailed below.

Bidders should explore the potential for a demand side response contract with the national grid and the potential for extending energy to alternative buildings in the area.

A specification and pricing breakdown will be required for both a Glulam timber frame option and a steel frame option.

The successful bidder is expected to work in conjunction with the already appointed groundworks contractor to ensure the groundworks are meeting the specifications of the solar canopy. The provider should be able to work with our groundwork's contractor from January 2025.

3. Detailed Requirements

3.1 The solar canopy:

The solar canopy is expected to cover 250 spaces on 4 central double rows within the carpark. The canopy must allow sufficient space for coaches to traverse around the outer road of the carpark by way of a fixed route. The supply from the canopies will need to have the capacity to feed either the leisure centre, other surrounding buildings or the grid.

Battery storage located on or near the carpark site should be included to enable handling of peak demands, potentially as a demand side response mechanism for the national grid.

The canopies must have sufficient lighting, and CCTV as an option.

The canopies will cover the 4 double row areas that can be seen below highlighted in red:



Suppliers can utilise the drawings provided as part of the initial planning application of the leisure centre to support their bids, found in appendix A

The panels should not have a high level of glint and glare, this will be a key part of a planning process due to proximity to Heathrow airport.

Bidders are required to provide estimated carbon dioxide savings for the lifespan of the product, in addition to estimated embodied carbon emissions associated with both a glulam timber frame option and a steel frame option.

3.2 The solar canopy foundation specification:

Bidders will provide their solar canopy foundation specification, detailing the construction design for supporting the solar canopy.

This construction design will consider:

- The materials and placement for the canopy supports.
- Water attenuation / drainage
- Existing building foundations vs solar canopy piling
- Existing utilities (LV/HV/Drainage/Sewer)
- Trenching for new LV cables supporting solar car park installation
- Design locations for solar inverters

3.3 The solar canopy project will be managed by the provider, including:

- Obtaining Approvals & Permissions (DNO and Planning Permission)
- Undertaking Technical Surveys (Electrical, Topographical, Geotec, etc)
- Completing Electrical & Mechanical Designs
- Confirming Project Scope, Cost & Programme
- Obtaining the materials
- Provision of a schedule of maintenance and requirements of a contract for the solar carpark

3.4 The solar canopy provider will:

- Provide projected figures for the energy output
- Costings and comparison for both a glulam timber and steel frame option
- Provide a project plan for implementation of the solar carpark
- Provide figures around options to utilise electricity in the leisure centre and through feeding back to the grid
- Details of the warranties of all elements of the products provided

- Details of the maintenance requirements and services provided.
- Provided as a separate price costs for the contract for cleaning and maintenance (for the lifetime of the contract)
- Coordinating with the groundworks contractor of the carpark to ensure groundworks of the solar carpark are integrated.

4. Timetable

Tenders to be completed and submitted by the 25th of October.

The Council reserve the right to not award this tender for any reason.

Corporate Policy and Resources Committee



Monday 9 September 2024

Title	<i>Bus Shelters Maintenance Contract</i>
Purpose of the report	To seek approval to enter a new contract with Clear Channel
Report Author	<i>Catherine Munro Deputy Group Head Neighbourhood Services</i>
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	<i>Not applicable</i>
Corporate Priority	Community Environment Services
Recommendations	Committee is asked to: <i>Agree a direct award contract with Clear Channel to maintain the bus shelters in the borough. This equates to Clear Channel spending £90K p.a. in Spelthorne. Authorise the Group Head Corporate Governance to enter a contract for a period of 3 years with a 2 year extension option (3+2) and any ancillary documentation with Clear Channel.</i>
Reason for Recommendation	<i>To ensure that all bus shelters in the borough are maintained and in a good condition</i>

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Clear Channel are currently responsible for maintaining all bus shelters at no cost to the Council. They fund this by keeping the advertising revenue from the bus shelters. 	<ul style="list-style-type: none"> Our current contract with Clear Channel expires in January 2025.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Agree a direct award contract to Clear Channel for the maintenance of bus shelters and receive a percentage of advertising revenue 	<ul style="list-style-type: none"> Conclude negotiations and award contract

1.1 This report seeks to obtain agreement from the Committee to enter into a contract with Clear Channel for the maintenance of bus shelters for a term of 3 years with the option of extending the contract for a further 2 years (3+2). This should commence in February 2025.

2. Key issues

2.1 The Council has a statutory responsibility to maintain all of the bus shelters in the borough.

2.2 The current contract with Clear Channel has been in place for 3 years plus a 2 year extension and has no cost to the Council. This ends in January 2025.

2.3 Clear Channel are the market leaders in providing and maintaining bus shelters in the country and have contracts to do this in the majority of Surrey's boroughs and districts.

2.4 Clear Channel maintain and repair all the bus shelters in the borough at no cost but currently keep all the advertising revenue from the shelters.

2.5 To date, this has worked extremely well and Clear Channel have been very responsive in fixing shelters resulting from vandalism or accidents.

2.6 As this contract has been in place for some time, the Council has tentatively agreed with Clear Channel (if they are successful) a percentage of the revenue, see paragraph 4.1 below, that they obtain as well as maintaining the bus shelters and, in some cases, installing solar panels and green roof systems to make them more sustainable in the new contract.

3. Options analysis and proposal

3.1 Option 1 (preferred)

Enter into a 3+2 year contract with Clear Channel and receive a percentage of the advertising revenue (see 4.1). This will ensure continuity of service for residents and Spelthorne's streetscene.

3.2 Option 2

Go out to procurement to seek another provider. Previous investigations have proven that there are a very limited number of providers, and they will always charge for maintaining the bus shelters which demonstrates that Clear Channel are the only provider which will ensure no cost to the Council. This market is generally very monopolised with only a handful of providers out there. Clear channel the most prominent provider across the country.

3.3 Option 3

Do nothing and let the contract expire. This will mean that all the bus shelters in the borough will not be maintained.

4. Financial management comments

4.1 The proposed terms of the contract (subject to negotiation) would be:

- Term of new contract – 3+2 years
- 10% share of net revenue on digital screens. This will result in an estimated value of between £1,500 to £2,500 per screen per annum.

- 15 screens are currently live. This means an estimated revenue of £22,500 to £37,550 per annum to the Council.

4.2 The Council does not currently receive any revenue from the current contract, albeit there is no cost associated with it either.

5. Risk management comments

5.1 There is no risk in entering into this contract as there is no cost to the Council.

5.2 Due to the lack of other providers, there is no procurement risk.

5.3 The risk in not entering a contract is that all of Spelthorne's bus shelters will be unmaintained.

6. Procurement comments

6.1 This is a concession contract, and our estimate shows that the total contract value is below the threshold of £5.3 million. The Council can let all contracts below the threshold according to their own internal contract standing order.

6.2 Now we consider this option as the most appropriate route which will present value for money when compared to possible gain should a full procurement exercise be undertaken. This is the case when we factor in the staffing time, the contract value and the market characteristics where the supply base is very limited.

6.3 The Council previously had no income from this contract and securing £22,500 to £37,000 per year for the next 5 years brings additional value, given that the council does not own the asset. The new plan is to work with Clear Channel while undertaking some benchmarking exercise, coupled with a soft market testing to understand the level of interest and possible competition before doing a full procurement exercise. If the market sounding exercise is completed within 3 years, the Council reserves the right not to activate the two year extension clause. The long-term plan is to generate more income from this service via a competitive tender.

7. Legal comments

7.1 Contract award by the Council must comply with the Contract Standing Orders set out in paragraph 22 of part 4(e) of the Constitution.

7.2 The Council has a statutory duty to deliver best value under the Local Government Act 1999.

7.3 Legal Services (g.legal@spelthorne.gov.uk) will provide advice and assistance on the preparation of the contract terms and conditions and will approve the final form of the contract and any other ancillary documentation.

8.0 Other considerations

The Council will also have access to unsold space across digital screens to help support the Council local messages. This will be in the new contract with Clear Channel.

9.0 Equality and Diversity

9.1 This report has no equality or diversity implications.

10.0 Sustainability/Climate Change Implications

- 10.1 The proposed contract would also include proposed replacements of up to fifteen shelters which will all have Landmark Living Roofs, commencing January 2025.
- 10.2 In addition, all the shelters will be replaced with smart lighting which will improve the sustainability of the shelters and reduce energy costs paid by SCC.
- 10.3 As an added value incentive to the Council, there would also be available £10,000 Social Value Fund set up by Clear Channel. As the contract negotiations progress, the way in which this fund can be used can be discussed and agreed e.g., trees or planting. This will be monitored by the Deputy Group Head Neighbourhood Services via quarterly contract meetings.

11.0 Timetable for implementation

- 11.1 If agreed, the contract will commence 1 February 2025

12.0 Contact

- 12.1 Catherine Munro Deputy Group Head Neighbourhood Services
01784 446317

Background papers: There are none.



Spelthorne Borough Council Services Committees Forward Plan

This Forward Plan sets out the decisions which the Service Committees expect to take over the forthcoming months.

Please direct any enquiries about this Plan to CommitteeServices@spelthorne.gov.uk.

Spelthorne Borough Council

Service Committees Forward Plan for 1 August 2024 to 31 March 2025

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 09 09 2024	Artificial Intelligence Policy Draft	Non-Key Decision	Confidential	Sacha Bailey, Projects Officer
Corporate Policy and Resources Committee 09 09 2024	Corporate Risk Management	Non-Key Decision	Public	Lee O'Neil, Deputy Chief Executive
Corporate Policy and Resources Committee 09 09 2024	Bus Shelter Maintenance	Non-Key Decision	Public	Jackie Taylor, Group Head - Neighbourhood Services
Corporate Policy and Resources Committee 09 09 2024	Commercial Property Insurance Renewal	Key Decision	Public	Katherine McIlroy, Asset Manager
Corporate Policy and Resources Committee 09 09 2024	5 Swimmers Statue	Key Decision	Public	Coralie Holman, Group Head Assets
Corporate Policy and Resources Committee 09 09 2024	Annual Complaints Performance 2023-2024	Non-Key Decision	Public	Gillian Scott, Corporate Governance Support Officer

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Council 24 10 2024	Waterfront Development Agreement	Non-Key Decision	Public	Richard Mortimer, Development Management Consultant
Corporate Policy and Resources Committee 09 09 2024	Housing Complaints Performance and Self-Assessment against Housing Ombudsman Complaint Handling Code	Non-Key Decision	Public	Gillian Scott, Corporate Governance Support Officer
Corporate Policy and Resources Committee 09 09 2024	Solar Canopies Over 'Eclipse' Leisure Centre Car Park	Non-Key Decision	Public	Timothy Snook, Sustainability Officer
Corporate Policy and Resources Committee 09 09 2024	Quarter 1 (30 June 2024) Capital Monitoring report	Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 09 09 2024	Q1 Revenue Monitoring Report as at 30 June 2024	Key Decision	Public	Ben Hanger, Project Accountant, Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 15 10 2024	Change to Treasury Management Strategy – Proposed Draw Down of Pooled Funds	Non-Key Decision	Public	Prithiva Janaka, Treasury Management and Capital Accountant, Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 15 10 2024	Action Tracker Update	Non-Key Decision	Public	Lee O'Neil, Deputy Chief Executive

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 15 10 2024	2023-24 Reserves Outturn Report	Non-Key Decision	Public	Paul Taylor, Chief Accountant
Corporate Policy and Resources Committee 15 10 2024	Leisure Centre Rate Relief Application	Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Corporate Policy and Resources Committee	Discretionary Rate Relief Policy	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	
Corporate Policy and Resources Committee 15 10 2024	Fees & Charges	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 15 10 2024	Service Plans	Non-Key Decision	Public	Coralie Holman, Group Head Assets
Corporate Policy and Resources Committee 15 10 2024	Spelthorne Financial Services Partnership	Non-Key Decision	Public	Terry Collier, Deputy Chief Executive, Karen Limmer, Interim Monitoring Officer
Corporate Policy and Resources Committee 15 10 2024	Key Performance Indicators 2023/24	Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee 24 09 2024 Corporate Policy and Resources Committee 15 10 2024	Safeguarding Children and Adults at Risk Policy 2024-2028	Non-Key Decision	Public	Lisa Stonehouse, Community Development Manager
Corporate Policy and Resources Committee 09 12 2024	Growth Bids, Capital Bids & Savings Plan	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 09 12 2024	Appointment of Charity Trustees - Staines Parochial Charity	Non-Key Decision	Public	Karen Wyeth, Principal Committee Manager
Corporate Policy and Resources Committee 09 12 2024	Appointment of Charity Trustees - Laleham Charities - Hodgson & Reeve	Non-Key Decision	Public	Karen Wyeth, Principal Committee Manager
Corporate Policy and Resources Committee 09 12 2024	Houses in Multiple Occupation	Key Decision	Public	Esme Spinks, Planning Development Manager
Council 12 12 2024	Determination of 2025/26 Council Tax Base for Tax Setting	Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Council 12 12 2024	Calendar of Meetings 2025 - 2026	Non-Key Decision	Public	Matthew Williams, Committee Manager

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 09 12 2024	Budget Report	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 20 01 2025	Interest Income	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 20 01 2025	Investments, Regeneration & Municipal Portfolios	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 20 01 2025	Government Funding	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 20 01 2025	Movement on Reserves (Including Sinking Fund)	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 20 01 2025	Houses of Multiple Occupancy Update	Key Decision	Public	Esme Spinks, Planning Development Manager, Tracey Willmott-French, Senior Environmental Health Manager
Corporate Policy and Resources Committee 10 02 2025	MTFP	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Corporate Policy and Resources Committee 10 02 2025	Capital Programme	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 10 02 2025	Reserves Strategy	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Corporate Policy and Resources Committee 10 02 2025	Detailed Budget TMS	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Community Wellbeing and Housing Committee 02 12 2024	Growth Bids, Capital Bids & Savings Plan	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Community Wellbeing and Housing Committee 02 12 2024	Budget Report	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Community Wellbeing and Housing Committee 02 12 2024	Fees & Charges	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Community Wellbeing and Housing Committee 02 12 2024	Service Plans	Non-Key Decision	Public	Karen Sinclair, Group Head - Community Wellbeing

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Environment and Sustainability Committee 03 12 2024	Growth Bids, Capital Bids & Savings Plan	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Environment and Sustainability Committee 03 12 2024	Budget Report	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Environment and Sustainability Committee 03 12 2024	Fees & Charges	Non-Key Decision	Public	Mahmud Rogers, Joint Financial Services Manager
Environment and Sustainability Committee 03 12 2024	Service Plans	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Corporate Policy and Resources Committee 10 01 2025	Lloyds Bank Contract	Non-Key Decision	Private	Mahmud Rogers, Joint Financial Services Manager

Corporate Policy and Resources Committee



Monday 9th September 2024

Title	Arrangements for displaying and maintaining the “5 Swimmers” statue in Staines-upon-Thames
Purpose of the report	To make a decision
Report Author	Coralie Holman – Group Head Assets
Ward(s) Affected	All Wards
Exempt	Main report: No Appendix 1: Yes
Exemption Reason	Appendix 1 contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – 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 any contract or other type of negotiation with the proposed provider who could then know the position of the Council.
Corporate Priority	Community
Recommendations	Committee is asked to: Authorise the Group Head of Corporate Governance to enter into a long term art loan agreement for the 5 Swimmers statue with Berkeley Homes (or such other appropriate form of agreement as shall be agreed with Berkeley Homes).
Reason for Recommendation	The Council has been unable to secure a suitable site on Council owned land. Hence alternatives have been considered within Staines-upon-Thames and the Berkeley Homes site at Eden Grove is the best alternative option available.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The 5 Swimmers is a statue that is has significant importance for many local residents. Unfortunately, it is currently in storage, having been damaged due to past vandalism and is not available for viewing or visiting by those who value it highly. 	<ul style="list-style-type: none"> To ensure that this much-loved statue once again can be placed in a public realm to be enjoyed. To mitigate the continued storage costs
What do we want to do	These are the next steps
<ul style="list-style-type: none"> Allocate the statue a new location in Staines -upon-Thames which is accessible to the public. 	<ul style="list-style-type: none"> If option 1 is approved enter into an art loan agreement with Berkeley Homes, arrange the repairs to be completed and then the actual relocation of the statue. If Option 2 is progressed continue to identify suitable alternative locations for the statue. If Option 3 is preferred, no further action is required.

2. Key issues

- 2.1 The 5 Swimmers statue was constructed in 1980 by David Wynne O.B.E, an artist and renowned sculptor. It was commissioned at the behest of Grosvenor Developments, the owner of the Elmsleigh Centre with the financial backing of the British Petroleum Pension Fund and gifted to the people of Spelthorne.
- 2.2 It was used as a “wishing well” spouting centre piece for the Elmsleigh Shopping Centre for many years and was still in situ in 1997. At some point after that, the pension fund owners of the Elmsleigh Shopping Centre indicated they did not want it anymore and the statue was moved into storage. This is believed to be because of refurbishment works at the Centre, and it may have impeded the flow of pedestrians. Following this there was a public outcry that the 5 Swimmers statue had been removed from the public realm.
- 2.3 The Council then intervened and installed the statue in the Memorial Gardens by the Old Town Hall in 2006. A location which initially worked well, as the statue is a water feature which requires an underground pump room (and legionella testing) to be used as such and it was situated in the Memorial

Gardens. The pumps were damaged in the flood of February 2014 and had to be decommissioned for a period of time.

- 2.4 Unfortunately, the statue was subsequently vandalised several times in this location assisted by the fact it was located in a quiet location which is not overlooked, culminating in a major incident on 14 February 2022 when some youths climbed on the statue causing it to collapse in pieces. The statue has been held in storage with one of the Council's contractors ever since at a cost of approximately £1,000 per annum.
- 2.5 The 5 Swimmers statue's value is currently listed as £250,000. Its total insurance value is listed as £399,639.24. The statue has been repaired several times in the past and the cost of current repairs needed now stands an estimated sum of £25,000, which could potentially be funded from the Council's Planned Maintenance budget.
- 2.6 Use of the Planned Maintenance budget would result in decisions needing to be taken as to which elements of the Council's planned maintenance programme could be deferred to a future financial year.

Current position

- 2.7 Officers were asked that options were explored for a new site for the possible relocation of the 5 Swimmers to ensure that this statue once again can be placed in a public realm to be enjoyed.
- 2.8 The main considerations are:
 - Location: the statue needs to be relocated to a site where it is less likely to be vandalised, but remains within the public realm as a piece of public art.
 - Ownership: given its value, history as part of Staines-upon-Thames and the public affection for the statue, the Council should seek to retain ownership.
 - Repair and Maintenance: there will be ongoing costs which needs to be picked up, including legionella testing so it can continue to operate as a water feature.
 - Insurance: the Council currently insures the statue and prospectively may need to continue to do so if it retains ownership, though it is expected that Berkeley Homes will take on the insurance alongside its security of its public realm.
- 2.9 Various options for a new location for the 5 swimmers were considered. This resulted in a detailed evaluation of 4 key sites, all within Staines-upon-Thames. These are set out in Appendix 1. There were no suitable sites on land currently owned by the Council. It also became apparent, should the statue be located within a Council owned site i.e. within established operational buildings such as the Elmsleigh Shopping Centre, the installation and ongoing maintenance costs could be in excess of £90,000, due to the various works and alterations required. The five sculptures which form the statue plus the base have a total weight of 403.5kg. The approximate height is 3.7m and approx. width is 3m. A photograph of the statue is shown in Appendix 2.
- 2.10 Positive engagement has been undertaken with Berkeley Homes who are designing and installing a new major public open space within their Eden

Grove development on London Road, Staines-upon-Thames. A proposal to potentially relocate the 5 Swimmers as a central feature of this fully accessible new public space for Staines-upon-Thames, has actively been pursued.

- 2.11 Installing the 5 Swimmers statue in the Eden Grove complex, does raise the issue of potential transfer of ownership and continued insurance and maintenance liability.
- 2.12 'Giving away' a community asset is clearly not an option. The rules regarding disposal of non-land assets are contained within the Financial Regulations in the Constitution. Hence a long-term loan of the public asset is proposed, on the basis that Berkeley Homes maintained liability and security of the statue in their development. Legal Services have confirmed this is a feasible proposal. It is proposed an agreement is put in place to loan the statue, for a period of c.100 years.
- 2.13 The area in Memorial Gardens where the statue was previously installed, could in the future be used for a play area or other suitable public recreational use, subject to future funding availability.

3. Options analysis and proposal

The Committee has the following options to consider.

3.1 Option 1

This is the recommended option. The Council arranges the repair of the statue at a cost of £25,000 (to be met from the Planned maintenance budget) and allow Berkeley Homes to borrow the artwork for external public display in its Eden Grove development. It is proposed that the arrangement would be documented by way of a long-term art loan agreement of the 5 Swimmers' statue to Berkeley Homes including repairs, maintenance and insurance liabilities to facilitate provision of a new home in the Eden Grove development.

3.2 Option 2

Do not agree the long-term loan of the 5 Swimmers statue to Berkeley Homes but continue to seek suitable alternative Council owned sites and retain repair, maintenance and insuring liabilities, which is an unquantified cost.

3.3 Options 3

Continue to house the statue in storage and incur the on-going £1,000 pa storage costs.

4. Financial management comments

- 4.1 The Council will need to meet the repair costs which are anticipated to be £25,000 and will be funded from the Planned Maintenance budget.
- 4.2 If the statue is not repaired at this time the £1,000 annual costs of storage will still have to be covered from the Council's revenue budget.

5. Risk management comments

- 5.1 The proposed location to re-site the statue will be more visible, which should deter future vandalism.
- 5.2 Not all members of the community may consider this to be good use of public funds at the expense of deferring some planned maintenance works on council owned buildings.
- 5.3 Terms will need to be agreed with Berkeley Homes.

6. Procurement comments

- 6.1 A specialist contractor has been identified to carry out the repair works.

7. Legal comments

- 7.1 The 5 Swimmers statue belongs to the residents of Spelthorne and therefore it is important that it remains visible to the public and title to the artwork is retained.
- 7.2 The precise form of agreement to be used to document Berkeley Homes' borrowing of the artwork will be subject to negotiation with Berkeley Homes, but an art loan agreement is proposed. This agreement allows title to the statue to be retained, whilst passing the insurance, repair and maintenance costs onto Berkeley Homes (subject to agreement of heads of terms). An art loan agreement is proposed in preference to a lease as it does not constitute a 'disposal' of the asset and there is no risk of the Council's incurring rates liability.
- 7.3 As the artwork will be located on Berkeley Homes land (over which the Council has no control or interest), the Council will look to Berkeley Homes to assume responsibility for public liability and insurance.
- 7.4 The erection of the statue itself may require planning consent. This will be a matter for Berkeley Homes' consideration and the onus on obtaining all necessary consents will be passed onto Berkeley Homes.
- 7.5 If the statue is to be fully operational as a water feature, responsibility for legionella testing etc. shall be passed onto Berkeley Homes.

8. Other considerations

- 8.1 Not applicable.

9. Equality and Diversity

- 9.1 Not applicable.

10. Sustainability/Climate Change Implications

- 10.1 Not applicable

11. Timetable for implementation

11.1 As soon as possible following the Committee decision.

12. Contact: Daniel Mouawad, Chief Executive (email: DCM.CEX@Spelthorne.gov.uk)

Background papers: There are none.

Appendices:

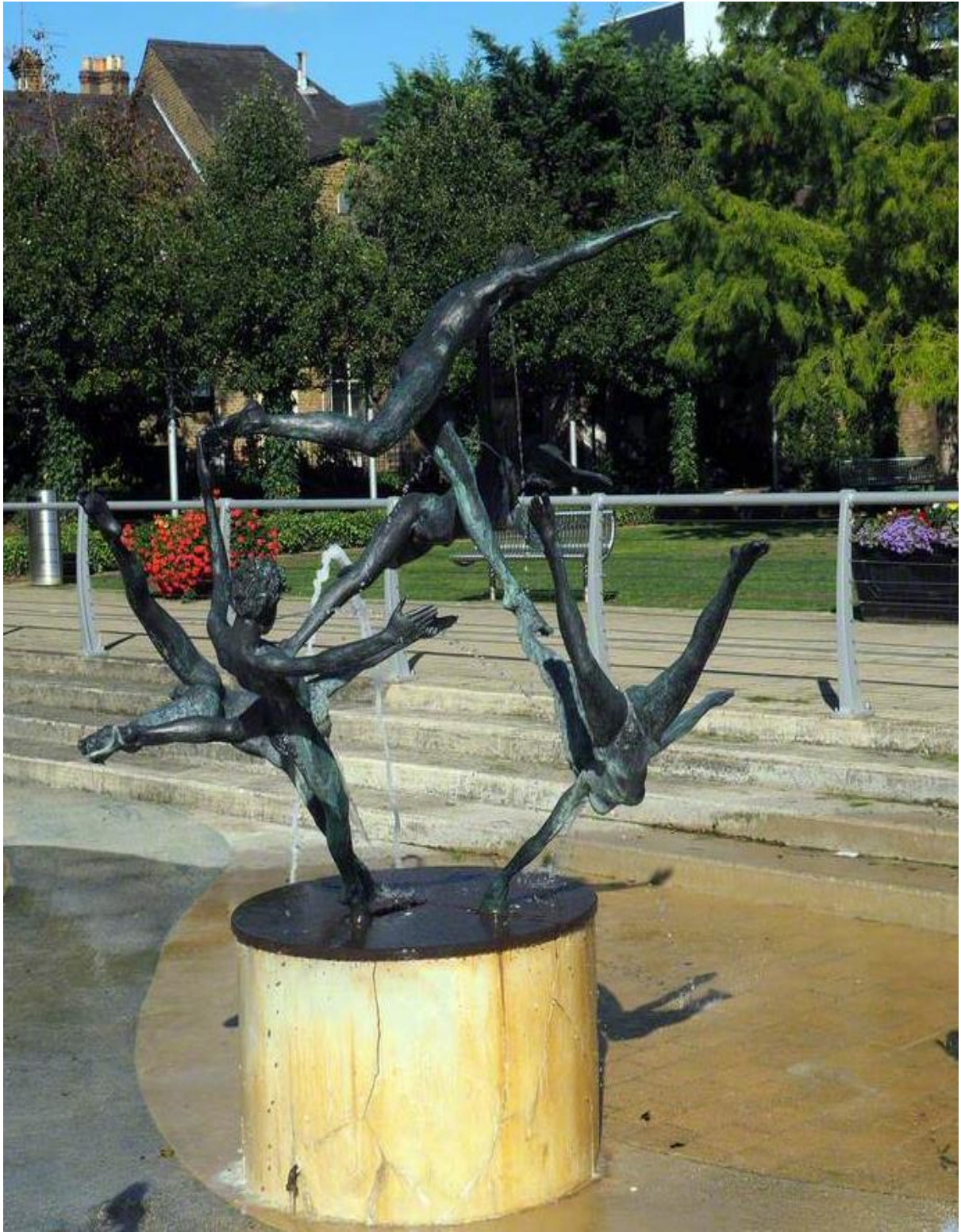
Appendix 1: Evaluation of alternative sites

Appendix 2: Photograph of 5 Swimmers statue at previous location

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

Document is Restricted

This page is intentionally left blank



This page is intentionally left blank

Corporate Policy & Resources Committee



9 September 2024

Title	Waterfront Site, Bridge Street, Staines-upon-Thames
Purpose of the report	To make a decision.
Report Author	Richard Mortimer – Development Advisor
Ward(s) Affected	Staines
Exempt	Report and Appendices 4 & 5 – No Appendices 1, 2, and 3 - Yes
Exemption Reason	Appendices 1, 2 and 3 contain exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – 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 any contract or other type of negotiation with the proposed contractor who could then know the position of the Council.
Corporate Priority	Resilience (economic)
Recommendations	<p>Committee is asked to recommend to Council:</p> <ol style="list-style-type: none"> 1. Approval of the Heads of Terms for the Council to enter into an Agreement for Lease with the proposed tenant for the Waterfront Site, Bridge Street, Staines-upon-Thames to facilitate the delivery of a new hotel led regeneration on this prime riverside site. 2. Delegate authority to the Chief Finance Officer in consultation with the Leader to agree any minor variations to the Heads of Terms and the final terms of the Agreement for Lease subject to valuation advice received. 3. Delegate authority to the Group Head of Corporate Governance in consultation with the Leader to finalise and enter into the Agreement for Lease and any other associated documentation in connection with the grant of the Lease to the proposed tenant.

	<p>4. Note the Local Government Act S.123 'Best Value' valuation undertaken by Cushman & Wakefield in respect of the proposed terms of this transaction.</p>
Reason for Recommendation	<p>This prime riverside site forms an important gateway into Staines-upon-Thames. Its development as a much-needed high quality hotel led facility for a gateway site will help kick-start and set the tone for wider town centre regeneration. Currently, there are no other upscale +4* hotels in the borough which leads to a loss of spend and employment to other adjoining and competing boroughs. Furthermore, it will act as a catalyst for further commercial and tourist led economic activity in the borough. It will also provide important facilities for the Borough's existing businesses including international companies.</p> <p>The proposed Heads of Terms reflect the usual Landlord & Tenant controls around the demise and user clause whilst providing a stable income for the Council on a long-term basis.</p>

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • This prime riverside site has a history of developer interest without any progress being made for over a decade. • Hanover House is vacant and currently incurs significant monthly holding costs. The car park is also under-utilised with other vacant parts such as the former Sea Cadets building. • Options are limited for the site given emerging local plan aspirations and potential flooding concerns. 	<ul style="list-style-type: none"> • The site is run down, under-utilised and offers negative townscape impacts for a prime riverside site that acts as a gateway into Staines-upon-Thames. • The proposed tenant's proposal will not only pump-prime town centre regeneration but also provide high quality facilities that are not currently available within the Borough. This will benefit local businesses/residents/the tourist economy.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> • Maximise benefits to local residents and businesses by delivering a high-quality gateway development that will set the tone for future development in Staines. Approve the Heads of Terms so an Agreement to Lease can be 	<ul style="list-style-type: none"> • Enter into a legal agreement with the proposed tenant. This will provide the certainty to allow them to undertake public consultation, develop their designs and submit a planning application. Agree the Heads of Terms.

<p>entered with the proposed tenant.</p> <ul style="list-style-type: none"> • Subject to planning, the revised proposals allow for sympathetic regeneration of the site providing a high quality upscale 4* hotel led landmark regeneration at the entrance to the town. 	<ul style="list-style-type: none"> • Finalise an Agreement for Lease and obtain an external view on the site's value. • Whilst not anticipated, should there be any material variations, such as increasing the heights, these would be referred back to the Committee for approval. • Once the Agreement is signed, the proposed tenant will undertake wide stakeholder consultation and submit a planning application within 12 months for a scheme that sits within a demise envelope that limits height/massing.
---	---

1.1 This report sets out the current status of the site as well as the options and rationale for progressing the transaction with the proposed tenant.

2. Key issues

History

2.1 The Council has enjoyed long term ownership of the site on a freehold basis and operated it as a car park. In 2018, the adjacent Hanover House was acquired to help facilitate a wider more comprehensive regeneration. However, for over a decade, the Council has sought a suitable development partner without success. Previously, Bellway Homes pulled out of a controversial scheme to build a 12-storey scheme comprising 205 apartments. The most recent tender was held in 2019 for a hotel led mixed regeneration scheme. Arora Hotels Group Limited was awarded the contract in 2020 to deliver a high density hotel led regeneration scheme. However, due to the pandemic, the Moratorium and other local challenges at that time, the scheme did not progress. The Development Agreement expired on 31 December 2023.

Current position

2.2 Due to the lack of interest to progress a development on the site, it is considered appropriate to progress redevelopment of the site with the single interested party and obtain an independent S.123 'Best Value' valuation to demonstrate the transaction represents a good level of market return for the Council. Heads of Terms have now been agreed with a third-party hotel developer/operator to progress a redevelopment of the site into a hotel led scheme, which will retain some ancillary uses consistent with a hotel business. The Heads of Terms will not permit any residential use on the site. These are set out in the confidential Appendix 2 of this report.

- 2.3 Appendices 4 and 5 show illustrative designs for the site.
- 2.4 Initially an agreement for lease will be entered into which will contain agreed terms that the proposed tenant must adhere to and discharge, prior to a long-term lease being entered into. These include the obtaining of planning approval of a building that is contained within a specified building envelope and for use as a hotel (Use Class C1). As part of the planning process, the proposed tenant will be required to undertake public consultation in accordance with the Local Planning Authority's own policies.
- 2.5 The proposed tenant for the new Agreement for Lease has confirmed they are committed to delivering a lower density hotel led scheme (with heights within agreed parameters, which will not exceed 6 storeys or a total building height of 30 metres. The current scheme proposals are estimated at 28.4m. The proposed tenant has spent significant sums in respect of design fees and are fully invested and committed to delivering a high-quality scheme that is financially viable and complies with local plan and emerging local plan aspirations including proposed Design Codes. The proposed tenant has provided assurances they wish to work closely with Spelthorne Borough Council to progress this important regeneration scheme, albeit via a different form of arrangement than the previous 'works' contract, under the proposed Landlord and Tenant lease arrangement.
- 2.6 The market for new higher end hotel development remains limited with most developers remaining highly cautious and selective. The proposed tenant is one of the most dominant investor/operators in the local and Heathrow markets and brings the certainty and financial resources to deliver a high-quality proposition. For these primary reasons, there are no benefits in remarketing the site. An external valuation in confidential Appendix 3 of this report justifies this in compliance with the requirements of s123 of the Local Government Act 1972.
- 2.7 The demise envelope will restrict new development within a defined footprint and vertically up to 6 storeys and no higher than 30 metres. This means that if the proposed building design breaches this envelope, then the proposed tenant will be unable to commence construction works due to being unable to enter the long-term lease until this is rectified. Also, any requested increases, however minor in height would need to be referred to this Committee for approval. The proposed scheme also includes a landscaped area adjacent the riverside footpath that will not only be for hotel residents but for the public to enjoy too and the lease will contain rights of access to this area for the local community.
- 2.8 The agreement for lease will contain strict provisions to ensure the scheme is progressed in a timely manner i.e. the proposed tenant will need to obtain an implementable planning permission within 24 months of entering the Agreement for Lease. As well as ensuring a scheme is brought forward in a timely manner, from the grant of the lease, the tenant will be fully responsible for all running costs of the site.

Next Steps

- 2.9 The Council's Development Sub Committee has already approved referral of this report to this Committee. An independent valuation has been obtained to

confirm that the proposed transaction demonstrates best value for the Council, and this is attached at Confidential Appendix 3.

- 2.10 The Committee is being asked to make recommendations to Full Council (due to the overall value of the transaction) for final approval. Assuming these are approved, officers would proceed to enter into an Agreement to Lease subject to the proposed tenant obtaining planning consent for the scheme.
- 2.10 The proposed tenant has indicated their commitment to extensive public and stakeholder consultation as part of their planning application to help inform their scheme proposals. As a minimum, they will need to comply with the Local Planning Authority's own requirements for major planning applications. They have also committed to submitting their planning application within 12 months of signing this Agreement for Lease, but they will not be contractually obliged to do so.

3. Options analysis and proposal

- 3.1 **Proceed With Agreement for Lease to the Proposed Tenant – Recommended Option.** Through continued discussions, the proposed tenant has demonstrated their commitment to develop the site and work closely with the Council. They have also indicated their commitment to fully engage in wider pre-application public consultation. This will ensure the design significantly improves the site and sympathetically responds to its riverside setting whilst enhancing and preserving the Conservation Area in which the site is situated. It will also act as a catalyst to create linkages between the riverfront and town centre which will support future plans to strengthen the economic offer within Staines-upon-Thames.

The proposed demise envelope also ensures that not only is the footprint limited but the height of any future scheme is also constrained to a maximum of 6 storeys and capped at 30 metres. The financial offer for the hotel is commercially confidential and is set out in the confidential Appendix 1 of this report.

The completed scheme will not only offer high quality facilities that will benefit the Borough's existing residents and businesses, but also help increase local tourism and employment.

- 3.2 **Do Nothing - Not recommended.** This prominent gateway site has been under-utilised for over 10 years. Furthermore, Hanover House was acquired in 2018 as part of a site assembly to facilitate a more comprehensive regeneration. Doing nothing and leaving the site to deteriorate will adversely impact Staines-upon-Thames townscape rather than acting as a stimulus for further investment and regeneration in the town centre.
- 3.3 If the site continues to remain vacant and underutilised, it places increased financial pressures on the Council's revenue budget and could mean further costs on the site would need to accrue to the Revenue Budget. The Council would also be responsible for all holding costs.
- 3.4 **Remarket The Site for Alternative 4*+ Hotel Led Uses – Not Recommended.** There is a general lack of funding in the market for new quality hotel development due to current market conditions. Therefore, there is limited competition for new build opportunities if the site were marketed and is likely to result in any interest being for lower quality budget hotels of which there is currently a sufficient supply of within the town and wider Borough.

Having been to market in 2019/20 when the market was a more buoyant environment, a limited number of bids were made. The market has declined since then. The proposed tenant is one of the most dominant brands in the surrounding area and Heathrow markets.

- 3.5 **Remarket For Alternative Uses** – not recommended. Due to more stringent and recent EA flood modelling that indicates circa 50% of the site is functional floodplain, mitigation measures for a residential development would be more onerous than a hotel led scheme. It is anticipated there would not be a viable planning approved scheme that would be acceptable for any form of residential development. Other uses such as offices are unlikely to be viable due to lack of identifiable demand and highly selective speculative funding. Retail warehousing would compete with the town centre, may also be unacceptable in planning terms and would provide an uninspiring visual gateway to the town centre. It would also have a negative impact on activating the river frontage for increased public use/benefit.

4. **Financial Terms**

- 4.1 Please refer to the confidential Appendix 1.

5. **Risk Management**

- 5.1 **Rental Forecasts** - the external independent S.123 valuation provides the Council with comfort around the cashflow forecasts and the value of its interest in the proposed hotel post practical completion.
- 5.2 **Planning** – the Agreement for Lease will be subject to the proposed tenant obtaining planning consent for their scheme. They will be responsible for all costs and risks associated with obtaining this consent. Furthermore, the proposed tenant will need to comply with any consultation requirements of the Local Planning Authority and will need to obtain an implementable planning permission within 24 months of entering into the Agreement to Lease. This application will need to demonstrate its compliance with relevant national and local planning policies.
- 5.3 **Design Codes** - The Council is aiming to have a Design Code in place by the end of 2024. This planning document will be a material planning consideration for any planning application on the 'Waterfront' scheme which has not been determined by Planning Committee by the time the Design Code comes into effect.
- 5.4 **Building Heights/Massing** – if the completed building exceeds the lease demise, then enforcement can be actioned not only via planning if it does not comply with any planning permission granted but also contractually through the lease terms. Therefore, they have a strong incentive to minimise these risks and build within the proposed demise envelope which limits both footprint and height. The tenant, their funders and advisors will be highly cognisant of the need to manage and mitigate this risk.

6. **Procurement comments**

- 6.1 The Council's internal Procurement team and specialist external solicitors have been consulted and are satisfied that the agreed Heads of Terms are fully compliant with Public Contracts Regulations 2015 and the Council's Contract Standing Orders.

7. Legal comments

- 7.1 Further to sections 120-123 of the Local Government Act 1972, the Council has the powers to acquire and dispose of land for the purpose of any of its functions. Any disposal will need to satisfy the valuation requirements of S123 of this Act.
- 7.2 Legal Services have worked in collaboration with external legal advisors to ensure the Heads of Terms are legally robust and adequate to inform the Agreement for Lease.
- 7.3 Legal Services and their external advisors will continue to provide professional advice and assistance in drafting the Agreement to Lease and the long lease that will ultimately be entered into.

8. Other considerations

None at this stage.

9. Equality and Diversity

- 9.1 The proposed tenant will be required to be fully compliant with all planning requirements to ensure the needs of a wide range of visitors are met. It is expected that they will meet equality and diversity requirements in due course with all the staff they employ when the hotel is built.

Sustainability/Climate Change Implications

- 9.2 The proposed tenant will be required to comply with both local and national planning policy requirements and Building Regulations compliance. In addition, they have indicated that their scheme will include mature landscape in order to enhance biodiversity features. They will also need to achieve the 10% Biodiversity Net Gain on site.

10. Timetable for Implementation

- 10.1 Once all the Council's internal approvals are in place, the Agreement for Lease will be progressed to its completion. The proposed tenant would then have 24 months from the date of the Agreement for Lease to obtain an implementable planning consent; if the tenant submits their planning application within 12 months as they have indicated this could be in Quarter 3/2025 (calendar year).

11. Contact

- 11.1 Richard Mortimer (Assets Team)
Email: r.mortimer@spelthorne.gov.uk

Background Papers

Appendix 1 – Confidential: Financial implications

Appendix 2 – Confidential: Heads of Terms

Appendix 3 – Confidential: s123 Valuation

Appendix 4 – Proposed Publicly Accessible Landscaped Areas (Part 1 Information)

Appendix 5 – Development Sub Committee Latest CGI Hotel Schematic
Presentation

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

PROPOSED PLANS & USES



Level 00



This page is intentionally left blank

Waterfront Site

Page 193

**Proposed Arora Hotel
Development, Bridge Street,
Staines**



Arora's Scheme Proposals

Accommodation -

Upscale +4* star quality hotel.

Hotel Rooms - approximately 250 beds.

Aparthotel Suites - 29 units.

Facilities may include - restaurants, bars, ancillary retail kiosks, café, fitness/spa, meeting rooms, lounge.

What Benefits Does The Development Bring To Spelthorne?

Economic Regeneration – of both day and night-time economy. Increased tourism and visitation to the borough and increased spend amongst local businesses. Enhanced profile for Staines.

Local Employment.

Vibrancy, Vitality & Connectivity - brought to a neglected prime corner of the riverside.

Prominent Gateway Location – sets the tone for future development in Staines.

Spend – increased spend in the local economy rather than existing residents/businesses going to competing adjacent boroughs for similar facilities.

Physical Regeneration – significant inward investment. Pump-primes confidence amongst developers/investors in bringing forwards ambitious proposals in Staines Town Centre.

Arora Proposals - Riverside Image From Runnymede



Elevations



Relationship To Adjacent Dwellings



Adjacent houses

Site

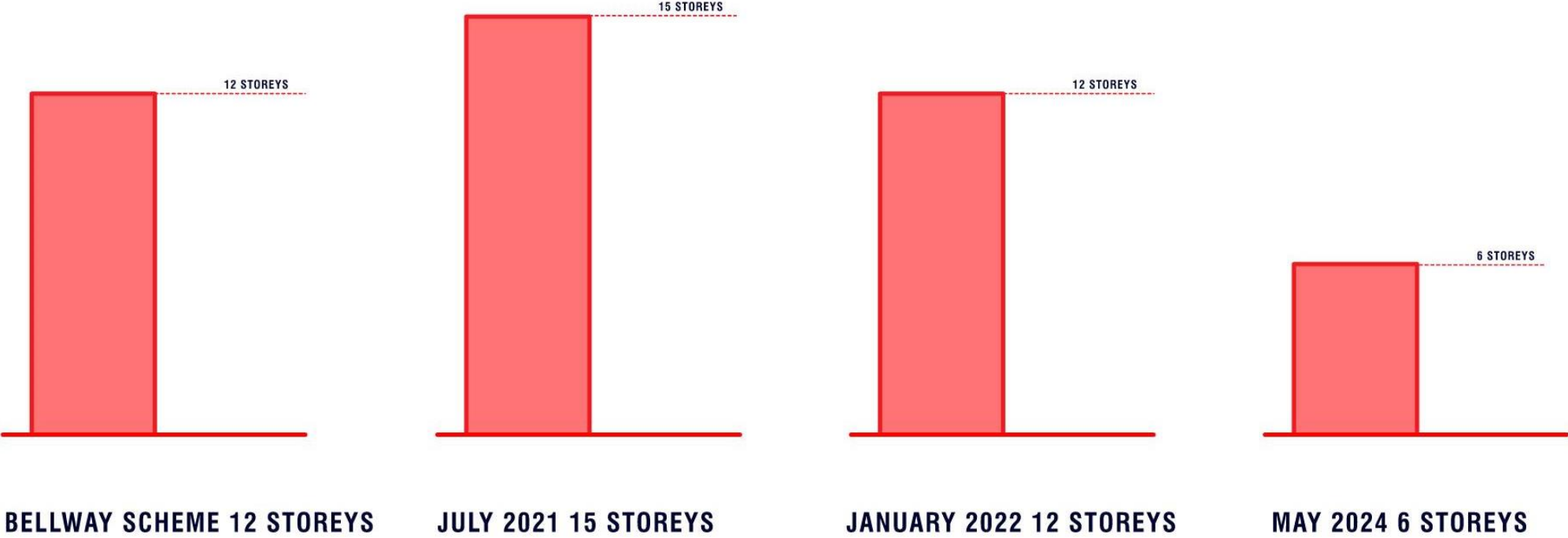
Bridge street

Proposed Heights

The Council is considering granting a lease with a demise envelope that restricts the maximum height to 30 metres. Based on early feasibility work, Arora's architects anticipate the approximate floor heights to be -

- Total height of 26.4metres excluding any allowance for EA floodwater storage below ground floor level. Depth below ground floor slab may vary hence 30m max height.
- Ground Floor to 1st floor- 6.4m, floors 1-5 inclusive: 3.2m per floor, 4m lift overrun/plant at rooftop. This allows up to 3.6m for below ground floodwater storage.
- Note these will be refined through design development but will not exceed 30 metres.

Changes in Height Over Last 10 Years



Height Compared To Local Schemes

CONSENTED SCHEMES - LONDON SQUARE



Proposed



London Square

Height Compared to Elmsleigh Road



Height Compared To Eden Grove



How Does The Council Control Heights?

- A demise envelope will be incorporated into the lease. This sets out the site footprint and the maximum height for the development. This imposes a contractual obligation upon the developer and his funding partners to construct within this zone. Landlord & Tenant remedies will be available for any breaches.
- Any future proposed alterations to the building will be subject to the tenant obtaining prior landlord's consent.

Public Consultation & Planning

Public Consultation - once the Agreement for Lease is signed, Arora have confirmed they will undertake meaningful and extensive community and stakeholder consultations prior to submitting their planning application. This feedback will be used to help refine and shape their scheme.

Flood Risks - as part of the planning application, Arora will be required to consult with the Environment Agency and agree suitable mitigation to address all flood risks.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank