



**Spelthorne  
Borough Council**

Council Meeting  
Thursday, 24 October 2024





16 October 2024

*Please reply to:*

Contact: Karen Wyeth

Direct line: 01784 446337

E-mail: [k.wyeth@spelthorne.gov.uk](mailto:k.wyeth@spelthorne.gov.uk)

To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held at The Council's Offices, Knowle Green, Staines-upon-Thames on **Thursday, 24 October 2024** commencing at **7.00 pm** for the transaction of the following business.

Daniel Mouawad  
*Chief Executive*

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

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

## **AGENDA**

Description	Page nos.
<b>1. Apologies for absence</b> To receive any apologies for non-attendance.	
<b>2. Minutes</b> To confirm as a correct record the minutes of the Council meeting held on 18 July 2024.	9 - 32
<b>3. Disclosures of Interest</b> To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.	
<b>4. Announcements from the Mayor</b> To receive any announcements from the Mayor.	
<b>5. Announcements from the Leader</b> To receive any announcements from the Leader.	
<b>6. Announcements from the Chief Executive</b> To receive any announcements from the Chief Executive.	
<b>7. Questions from members of the public</b> The Leader, or their nominee, to answer any questions raised by members of the public in accordance with Standing Order 13.  Council has received two questions from members of the public which is attached.	33 - 34
<b>8. Local Plan - Resumption of Examination</b> Report to follow.	
<b>9. Waterfront Development Agreement</b> Council is asked to:	35 - 140
1) Approve the Heads of Terms for the Council to enter into an Agreement of 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.

*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.*

## **10. Development Site, Delivery Prioritisation**

Council is asked to

141 - 166

- 1) Approve the introduction of a Development Delivery Strategy;
- 2) Approve the form and content of the draft Development Delivery Strategy attached to the report;
- 3) Approve the prioritisation list of development site delivery;
- 4) Approve that the prioritisation list of development site delivery shall form part of the Development Delivery Strategy.

*Appendix 2 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.*

## **11. Change to Treasury Management Strategy – Proposed Draw Down of Pooled Funds**

Council is asked to approve the amendment to the Treasury Management Strategy for 2024/2025 as set out in the report.

Report to follow.

**12. Gambling Act Policy 2025-2028**

Council is asked to consider a recommendation from the Licensing Committee to approve the Gambling Act Policy 2025-2028. 167 - 208

**13. Amendments to the Constitution**

To approve the proposed changes to the Council's Constitution. 209 - 304

**14. Reports from the Committee Chairs**

To receive and agree the reports from the Committee Chairs. 305 - 338

**15. Motions**

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

At the date of publication 1 motion was received as follows:

**Motion 1 –**

Proposed by – Cllr S Mooney  
Seconded by– Cllr M Lee

Members will be aware that Article 4 is a direction of the General Permitted Development Order which enables a local planning authority to withdraw specified permitted development rights and bring decisions in relation to HMOs to the Planning Committee.

With increasing demand for HMOs and growing complaints from residents across the Borough, this motion is requesting that the existing Article 4 direction in place for specific wards should be extended to the whole of the Spelthorne Borough Council area.

**16. General questions**

The Leader, or their nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 14. 339 - 340

One question has been received from a member (as per attached).

**17. Exclusion of Public & Press (Exempt Report)**

To move the exclusion of the Press/Public for the following item as the report 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 lease, contract or other type of negotiation with the tenant or developer, who could then know the position of the Council.

**18. Housing Options Document Management System**

Council is asked to consider a recommendation from the Corporate Policy and Resources Committee to approve an in-year Capital bid for an Electronic Document Management System for Housing Options.

341 - 356

*This report 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.*

**19. Procurement of a New Spelthorne Borough Council Website**

Council is asked to consider a recommendation from the Corporate Policy and Resources Committee to approve the procurement of a new website.

357 - 364

*This report 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.*

This page is intentionally left blank



**MINUTES OF THE SPELTHORNE BOROUGH COUNCIL**

**Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 18 July 2024 at 7.00 pm**

**Present:**

**Councillors:**

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

**Apologies:** Apologies were received from Councillors L.H. Brennan, S.A. Dunn and D.L. Geraci

**Councillor M. Buck, The Mayor, in the Chair**

**64/24 Minutes**

The minutes of the Council meeting held on 23 May 2024 and the Extraordinary Council meeting held on 10 June 2024 were agreed as a correct record.

**65/24 Disclosures of Interest**

Councillors Attewell, Boparai, Sexton and Weerasinghe advised they were also Surrey County Councillors.

Councillor Nichols advised that he had an interest in Item 20 on the agenda as he is on the Board of Directors for Knowle Green Estates.

Councillor Saliagopoulos declared a pecuniary interest in Item 8 – Local Plan Resumption of Examination.

## **66/24 Announcements from the Mayor**

The Mayor made the following announcements:

“I am very pleased to report on my mayoral activities over the last two months since I took office on May 23, 2024.

### Visit to Chennestone Primary Community School

I had the opportunity to visit Chennestone Primary Community School in Sunbury for their Annual Funday. I witnessed the young students attempting a Guinness World Record for the Largest Chu Chu Au Dance. The event was well attended by parents, students, and guests, and showcased the vibrant community spirit of our young residents.

### Mayor’s Civic Service and 50th Anniversary Celebration

As per our tradition, the Mayor’s Civic Service was held this year at St. Matthews Church, followed by our 50th Anniversary celebration. I extend my gratitude to Father John for officiating a wonderful service. I also thank all the neighbouring boroughs’ mayors and consorts, past mayors, councillors, guests, and officers who graced the ceremony with their presence.

### Surrey Mayors Association Welcome Event

The Surrey Mayors Association hosted a welcome event for all new and past mayors. I represented Spelthorne Borough Council and was accompanied by my deputy, Cllr John Doran, and our consorts. This event was a valuable opportunity for networking and sharing knowledge and experience with current and former mayors.

### Annual General Meetings (AGMs) –

#### Spelthorne Business Forum

I attended the AGM of the Spelthorne Business Forum. It was a well-attended event with nearly 100 businesspeople from Spelthorne and surrounding areas. A raffle was organized, and the proceeds will support the charities I am endorsing this year.

#### Spelthorne Scouts

I also attended the AGM of the Spelthorne Scouts. I was impressed by their ongoing engagement in supporting young people’s personal development and empowering them to make positive contributions to Spelthorne.

### D-Day Commemoration

We honoured the legacy of the D-Day generation by raising flags to mark the 80th anniversary of the Allied invasion of Normandy. This was a solemn occasion to remember and honour our D-Day heroes.

### Armed Forces Day

I observed Armed Forces Day along with councillors, officers, and the public. Spelthorne Borough Council showed our support by flying the flag outside the Council Offices all week, recognizing the men and women who make up the Armed Forces community.

### Rotary Club of Shepperton & Sunbury

I visited the Rotary Club of Shepperton & Sunbury to celebrate their 75 years of service to the community. This milestone reflects their long-standing commitment to our community's welfare.

### National Roses Show

I attended the National Roses Show hosted by Squires Garden Centre in Shepperton. I was proud to see the blooming roses exhibited by participants from Spelthorne as well as other national participants.

### Staines Upon Thames River Day 2024

I had the pleasure of opening the Staines Upon Thames River Day 2024. It was a day filled with fun and amusements for residents of all age groups. This year, we revived a old tradition by welcoming the Lord Mayor of the City of London to our borough to celebrate an ancient City of London tradition of inspecting the London Stones. The Lord Mayor led a river flotilla to Staines, where the ceremony of touching the London Stone with a sword was carried out. The original stone, kept in the Spelthorne Museum, was also visited. I would like to express my heartfelt thanks to all councillors, officers, organizations, charities, and the public who have supported me in organising and participating in all the above-mentioned events. I am very proud to acknowledge that everyone is coming together for the greater good of the residents of Spelthorne regardless of which political party you represent.

I thank you very much for your continued support”.

### **67/24 Announcements from the Leader & Deputy Leader**

The Leader made the following announcements:

“Our Residents’ survey is now open to share your views on our services that we deliver in the Borough. This all-inclusive Council are listening to you, and I encourage you to participate and take this opportunity to have your say. Your

views really count, as well as wanting to know what you think about our services and future priorities, the results will help us make the right decisions in how we allocate our resources. So please spread the word and encourage friends and family to take part. The survey is featured on our website, in the Summer Bulletin magazine and available at the Council office, Leisure Centres, libraries and at our Community Centres. Your input is invaluable in shaping the future of your Spelthorne - without your views we cannot action change.

Last month we launched our new digital engagement platform for the Spelthorne Design Code project. The project's purpose is to enhance the future of our Borough by creating a vision for how our buildings, streets, parks, and public spaces should look and feel and to leave a legacy for our future generations, that we can all be proud of . We want you, the residents, to be at the heart of this process. Over the next few months, our team will be meeting with communities across Spelthorne to gather your thoughts and ideas. Your input is crucial in helping us create a Design Code that reflects our shared vision and contribute to the overall wellbeing of our community. For news and alerts please sign up to the Design Code hub on our website, follow our social media channels and look out for banners and posters which will be displayed in towns across the borough.

In June I was honoured to attend two ceremonies to celebrate our Armed Forces Community. Firstly, a dedicated ceremony for the 80<sup>th</sup> Anniversary of D-Day, attended by over 100 people, including veterans, residents, and staff. Later in the month, with our Armed Forces Champions, Cllr Clarke and Cllr Doran we raised the Armed Forces flag outside the Council Offices to mark Armed Forces Day.

We have always had a strong tradition of recognising and supporting our Armed Forces community. In 2021, we were privileged to receive the prestigious Gold Award in the Defence Employer Recognition Scheme. As we came together to observe Armed Forces Day, the Mayor reaffirmed our commitment to the Armed Forces Covenant, ensuring fairness for those who have served and their families. We extend our heartfelt gratitude to all who have served, safeguarding our freedoms.

My thanks to the Mayor for his tribute to Caroline Spencer at the start of this meeting. I would also like to pay my respects to past Mayor Caroline Spencer, and I remember her well. Her passion for supporting the community was

evident when during her time as Mayor, raising much needed funds for One-to-One, a friendship scheme for people with learning difficulties and Girl Guiding in Spelthorne. My thoughts remain with her family and friends.

Finally, I would like to convey our best wishes and send positive energy for a full recovery to last year's Deputy Mayor, Elizabeth Baldock”.

The Deputy Leader made the following announcements:

“We have announced the winner of the Spelthorne Business Plan Competition. This event was held at BP in Sunbury-on-Thames on Thursday 27 June and showcased the innovative and entrepreneurial spirit of our residents. Anja Abauraou's Companionship Services Ltd emerged as the winner, securing £4,000 and a year's worth of business support. We congratulate all participants for their hard work and look forward to seeing these new businesses thrive in our community.

Last week, Surrey County Council announced the publication of the Spelthorne parking review. The review evaluated over 120 requests for new or adjusted parking restrictions across the borough. Notable proposals include a paid parking scheme for Ashford Town Centre and a new resident permit scheme near Staines-upon-Thames railway station. Residents and stakeholders are encouraged to visit [surrey](#) website to access the report and provide feedback through an online form. The deadline for submitting comments to Surrey County Council is Friday 2 August and we urge residents to make their voices heard, it will be for the residents to decide whether the proposals proceed or not.

The Household Support Fund remains open to residents to apply for the one-time payment of £50. The fund aims to support vulnerable households in our community and alleviate expenses related to food, energy, and water. This initiative is supported by funding from the UK government to assist households during periods of increased living costs. Please look at our website or contact our customer service team for more information”.

**68/24 Announcements from the Chief Executive**

The Deputy Chief Executive gave the following announcements:

On behalf of Daniel Mouawad as Returning Officer, and the rest of Management Team, I would like to place on record our thanks to all those involved in delivering a smooth and effective process for the recent General Election and the Ashford East by-election. This was a massive team effort, organised and delivered at relatively short notice, involving some 300 people all told, including staff from across the Council and other support from outside our organisation. Our particular thanks go to our Elections Team, whose hard work, commitment and organisational skills made this possible. Together with staff at the polling stations, the count, and all those providing additional support, including our Neighbourhood Services Team, they have been a credit to Spelthorne.

On Tuesday this week, we were pleased announce that Spelthorne has received a Green Flag Award this year for both the Sunbury Walled Garden and Staines Cemetery. This is the 14th year running that this authority has won this coveted award, which is the international quality mark for parks and green spaces. I would like to congratulate our parks team who made this possible, and thank them for all the sterling work they do across our borough to make our open spaces attractive places for everyone to enjoy.

Finally, I would like to advise this chamber that a member of the Burway Rowing Club in Laleham, Tom Barras, will be rowing for Team GB in the men's quad at the Paris Olympic Games, which starts on 26 July. Tom won a silver medal at the Tokyo Olympics 3 years ago. He has been a member of Burway Rowing Club from the age of 12, where he was coached by, amongst others, our very own Councillor Paul Woodward until Tom left to go to university. I am sure we would all like to wish Tom the best of luck on bringing home another medal.

**69/24 Questions from members of the public**

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

Question from Mr S Boyle:

“Why is there no dedicated provision for Equestrian facility's under the sports and pastimes articles that will enable horses and riders in all aspects equestrian activities . These are non-existent throughout Spelthorne and all green spaces are now restricted from equine activities. Given the fact that 32 riders per 1000 head of population they have nowhere to go?”

Councillor S Doran, Chair of the Community Wellbeing & Housing Committee provided the following response:

“Spelthorne is blessed with a significant area of designated public open space, however, because our open spaces are used for all kinds of outdoor pursuits, horses are restricted to the bridleway in Laleham Park. This ensures it is safe for riders, horses and members of the public using the park. Whilst there are limited bridleways in the borough, they are part of a much more extensive network of bridleways and byways across Surrey, accessible to horse riders, that total some 1,238 km (769 miles).

Surrey County Council is responsible for providing and maintaining this network and they are currently in the process of creating a new Rights of Way Improvement Plan 2024-34 which will be published on the County Council website once finalised and approved.

In terms of running and maintaining a dedicated equestrian facility specifically for riders, the cost would unfortunately be prohibitive, however we are fortunate in that there are a number of private riding establishments locally. Given the pressures on the Council’s financial resources and the relatively high cost of riding compared to other pursuits, which makes it prohibitive for many, the Council’s focus has been on supporting activities that are affordable and accessible for all.

That said, our Health and Wellbeing Strategy is built on three pillars of People, Place, and Community, enabling residents to take positive action to improve their own physical and mental health, and increasing activity in an accessible and affordable way. Whilst riding is not mentioned specifically in our Health and Wellbeing Strategy, we recognise that riding, and being around horses, has a positive impact on the physical and mental health of people who engage with them. As such, when we produce our updated Leisure Strategy later this year, we will endeavour to include reference to riding and the local offer, and explore how, as a council, we may support more residents to benefit from this pastime”.

#### **70/24 Local Plan - Resumption of Examination**

**Councillor Saliagopoulos left the meeting before this item was considered as she had declared a pecuniary interest in relation to this item.**

**Councillor Gibson declared a pecuniary interest in one of the buildings listed in Appendix C of the report and left the Chamber whilst this item was considered.**

Following an email received from the Environment Agency it was proposed by Councillor Sexton and seconded by Councillor Beecher that the wording within the report at paragraph 3.11 be amended to reflect the wording suggested by the Environment Agency.

The revised wording was as follows:

“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event (ie the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.

Council **resolved** to agree to the amended wording as outlined above.

It was proposed by Councillor Sexton and seconded by Councillor Bateson that Council approve to:

1. Propose a Main Modification to the Inspector to remove Bridge Street Car Park/Hanover House/Sea Cadet building (ST4/002) and Riverside surface car park (ST4/010) as site allocations from the Local Plan,
2. 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 & Resources Committee; and
3. Agree that the Chair of the Environment & Sustainability Committee write to the Inspector with further proposed Main Modifications (if agreed) in order to progress the Local Plan back to Examination.

Council **resolved** to approve the recommendations as outlined in the report.

#### **71/24 Changes to the Allocations of Seats on Committees**

Council **resolved** to approve the:

- a) Revised representation of the different political groups on Committees,
- b) Revised members to Committees,
- c) Revised Chairs & Vice-Chairs to Committees; and
- d) Revised substitutes to Committees

#### **72/24 Allocation of Seats on Committees**

In pursuant to Section 15 of the Local Government and Housing act 1989, Council **resolved** to agree the representation of the different political groups on Committees.



**73/24 Appointments of Members to Committees**

In accordance with the Council’s Constitution, Council **resolved** to appoint the members to serve on the Committee.

**74/24 Appointment of Chairs and Vice-Chairs**

In accordance with the Council’s Constitution, Council **resolved** to appoint the Chairs and Vice-Chairs to serve on the Committees.

**75/24 Appointment of Named Substitutes to Committees**

In accordance with the Council’s Constitution, Council **resolved** to appoint the Substitute Members to serve on the Committees.

**76/24 Appointment of Chair and Vice-Chair of the Commercial Assets Sub-Committee for the remainder of the Municipal Year**

A recorded vote was requested by Cllr Boughtflower

<b>For</b>	Councillors Buck, J Doran, Arnold, Bateson, Beatty, Beecher, Boparai, Burrell, Button, Caplin, S Doran, Gale, Geach, Gibson, Grant, Gyawali, Nichols, Rutherford, Sexton, Turner, Williams - <b>21</b>
<b>Against</b>	Councillors Attewell, Bhadye, Bing Dong, Boughtflower, Chandler, Clarke, Howkins, Islam, Lee, Mathur, Mooney, Rybinski, Weerasinghe, Woodward - <b>14</b>
<b>Abstain</b>	<b>0</b>

Council **resolved** to approve the appointment of Councillor L Nichols as Chair of the Commercial Assets Sub-Committee and Councillor S Beatty as Vice-Chair of the Committee for the remainder of the Municipal Year 2024/25, as agreed at the meeting of the committee on 01 July 2024.

**77/24 Amendment to Members’ Allowances Scheme 2024-25**

Council **resolved** to approve the recommendation of the Independent Remuneration Panel to pay an annual allowance of £2,000 to the Independent Member of the Commercial Assets Sub-Committee.

**78/24 Estimated 2024/25 to 2027/28 Capital Programme**

This item was not considered at this meeting.

**79/24 Capital Outturn Report 2023-2024**

**Council resolved:**

1. Note the £1,608k projected underspend against its Estimated Capital Programme for 2023-24, as at 31 March 2024; and
2. Agree that Capital Projects totalling £2,990k (as outlined in Appendix C of the report) be removed from the 2024-25 Estimate Capital Programme.

**80/24 Spelthorne Annual Grants 2025/26**

**Council resolved** to approve the following:

1. To provide indicative grant funding for the five-core funded voluntary organisation (Voluntary Support North Surrey, Citizens Advice Runnymede and Spelthorne, Homestart, Age UK and Shopmobility) for the financial year 2026/27 when the 2025/26 grant award is made,
2. To ring fence a minimum of £3,000 of the grants budget to sport and active lifestyle projects and £3,000 to arts projects (subject to receiving applications from sport and art organisations; and
3. To amend the grant eligibility criteria to exclude schools and Parent Teacher Associations from applying.

**81/24 Sunbury Leisure Centre - Swimming Pool Grant**

Following legal advice, Council were advised that the direct contract would be with Constellia Public Ltd who would then appoint Low Carbon Europe to deliver the Sunbury Leisure Centre Decarbonisation Project.

The Committee were advised that the closure of the swimming pool would be kept to a minimum particularly during school holidays.

**Council resolved** to:

1. Agree to directly award a contract to Constellia Public Ltd to enable them to appoint the Sunbury Leisure Centre Decarbonisation Project, funded by Sport England through the Swimming Pool Support Fund, to Low Carbon Europe,
2. Delegate authority to the Group Head of Corporate Governance to enter into any necessary documentation in connection with the project; and
3. Approve the scheme as a supplementary Capital Estimate for a value of £995,000.

**The meeting was adjourned at 20.46 and re-convened at 21.06.**

**82/24 Urgent Item - Retrospective Approval to Include Ashford Cemetery Lodge Refurbishment Works in the Capital Programme**

This item was considered in the closed session of the meeting.

Council **resolved** to agree the recommendations as approved at the Corporate Policy & Resources Committee meeting on 08 July 2024.

**83/24 Reports from the Committee Chairs**

The Chairs of the Committees presented reports which outlined the matters their Committees had considered since the last Council meeting.

Council **resolved** to note the Chair's reports.

**84/24 Motions**

There were no motions received.

**85/24 General questions**

The Mayor reported that no question had been received.

**86/24 Exclusion of Public & Press (Exempt Report)**

It was proposed by Councillor Bateson and seconded by Councillor Arnold and **resolved** that the public and press be excluded during consideration of the following items (15 & 20), 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:

**87/24 Council Medium Term Financial Support of Knowle Green Estates (KGE)**

Council **resolved** to approve the recommendations as outlined in the report.

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

**Public Questions**

**Alderman Robin Sider BEM**

**Each year, The Royal Horticultural Society organises a competition called 'It's Your Neighbourhood.' It attracts some 4000 entries, and is open to all boroughs throughout the country, and is designed to encourage community groups to promote horticulture and gardens in their respective communities. Last year, the entry of Shepperton Village Conservation Group was graded as 'Thriving.' This year they were graded 'Outstanding' for their work on Lords Bridge Garden which is located at the bottom of Shepperton High Street. To have been in competition with some 4000 entries from all over the country, will the Leader of the Council join me in congratulating Shepperton Village Conservation Group on this magnificent achievement?**

**Alderman Robin Sider BEM**

**The new leisure centre demonstrates the boroughs 'pursuance of health and fitness.' Will the Leader of the Council join me in congratulating the Contractors for their construction, Officers for their diligence in overseeing the project, and those members of the Council who had the courage to support this vision several years ago and who have no seen this wonderful achievement come to fruition?**

This page is intentionally left blank



## **Council Meeting – 24 October 2024**

### **Waterfront Development Agreement**

This item was considered by the Corporate Policy and Resources Committee on 09 September 2024. Committee resolved to:

Recommend to Council to:

1. Approve the Heads of Terms for the Council to enter into an Agreement of 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.

This page is intentionally left blank

# Corporate Policy & Resources Committee



**9 September 2024**

<b>Title</b>	Waterfront Site, Bridge Street, Staines-upon-Thames
<b>Purpose of the report</b>	To make a decision.
<b>Report Author</b>	Richard Mortimer – Development Advisor
<b>Ward(s) Affected</b>	Staines
<b>Exempt</b>	Report and Appendices 4 & 5 – No Appendices 1, 2, and 3 - Yes
<b>Exemption Reason</b>	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.
<b>Corporate Priority</b>	Resilience (economic)
<b>Recommendations</b>	<p><b>Committee is asked to recommend to Council:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

	<p>4. Note the Local Government Act S.123 'Best Value' valuation undertaken by Cushman &amp; Wakefield in respect of the proposed terms of this transaction.</p>
Reason for Recommendation	<p><b>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.</b></p> <p><b>The proposed Heads of Terms reflect the usual Landlord &amp; Tenant controls around the demise and user clause whilst providing a stable income for the Council on a long-term basis.</b></p>

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>• This prime riverside site has a history of developer interest without any progress being made for over a decade.</li> <li>• 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.</li> <li>• Options are limited for the site given emerging local plan aspirations and potential flooding concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

<p>entered with the proposed tenant.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise an Agreement for Lease and obtain an external view on the site's value.</li> <li>• Whilst not anticipated, should there be any material variations, such as increasing the heights, these would be referred back to the Committee for approval.</li> <li>• 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.</li> </ul>
---	---

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](mailto: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

# Corporate Policy & Resources Committee

## 9 September 2024 ADDENDUM



<b>Title</b>	Waterfront Site, Bridge Street, Staines-upon-Thames
<b>Purpose of the report</b>	To clarify adjustments made to the demise envelope height included within the draft Heads of Terms relating to the Agreement for Lease
<b>Report Author</b>	Coralie Holman
<b>Ward(s) Affected</b>	Staines
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not Applicable
<b>Corporate Priority</b>	Resilience (economic)
<b>Recommendations</b>	<b>Committee is asked to recommend to Council:</b> 1. Committee is asked to note the amended demise envelope height to be included within the Heads of Terms
<b>Reason for Recommendation</b>	<b>To assist councillors in understanding the impacts of the proposal on the Council.</b>

### 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>Residents voiced concerns over the height of the proposed building envelope.</li> </ul>	<ul style="list-style-type: none"> <li>Assure residents their concerns have been listened to and addressed.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>Reduce the height of the building envelope.</li> </ul>	<ul style="list-style-type: none"> <li>If committee approve entering into a conditional agreement for lease include a reduced demise envelope to 25m in height within the legal agreement.</li> </ul>

- 1.1 The Council's Administration are mindful of the concerns of residents over the future development of the Waterfront site. The Administration wish to ensure residents concerns are listened to and addressed as part of the controls the Council is able to include within a land ownership-based lease transaction.

- 1.2 The proposed terms of the lease can control the height and mass of any new development, by way of the inclusion of a 'demise envelope' which limits the height of any buildings. This addendum sets out amended proposals that any new building height must not exceed 25m, whereas the original proposal was 30m.
- 1.3 If the Committee support recommendation of the Waterfront proposal to Full Council and the transaction is approved by Full Council, amended Heads of Terms would be prepared which would include the reduced demise envelope height at a maximum of 25m.
- 1.4 An image is contained within Appendix 1, which has been prepared by the developer for indicative purposes only to demonstrate a prospective building height and how this may look when compared to neighbouring buildings. This Committee does not have and will not have any influence over design details and all decisions relating to building design will be considered by the Council in its capacity as Local Planning authority.
- 1.5 The visual has been included in this addendum only to demonstrate the extent a 25m demise envelope would appear and that this is equivalent to 6 residential storeys or 21m, but with additional height allowance for inclusion of setback roof level structure, which is shown in the illustration as accommodation rather than housing for mechanical and electrical plant.

**2. Contact**

- 2.1 Coralie Holman Group Head Assets  
Email: [c.holman@spelthorne.gov.uk](mailto:c.holman@spelthorne.gov.uk)

**Background Papers**

Appendix 1 – Revised Building Envelope red line comparison diagram

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

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 127

**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

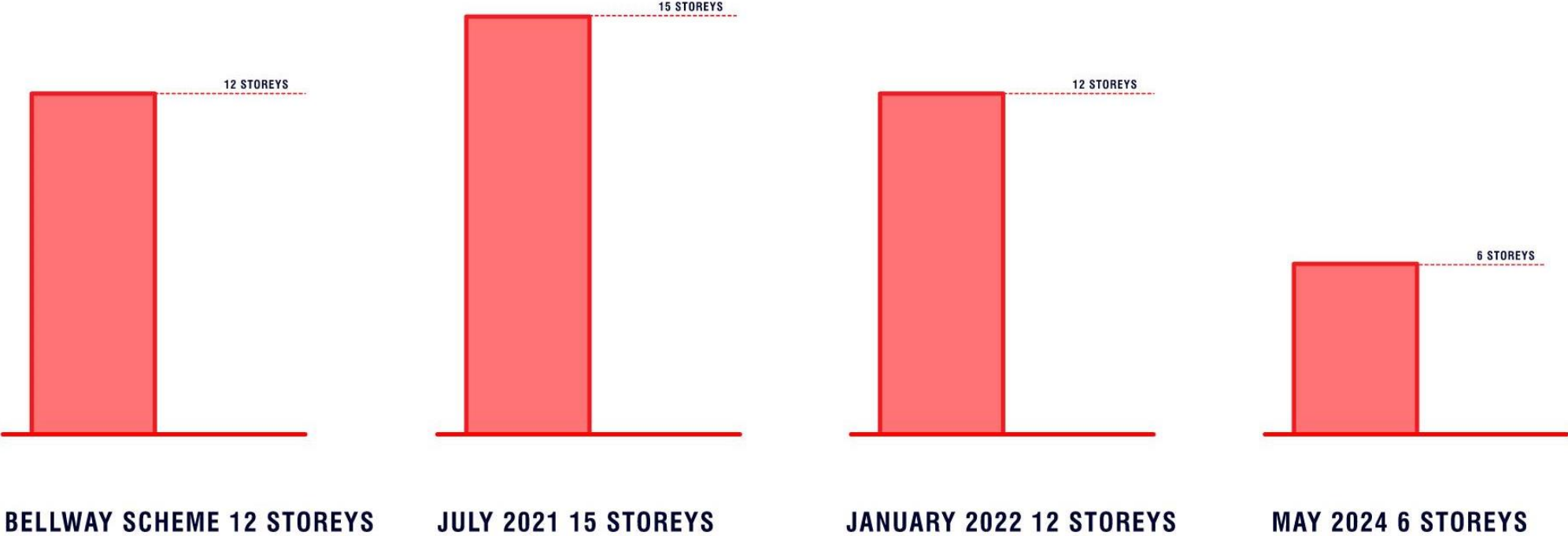
Bridge street

# 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 1<sup>st</sup> 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



Proposed



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

## **Development Site, Delivery Prioritisation**

This item was considered at the meeting of the Business, Infrastructure, and Growth Committee on Thursday 12 September 2024.

The Committee agreed that Council:

- 1) Approve the introduction of a Development Delivery Strategy.
- 2) Approve the form and content of the draft Development Delivery Strategy attached to this report.
- 3) Approve the prioritisation list of development site delivery.
- 4) Approve that the prioritisation list of development site delivery shall form part of the Development Delivery Strategy.

This page is intentionally left blank

12<sup>th</sup> September 2024

<b>Title</b>	<i>Development Site, Delivery Prioritisation</i>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	<i>Coralie Holman, Group Head Assets</i>
<b>Ward(s) Affected</b>	All
<b>Exempt</b>	<i>Appendix 2 only</i>
<b>Exemption Reason</b>	This report 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.
<b>Corporate Priority</b>	Community, Addressing Housing Need and Resilience
<b>Recommendations</b>	<p><b>Committee is asked to recommend to Full Council to:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the introduction of a Development Delivery Strategy.</b></li> <li><b>2. Approve the form and content of the draft Development Delivery Strategy attached to this Report.</b></li> <li><b>3. Approve the prioritisation list of development site delivery.</b></li> <li><b>4. Approve that the prioritisation list of development site delivery shall form part of the Development Delivery Strategy.</b></li> </ol>

Reason for Recommendation	In May 2024 the Council’s Development Sub Committee agreed to 1) approve recommendation to Full Council adoption of a Development Delivery Strategy and 2) a Councillor led working party would produce a development site prioritisation list to be considered at this September meeting of the Business, Infrastructure and Growth Committee, which subject to this committee’s approval would also be referred to Full Council for adoption. The Councillor led working party met in June, and this report sets out the conclusions reached and the priority order of site delivery recommended by the working party.
---------------------------	--

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>Whilst the Council will no longer be directly developing any of its sites, there is a desire to progress development on these sites via partnership arrangements or unconditional disposals.</li> <li>In May 2024 the Council’s Development Sub Committee agreed to recommend adoption of a Development Delivery Strategy and for a Councillor led working party to produce a development site prioritisation list.</li> </ul>	<ul style="list-style-type: none"> <li>A Development Delivery Strategy will provide the decision-making Committee(s) with agreed criteria against which to appraise offers for future development on Council owned sites.</li> <li>Without agreed criteria it is likely there will not be any consistent decision making resulting in further delays to the progression of sites and continued financial pressure from the holding costs</li> <li>Ensure the outcomes from the progression of sites achieves maximum benefits and is consistent with the Corporate Plan 2024-2028 priorities.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>Implement a strategy to set key principles but allow sufficient flexibility in order that the Council can take bespoke decisions in relation to each site.</li> <li>Retain the ability to input into and direct schemes developed on Council owned sites whilst not retaining the construction cost and risk associated with direct development.</li> <li>Agree the order of priority in respect of progressing delivery</li> </ul>	<ul style="list-style-type: none"> <li>Agree the proposal to implement the draft Development Delivery Strategy including a site prioritisation schedule.</li> <li>Referral to Full Council for adoption</li> <li>Commence bringing forward development on Council owned sites via partnership working or disposal.</li> </ul>



<p>of development on Council owned development sites</p>	<ul style="list-style-type: none"> <li>• Develop a detailed programme with key milestone for the short-term sites</li> <li>• For medium- and long-term sites develop a business plan and exit strategy outlining alternative uses, financial costs and short-term letting opportunities.</li> </ul>
--	---

## 2. Key Issues

- 2.1 The Council owns several pieces of land and property that sit within the Development & Regeneration Portfolio, being one of 3 strategic Asset Portfolios as set out in the Council's Asset Management Plan. The strategic purpose of the Development & Regeneration Portfolio is to *'ensure the Borough remains an attractive place to live, work and undertake leisure activities through the delivery of high-quality affordable housing, social infrastructure and commercial property that meets the needs and requirements of residents and local businesses.*
- 2.2 The sites within this portfolio focus on achieving the objectives of the Council's Corporate Plan. Many of the sites are proposed for residential development schemes with some ancillary uses to provide affordable housing for the residents of Spelthorne, whereas others are being progressed as part of a wider regeneration of Staines-upon-Thames Town Centre, to build on the current strength of the town as a retail and economic centre.
- 2.3 In Autumn 2023 the Council took a decision to cease any direct development delivery and financing, instead progressing partnership arrangements to ensure new housing and other regeneration uses would be delivered on the sites.
- 2.4 The Council's Development Sub Committee agreed in May 2024 to recommend to Full Council a Development Delivery Strategy be adopted and a Councillor led working group agree a priority order of development site delivery.
- 2.5 Prior to the Committee restructure in June 2024 the Development Sub Committee recommendation would have been referred to the Corporate Policy and Resources Committee. However, the changes now require the recommendation to be approved by this Committee prior to being referred to Full Council.
- 2.6 The type of partnership working the Council opts for in respect of each site will determine the level of detailed involvement the Council will participate in with respect to scheme design. However any agreement will require the scheme design to achieve planning approval which will be subject to addressing flooding and other current and emerging Local Plan and general planning policies.

## 3. Current position

- 3.1 Member working group sessions were held in March and April 2024 consisting of Members of the Council's Development Sub Committee, (who are also Ward Councillor representatives from the locations of the development sites),

to consider a) the need and scope of a Development Delivery Strategy that will support decision making for these sites and assist the decision-making Committees to benchmark future options for each site and b) the benefits of and criteria for a development site prioritisation list.

- 3.2 The draft Strategy is set out in Appendix 1 attached to this Report. The Strategy in summary sets the following principles and objectives:
- Spelthorne Borough Council (SBC) will not undertake any direct development but will deliver its objectives for each site via partnerships with external organisations and partners.
  - Each project will have its own project plan and objectives, which will be determined on the specifics of the site i.e. size, location, surrounding buildings, demographics.
  - All development proposals will comply with the Council's public procurement obligations and to the extent possible will be 'joined up' with the Local Plan objectives, policies, and delivered in accordance with design codes.
  - Consultation will be undertaken with local Councillors, and other key stakeholders where new development proposals are being progressed.
  - All decisions will be taken by Councillors, who will be involved at key stages of the project, which will be set out as milestones in the project plans.
  - Officers will prepare information on all feasible options to include financial analysis of each option against budget and recorded site values and all other key information to assist Member decision making.
  - All sites will be openly marketed and/or partners procured in accordance with the Council's public procurement obligations to ensure full transparency within decision making around delivery options and to see to obtain best value for money for the Council.
  - The Council has a statutory obligation to achieve 'best value' from its sites, which will be considered in terms of financial returns as this in turn relates to the financial resilience of the Council.
  - When considering the options for each site, consideration will also be given to on-going holding costs of not proactively progressing delivery options.
- 3.3 The Strategy has intentionally been drafted as a guide to set key principles but allow sufficient flexibility in order that the Council can take bespoke decisions in relation to each site when deciding whether it wishes to partner with external organisations. This flexibility will retain the ability to input into and direct schemes developed on Council owned sites whilst not retaining the construction cost and risk associated with direct development.
- 3.4 It was agreed at the April Member Working Group that a site prioritisation list should be produced that would be based on criteria around a) the ability of the site to meet the Corporate Plan 2024-2028 priority of addressing housing need; b) wider economic benefits i.e. job creation and increased 'spend' within the Borough; c) financial viability and impact on the Council's Medium Term Financial Plan and d) ease of progressing schemes in relation to planning policies and market conditions.
- 3.5 A further Member Working Group session was held in June 2024 consisting of Members of the Council's Development Sub Committee, who had been

involved in earlier workshops and who are also Ward Councillor representatives from the locations of the development sites, plus Members of this Committee were also invited.

- 3.6 There were 2 key drivers for considering the level of priority of each site. These were 1) the ability of each site to meet the Corporate Plan 2024-2028 priorities in respect of addressing housing need; b) wider economic benefits i.e. job creation and increased 'spend' within the Borough; c) financial viability and impact on the Council's Medium Term Financial Plan and d) ease of progressing schemes in relation to planning policies and market conditions, and 2) the objectives of the Development Delivery strategy, set out below.
- 3.7 Based on the draft development strategy, the Member Working Group specifically focussed on the financial costs associated with each site; the social value achieved bringing each site forward plus other matters that were considered relevant. The PowerPoint slide deck for the workshop can be found in the confidential and exempt Appendix 2, attached to this Report. This also sets out the financial costs attached to each site.
- 3.8 Discussion in the workshop concluded short, medium- and long-term categorisations would be appropriate, which could also tie in with current work streams and emerging Local Plan timescales. Short term categorisation would see sites being progressed initially over a 3-year period (years 0-3 of the strategy period), medium term being years 3-8 and long-term being year 8 onwards.
- 3.9 The Working Group agreed to recommend to this Committee that the following delivery schedule be put to this Committee, which if approved would then be recommend to Full Council for adoption and be included as part of the Development Delivery Strategy. The list is proposed to be subject to annual review.

Short term (years 0-3)	Ashford - Victory Place
	Ashford - Multi Storey Car Park
	Staines - Thameside House
	Staines - Waterfront
Medium Term (years 3-8)	Sunbury - Summit Centre
	Ashford – Whitehouse open land
	Sunbury – Benwell Phase 2
	Staines – Oast House Listed Building
Long Term (year 8+)	Staines – Kingston Road Car Park
	Staines, Town Centre Development to include Elmsleigh Surface Car Park, Tothill Multistorey Car Park, Communications House, 91-93 High Street and Elmsleigh Shopping Centre

#### 4. Next Steps

- 4.1 If this Committee 1) supports the former Development Sub Committee decision, to recommend the adoption of the draft Development Delivery

Strategy to Full Council and 2) agrees the proposed site prioritisation as identified above, both will be referred to Full Council for adoption. Site prioritisation will be subject to annual review and used as the basis to bring forward development on Council owned sites via partnership working or disposal.

- 4.2 The paper does not refer to any new projects being created. If this prioritisation list is agreed a more detailed programme will be pulled together in respect of the short-term sites over years 0-3, together with consideration of any infrastructure pre-requisites needed to enable physical delivery. The progression of each site will form an individual project, which will be brought to committee at a future point for approval of both the project scope and required budget.
- 4.3 For medium- and long-term sites, a form of Business Plan and Exit Strategy will also be produced for each site within this portfolio, which will outline alternative uses, holding costs, letting potential and income opportunities during the period the assets are anticipated to be retained for.

## 5. Options

- 5.1 Approval of a Development Delivery Strategy in the form attached to this report and the site prioritisation list as set out in section 3.9 of this report. **This is the recommended option.** The adoption of this Development Delivery Strategy including site delivery prioritisation, will provide the decision-making committee(s) with agreed criteria against which to appraise offers for future development on Council owned sites within the Development and Regeneration Portfolio. In addition, the site prioritisation has been determined against the financial implications and social value attached to each site.
- 5.2 Approval of a Development Delivery Strategy and site prioritisation in principle, but in a different form. **This is not the recommended option** as this draft Development Delivery Strategy and site prioritisation has been produced in line with the discussions at the Councillor working groups, which included Members of this Committee and relevant Ward Member representation.
- 5.3 Do not approve the implementation of a Development Delivery Strategy in any form. **This is not the recommended option.** Without agreed criteria against which offers for future development on Council owned sites can be appraised it is likely there will not be any consistent decision making resulting in further delays to the progression of sites and continued financial pressure from the holding costs the Council incurs whilst the sites remain in their current configuration.

## 6. Financial Implications

- 6.1 Whilst the introduction of this Strategy has no direct financial implications in isolation, the implementation of this Strategy sets out the Council's statutory obligations to achieve best value in terms of financial returns which in turn relates to the financial resilience of the Council.
- 6.2 This site prioritisation has no direct financial implications in isolation, however in a wider context takes account of the on-going costs attached to each site, which has informed the site priority categorisation.

6.3 The Council's statutory obligations pursuant to the Local Government Act 1972 to achieve best value in terms of financial returns, relate also to the financial resilience of the Council.

## **7. Risk Management**

7.1 Without the Council having an agreed Development Delivery Strategy there would be no agreed mechanism to support decision making and benchmarking future options for each site.

7.2 The Development Delivery Strategy sets out how the Council will approach decision making in relation to all its Development and Regeneration portfolio. This will ensure there are an agreed set of parameters within which the Council can be assured the portfolio will deliver best value, deliver Corporate Plan priorities and be aligned with its Medium-Term Financial strategy hence supporting the future financial resilience of the Council.

7.3 Without the Council having agreed priorities in respect of development site delivery there is no clarity for officers to ensure they are progressing those sites which offer the greatest all round benefits to the Borough of Spelthorne, it's communities, businesses and residents.

7.4 Prioritisation of site delivery will ensure there are an agreed set of parameters within which the Council can be assured the portfolio will deliver best value, deliver Corporate Plan priorities and be aligned with its Medium-Term Financial strategy hence supporting the future financial resilience of the Council.

## **8. Legal & Procurement comments**

8.1 Any disposals or development projects will be in accordance with the Council's public procurement obligations under the Public Contracts Regulations 2015 and the Procurement Act 2023 after 28 October 2024.

8.2 The Council has the power to acquire and dispose of land for the purpose of any of its functions in accordance with sections 120 to 123 of the Local Government Act 1972.

8.3 Any disposal will need to satisfy the valuation requirements of section 123 of the Local Government Act 1972.

8.4 Any agreements required in connection with the development on Council owned sites within the Development and Regeneration Portfolio shall have to comply with the Contract Standing Orders, the Procurement Act 2023 and the Council's duty to deliver best value under the Local Government Act 1999.

8.5 Legal Services will provide advice and assistance with any associated agreements and documentation.

## **9. Other considerations**

9.1 None

## **10 Equality and Diversity**

10.1 None

## **11 Sustainability/Climate Change Implications**

11.1 All development on Council owned sites will need to meet sustainability criteria as set out in the draft strategy document

## **12. Timetable for implementation**

12.1 Immediately if approved.

**13 Contact**

13.1 Coralie Holman Group Head Assets [c.holman@spelthorne.gov.uk](mailto:c.holman@spelthorne.gov.uk)

**Background papers:**

**Appendix 1 Draft Development Delivery Strategy**

**Appendix 2 Councillor Led working group PowerPoint slides (Part 2, Exempt)**

# Development Delivery Strategy

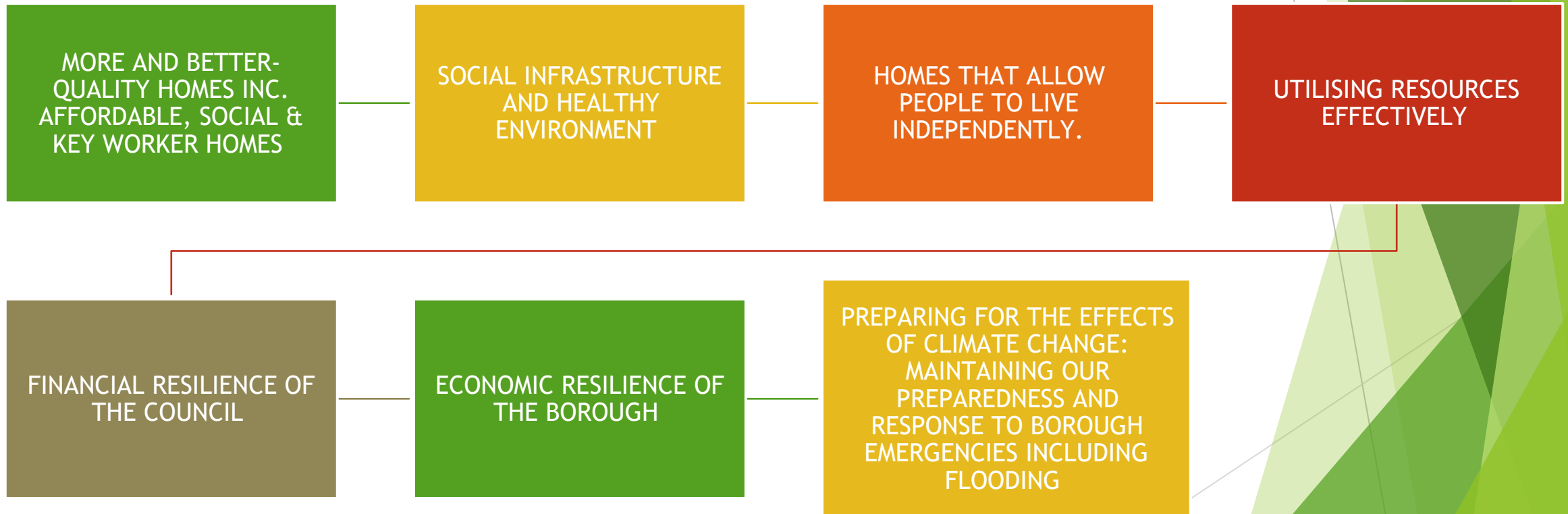


The Council's Development and Regeneration Portfolio is one of three portfolios of Land & Property the Council owns. In December 2023 at the Full Council meeting, the strategic purpose of this portfolio was agreed. The strategic priorities of the portfolio are set out in Appendix 1.

The Council owns several pieces of land and property that sit within this portfolio. The development sites are located across the Borough and are proposed mainly for residential development with ancillary uses to provide affordable, social and key worker homes, being Corporate Priorities.

The Regeneration sites are located within Staines upon Thames town centre and will be progressed as part of a wider regeneration plans to build on the current strength of the town as a retail and economic centre and to improve connectivity between the River front and Town Centre. The sites are listed in Appendix 2.

# Directly Linked Corporate Plan Themes





# Site Delivery Strategy

Spelthorne Borough Council (SBC) will not undertake any direct development but will deliver its objectives for each site via partnerships with external organisations and partners.

Each project will have its own project plan and objectives, which will be determined on the specifics of the site i.e. size, location, surrounding buildings, demographics.

All development proposals will be 'joined up' with the Local plan objectives, policies, and delivered in accordance with design codes.

Consultation will be undertaken with local Councillors, and other key stakeholders where new development proposals are being progressed.

All decisions will be taken by Councillors, who will be involved at key stages of the project, set out as milestones in project plans.

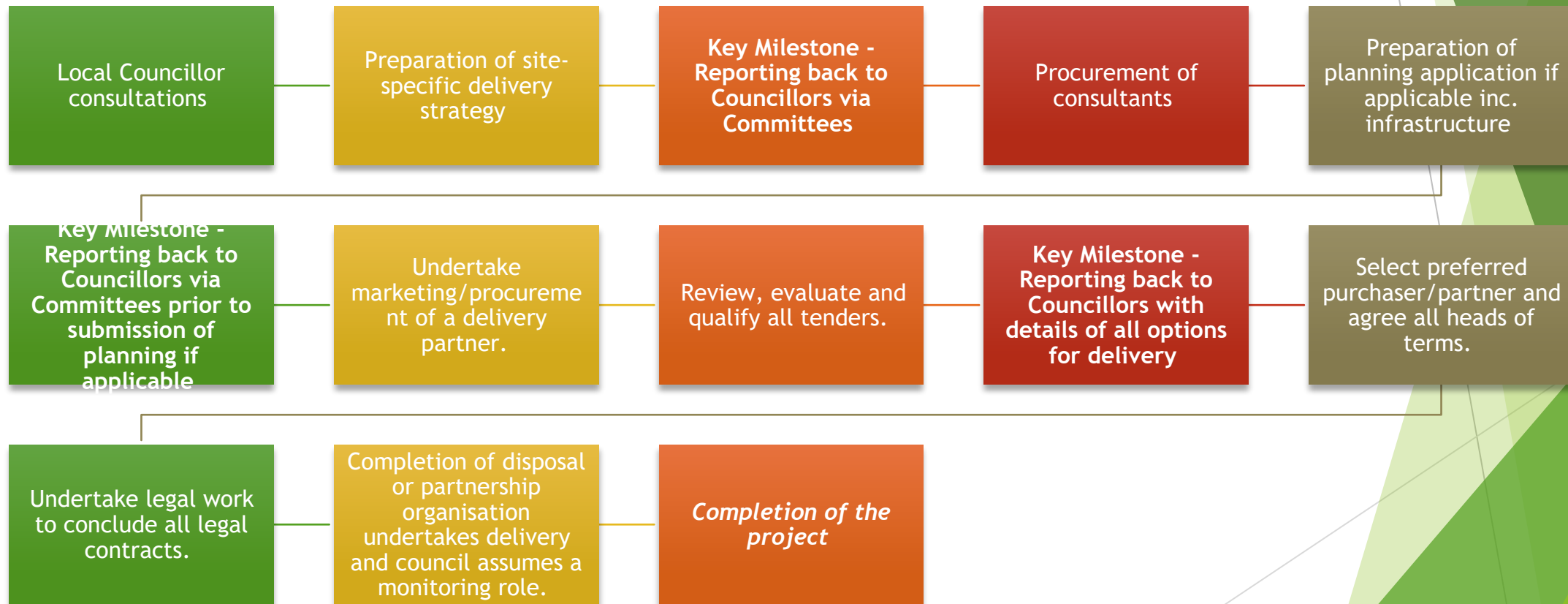
Officers will prepare information on all feasible options to include financial analysis of each option against budget and recorded site values and all other key information to assist Member decision making.

All sites will be openly marketed and/or partners procured to ensure full transparency within decision making around delivery options and to see to obtain best value for money for the Council.

The Council has a statutory obligation to achieve 'best value' from its sites, which will be considered in terms of financial returns as this in turn relates to the financial resilience of the Council.

It is essential to be mindful that circumstances change, so this strategy must retain flexibility to allow all options in respect of any site to be considered even if this departs from the original direction of travel.

# Indicative Project Methodology



## Timescales

Each site will have its own project timetable as set out in Appendices 4 – 12, these will be updated as each project progresses and reported to Members at each key milestone. The initial delivery timetable commences in January 2024 and runs to March 2026. In March 2026, some project timetables will need to be extended.

## Conclusions

Whilst the Council is no longer progressing the direct development of its sites, there remains a good opportunity to partner with external organisations to achieve Corporate Plan objectives and allow for the Council to input and direct the schemes developed on each site, whilst not retaining the construction cost and risk associated with direct development.

# Appendix 1

- ▶ Ensure all development meet the Council's corporate objectives ("CARES")
- ▶ Aim to deliver high quality housing and other economic and community places in a timely and financially efficient manner.
- ▶ Prioritise delivery of Affordable, Social and Key Worker housing and mixed-use projects to meet the needs of Spelthorne residents.
- ▶ All significant proposed developments will be subject to meaningful public consultation.
- ▶ All proposed developments will be subject to ensuring there is no negative impact on biodiversity via the purchase of biodiversity credits on other Council owned sites
- ▶ All developments will need to consider the impact of all ground water flooding sources i.e. not just the River Thames
- ▶ Delivery mechanisms and longer-term buy/hold/sell decisions will be decided by Councillors on a basis that meets the needs of our residents, businesses, and wider communities.
- ▶ All developments will contribute to the Council's commitment to reach Net Zero by 2030.

# Delivery Timescales



Each site will have its own project timetable



These will be updated as each project progresses and reported to Members at each key milestone.



The initial delivery timetable commenced in January 2024 and runs to April 2026.



In April 2026, some project timetables will need to be extended, where further decisions are needed.

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



## **Gambling Act Policy 2024-2028**

This item was considered at the meeting of the Licensing Committee on Tuesday 1 October 2024.

The Committee **resolved** to recommend adoption of the Gambling Act Policy 2025-2028 by Council.

This page is intentionally left blank

1 October 2024

<b>Title</b>	Gambling Act Policy 2025-2028 for Council adoption
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Lucy Catlyn, Principal Licensing Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not Applicable
<b>Corporate Priority</b>	Community Environment Service delivery
<b>Recommendations</b>	<b>Committee is asked to:</b>  Licensing Committee is asked to recommend adoption of the Gambling Act Policy 2025-2028 by Council ( <b>Appendix A</b> )
<b>Reason for Recommendation</b>	Statutory requirement under the Gambling Act 2005

**1. Summary of the report**

1.1 This report seeks to obtain authority from the Licensing Committee to recommend the Statement of Gambling Policy 2025-2028 policy to Council for adoption in accordance with the timetable specified in this report.

**2. Key issues**

2.1 The Gambling Act 2005 places a duty on local authorities to licence gambling premises.

2.2 The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must give consideration to when determining gambling licence applications for their district.

2.3 It should be noted that functions in relation to the three-year policy statement cannot be delegated and remain functions of the Council.

2.4 Regular review and adoption of the Statement of Gambling Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.

2.5 The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time

- 2.6 The Licensing Committee agreed a draft revised policy for consultation on 23 July 2024. Consultation took place between 26 July 2024 and 26 August 2024 with those as published in the draft policy.
- 2.7 During the consultation period, there were three responses. The responses had nothing to add to the policy at this time:
- (a) Lotteries Council asked that their email address be updated to [admin@lotteriescouncil.org.uk](mailto:admin@lotteriescouncil.org.uk)
  - (b) Housing Options replied with no comments.
  - (c) GamCare have made a number of positive comments on the policy and suggested that the changes they propose are viewed in the context of the Gambling Act Review which will happen following the Government amending the legislation.

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

- 3.1 The preferred option is for Licensing Committee to recommend the policy to Council for adoption – in accordance with the timetable set out in this report.
- 3.2 There is an option for Licensing Committee to amend the policy. However, if the Committee decides on the latter course of action this will cause a delay in implementation of the policy.
- 3.3 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.
- 3.4 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 3.5 The policy statement does not breach any individual or group's human rights; it sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy statement were not followed, there is a risk that human rights may be breached.
- 3.6 Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation.
- 3.7 Age, in relation to children and young people;
- Disability, in relation to vulnerable adults; and

- Social Inclusion, in relation to the above and to those whom we may describe as vulnerable, including armed forces and ex-armed forces service personnel.

3.8 Reducing gambling related harm to residents is addressed in both the Gambling Act 2005

#### 4. Financial implications

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

#### 5. Risk considerations

5.1 Audit have advised:

**Risk:** A lack of governance in relation to the Gambling Act 2005 may result in a failure to fulfil the Council's statutory requirements.

**Mitigation:** The Statement of Gambling Policy 2022-2025 is aligned with the licensing objectives as set out in section 1 of the Act. The licensing objectives referenced are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

**Risk:** Failure to achieve the licensing objectives set out in the Gambling Act 2005 would imply that the Council is not as effective as it could be in achieving its duty and regulatory functions as a licensing authority.

**Mitigation:** In carrying out its licensing functions the Council will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions, and codes of practice.

**Risk:** An approved Gambling Policy and mechanisms for regular policy review is not in place.

**Mitigation:** The production and approval of the Statement of Gambling Policy 2022-2025 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

#### 6. Procurement considerations

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

#### 7. Legal considerations

7.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.

7.2 Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.

7.3 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

## **8. Other considerations**

8.1 In revising the policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

## **9. Equality and Diversity**

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

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

9.3 Members are referred to section 1.5.1 of the draft Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.

9.4 The Local Area Plan contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

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

10.1 There are none.

## **11. Timetable for implementation**

11.1 In revising the draft policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

11.2 The proposed timetable is as follows:

- Report to Licensing Committee on 1 October 2024 to seek a recommendation to adopt a final proposed policy.
- Recommendation to Council on 24 October to adopt the final proposed policy.

## **12. Contact**

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

## **Background papers**

The Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006. <https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021  
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020 Licence Conditions and Codes of Practice - Gambling Commission

**Appendices:**

**Appendix A- Spelthorne Borough Council Statement of Gambling Policy 2025-2028**

**Appendix B – Gamcare response**

This page is intentionally left blank





**Spelthorne Borough Council  
Statement of Gambling Policy  
2025-2028**

**Statement: \*TO BE INSERTED\*\***

This Statement of Principles was approved by Spelthorne Borough Council on **\*\*TO BE INSERTED\*\*** and comes into effect on **\*\*TO BE INSERTED\*\***. It replaces Spelthorne Borough Council previous Policy (published on 17 January 2024) and will remain in force for no more than three years, or sooner if required.

All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, dated 1 April 2021 and last updated 11 April 2023.

<b>Index</b>	<b>General Statement of Principles</b>	
<b>1</b>	<b>Introduction</b>	<b>Page No 4-10</b>
1.1	The Gambling Act 2005	4
1.1.1	General Statement of Principles	4
1.1.2	The Functions of Licensing Authorities	4-5
1.1.3	The Licensing Objectives	5
1.2	Spelthorne Borough – Local Area Profile	5-6
1.3	Consultation	6
1.4	Declaration	6
1.5	Responsible authorities	6-7
1.5.1	Protection of children	7
1.6	Interested parties	7-8
1.7	Exchange of information	8
1.8	Enforcement	8-9
1.9	Reviews of Premises Licenses	9-10
<b>2</b>	<b>Premises Licences</b>	<b>Page No 10</b>
2.1	Decision making – general	10
2.2	Premises “ready for gambling”	10-11
2.3	Local Risk Assessments	11-12
2.4	Plan	12
2.5	Multiple licences/ layout of buildings	12-13
2.6	Provisional Statements	13
2.7	Licence Conditions and Codes of Practice	13
2.8	Risk assessments: Betting Premises	13-14
2.9	Conditions	14-15
2.10	Door supervisors	15
2.11	Adult gaming centres	15-16
2.12	Licensed family entertainment centres	16
2.13	Tracks	17-18
2.14	Travelling Fairs	18
2.15	Casinos	18
2.16	Betting premises	18
2.17	Bingo	19
2.18	Temporary use notices	19
2.19	Occasional Use Notices	19
<b>3</b>	<b>Permits</b>	<b>Page No. 20</b>
3.1	Unlicensed Family Entertainment Centre gaming machine permits	20
3.2	Alcohol licensed premises – gaming machine permits	20-21
3.3	Prize gaming permits	21-22
3.4	Club gaming and club machine permits	22-23
3.5	Cancellation of Permits	23
<b>4</b>	<b>Small Society Lotteries</b>	<b>Page No. 23</b>
4.1	Small Society Lottery Registrations	23

<b>5</b>	<b>Exempt Gambling</b>	<b>Page No. 23</b>
5.1	Non-commercial gaming	23-24
5.2	Non-commercial prize gaming	24
5.3	Non-commercial equal chance gaming	24
5.4	Private gaming	24
5.5	Domestic gaming	24
5.6	Residential gaming	24
5.7	Non-commercial and private gaming	24
5.8	Incidental non-commercial lottery	24-25
5.9	Exempt gambling in pubs	25
5.10	Equal chance gaming in pubs	25
5.11	Bingo in pubs	25
5.12	Exempt gambling in clubs	25
5.13	Equal chance gaming in clubs	25-26
5.14	Bingo in clubs	26
5.15	Bridge and whist in clubs	26
	<b>Annex</b>	<b>Page No. 27-31</b>
1	Local Area Profile	Page 27
2	List of Consultees	Page 28-29
3	Schedule of Responsible Authorities	Page 30-31

## 1. INTRODUCTION

### 1.1 The Gambling Act 2005

#### 1.1.1 General Statement of Principles

Spelthorne Borough Council ('The Council') has a duty to license a wide variety of premises, these include casinos, betting shops, bingo halls, pubs, clubs, and amusement arcades. The council is the Licensing Authority for the purpose of the Gambling Act 2005 and the relevant guidance and codes of practice.

In carrying out its licensing functions the Licensing Authority will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions and codes of practice.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Licensing Authority will maintain close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children and other vulnerable people are allowed access premises where gambling takes place, the Licensing Authority may take whatever steps it considers necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect, or it believes it is right to do so for the prevention of their physical, moral, or psychological harm.

Applicants seeking premises licences are encouraged to propose prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

**The overriding principle** is that each application and the circumstances prevailing at each premise will be considered on their own individual merits.

The Licensing Authority acknowledges that when exercising licensing functions under the 2005 Act, it should have regard to this Policy. However, in rare cases, being reasonably consistent with the licensing objectives may lead it to make exceptions to policies or depart from the Guidance. The Guidance and this Policy cannot anticipate every possible scenario or set of circumstances that may arise and exceptions will be rare.

#### 1.1.2 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') places a duty on Licensing Authorities in respect of various regulatory functions in relation to gambling. The main functions of Licensing Authorities are: -

- Licensing premises for gambling activities.
- Considering notices given for the temporary use of premises for gambling.
- Granting permits for gaming and gaming machines in clubs and miners' welfare

institutes<sup>1</sup> (where appropriate).

- Regulating gaming and gaming machines in alcohol licensed premises.
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Granting permits for prize gaming.
- Considering occasional use notices for betting at tracks
- Registering small societies' lotteries

The Gambling Commission has responsibility for dealing with personal licences and operating licences.

### **1.1.3 The Licensing Objectives**

The Act regulates almost all gambling that takes place in England and Wales, with exception of exempt gambling as specified under the Act and the National Lottery which has its own legislation.

Responsibility for administering and enforcing the legislation is split between the Gambling Commission and Licensing Authorities. For the purposes of the Act Spelthorne Borough Council ('the Council') is the Licensing Authority.

The overriding objective of the Licensing Authority is to regulate gambling in the public interest. Accordingly, in exercising the functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

When exercising functions for the licensing of premises for gambling, Licensing Authority will also act in accordance with section 153 of the Act which requires the Licensing Authority to permit the use of premises for gambling as far as they believe: -

- a) is in accordance with any relevant code of practice under section 24.
- b) is in accordance with any relevant guidance issued by the Commission under section 25.
- c) is consistent with the licensing objectives (subject to paragraphs (a) and (b)).
- d) is in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

Section 153(2) of the Act states that when determining an application licensing authorities cannot consider demand for facilities to be provided at gambling premises.

## **1.2 Spelthorne Borough – Local Area Profile**

Spelthorne's local area profile is an assessment of the local environment and identifies the

---

<sup>1</sup> Definition: - also known as working men's clubs, workingmen's institutes, mine workers' institutes, or miners' welfare halls.

key characteristics of the Borough. It is intended that the local area profile will provide the Council's staff, operators, and public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and considers any future or emerging risks.

Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses.

Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011. Over that ten-year period there has been a marginal increase in the under 19's (from 22.7% to 22.9%), a decrease in the working age population from 59.8% to 58.8% and an increase in over 65's (from 17.4% up to 18%). It is home to over 7,500 businesses including BP, Pinewood (Shepperton Studios), dnata and Woodgroup Ltd. Kempton Park is a key visitor attraction.

Located where the continuous built-up area of London gives way to a more dispersed pattern of urban areas and villages. The urban area of the Borough occupies about 35% of the total area, while the land outside the urban area covers about 65% of the Borough and is designated as Green Belt. 22% of the Borough is water.

Spelthorne adjoins the River Thames with the river frontage extending for 12 miles (the longest stretch of any council) and demarcates one of the boundaries of the Borough. The Borough is also crossed by two tributaries, the Ash and the Colne. The Borough is flat and low lying and consequently liable to flooding. About 20% of the urban area is liable to flood in a 1 in 100-year flood event or surrounded by flood water and over 49% of the urban area would be flooded in a 1 in 1,000-year event.

The Local Area Profile itself is a separate document from this policy, this enables timely changes to the profile to be made as and when changes occur, or additional information is made available. This can be found here: - [Spelthorne population data - Spelthorne Borough Council](#). A Map of Spelthorne is set out at **Annex 1**.

### **1.3 Consultation**

The full list of consultees consulted in the preparation of this Statement of Policy is attached as **Annex 2**.

### **1.4 Declaration**

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Gambling Commission, and with due weight attached to any responses received from those consulted.

### **1.5 Responsible Authorities**

The Responsible Authorities, as defined by section 157 of the Act, must be notified of all gambling licence applications. Details of the Responsible Authorities are provided at **Annex 3**.

Concerns expressed by a Responsible Authority in relation to their own functions can only be considered if they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally consider representations that are deemed to be irrelevant, that is: -

- there are too many gambling premises in the locality.
- the premises are likely to be a fire risk.
- the location of the premises is likely to lead to traffic congestion.
- the premises will cause crowds to congregate in one area causing noise and nuisance.

Each representation will be considered on its own merits.

### **1.5.1 Protection of children**

Section 157(h) of the Act permits the Council's to designate a competent body to advise them on the protection of children from harm. In doing so the Council will ensure that the following principles are applied: -

- the need for the body to be responsible for an area covering the whole of the licensing authority's area.
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc,

Having regard to the above principles and part 6 of the Guidance, the Council designates the **Surrey County Council Children's Service** for this purpose.

### **1.6 Interested Parties**

Interested parties can make representations about licence applications or apply for a review of an existing licence. The Act defines interested parties as persons who in the opinion of the Licensing Authority: -

- a) live sufficiently close to the premises and are likely to be affected by the authorised activities.
- b) have business interests that might be affected by the authorised activities.
- c) represent persons who satisfy paragraph (a) or (b).

Whether or not a person is an interested party is a decision that will be taken by the Licensing Authority on a case-by-case basis. However, the following factors will be considered: -

- the size of the premises.
- the nature of the premises.
- the distance of the premises from the location of the person making the representation.
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment).
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults.

- the 'catchment' area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Licensing Authority considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities: -

- trade associations
- trade unions
- residents' and tenants' associations
- ward/county councillors
- MPs

This list is not exhaustive, and the Licensing Authority may consider other bodies/associations/ persons to fall within the category in the circumstances of an individual case.

The Licensing Authority may require written evidence that the person/association/body represents an interested party.

## **1.7 Exchange of Information**

The Licensing Authority regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Licensing Authority's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

Information provided to the Licensing Authority in connection with the Gambling Act may not be held confidentially if in fulfilment of its functions the Council is under a duty to share the information, with for example: -

- the Gambling Commission
- other public bodies, or
- legitimate consultees

In handling the information it receives consideration will be given to guidance issued by the Gambling Commission, and to the Council's duties under the General Data Protection Regulation, and the Freedom of Information Act.

Any person wishing to obtain further information about their rights under the Data Protection Act 2018, Freedom of Information Act 2000, or the General Data Protection Regulation may view the Council's policies at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)

## **1.8 Enforcement**

The Act requires licensing authorities to state the principles they will apply when exercising their functions under Part 15 of the Act, with regards to inspecting premises, and its powers under section 346 of the Act to institute criminal proceedings in respect of the



offences specified. The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be: -

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny.
- Consistent: rules and standards must be joined-up and implemented fairly.
- Transparent: regulators should be open and keep regulations simple and user friendly.
- Targeted: regulation should be focused on the problem and minimise side effects.
- 

In accordance with the Gambling Commission's Guidance to Licensing Authorities, The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably possible.

The Licensing Authority has adopted and implemented a risk-based inspection programme based on: -

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, particular with reference to Part 36.
- The principles set out in this statement of licensing principles.

The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. In the application of its duties the Licensing Authority will have regard to the principles of "Better Regulation" as outlined by the Department for Business Innovation and Skills in the regulators code April 2014.

## **1.9 Reviews of Premises Licences**

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority, to decide whether a request will result in a review. Such a decision will be taken in consideration of, amongst other matters, the following: -

- any relevant code of practice or guidance issued by the Gambling Commission.
- the licensing objectives.
- the Licensing Authority's Statement of Policy.
- whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence.
- whether the request is substantially the same as previous representations or requests for a review.

The Licensing Authority may also initiate a review of a premises licence. The purpose of such a review would be to determine whether it should take any action in relation to the licence. Following a review, the actions open to the Licensing Authority are: -

- add, remove, or amend a licence condition imposed by the Licensing Authority.
- exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion.

- suspend the licence for any period not exceeding three months.
- revoke the licence.

In considering what action, if any, should be taken following a review the Licensing Authority must have regard to the principles set out under section 153 of the Act, as well as any relevant representations.

## **2. Premises Licences**

### **2.1 Decision making – General**

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it considers it to be: -

- in accordance with relevant codes of practice issued by the Gambling Commission
- in accordance with relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and in accordance with the authority's statement of licensing policy

The Council will not have regard to demand for facilities proposed to provide, or the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, to assist applicants and objectors alike, this section sets out the general factors that will be considered by the Licensing Authority when considering applications for premises licences.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome, and collect any winnings.

### **2.2 Premises “ready for gambling”**

The Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of

the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

### **2.3 Local Risk Assessments**

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns. The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission, and the industry to work in partnership to address local issues and concerns.

Licensees must review (and update as necessary) their local risk assessments: -

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- when applying for a variation of a premises licence.
- and in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

When compiling their risk assessments, it is expected that licensees will refer to Spelthorne's Local Area Profile.

Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council, and which would exempt a licensee from the requirement to share their risk assessment.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area

- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

## **2.4 Plan**

The Licensing Authority expects applications for premises licences to be accompanied by a plan of the premises to scale.

## **2.5 Multiple licences / layouts of buildings**

Premises are defined in the Act as including 'any place', but no more than one Premises Licence can apply in relation to any one place. A single building can be subject to more than one Premises Licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

The Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

The Licensing Authority will consider this and other relevant factors when making its decision, depending on all the circumstances of the case.

Paragraph 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which the Licensing Authority will consider in its decision-making.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

## **2.6 Provisional Statements**

Developers may wish to apply for a provisional statement before entering into a contract to buy or lease premises or land so that they can judge whether the development is worthwhile. There is no requirement for an applicant to hold an operating licence before applying for a provisional statement. Applicants must comply with section 204 of the Act.

## **2.7 Licence Conditions and Codes of Practice**

The Licensing Authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions about self-exclusion and marketing are included in the social responsibility code. The Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.

## **2.6 Risk Assessments: Betting Premises**

Risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops, and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures, and control measures in place to mitigate those risks.

Operators are required by the Social Responsibility code to make the risk assessment available to the Licensing Authority when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

While applications will be considered on a case-by-case basis, the matters to be considered by operators when making their risk assessment could include: -

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Matters relating to children and young persons, including: -
  - Institutions, places, or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, and entertainment venues such as bowling allies, cinemas etc.
  - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
  - Areas that are prone to issues of youths participating in anti-social behaviour (including such activities as graffiti/tagging, underage drinking, etc.) and therefore more likely to have a higher number of youths loitering in close proximity.
  - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including: -
  - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
  - Gaming trends that may mirror days for financial payments, such as pay days or benefit payments.
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
  - Proximity of premises which may be frequented by vulnerable people such as those in hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

This list is not intended to be exhaustive, and operators should include in their assessment any matter that they deem relevant. The Licensing Authority does expect any assessment to include information on the provisions of information on gambling responsibly, as well as self-exclusion measures – and how readily available both are on a premises.

## 2.9 Conditions

Conditions may be imposed upon a premises licence in several ways. These are: -

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence.
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority.
- (c) **Specific** – conditions that can be attached to an individual licence by the Licensing Authority.

Conditions imposed by the Licensing Authority will be proportionate to the circumstances that they are seeking to address. In particular, the Licensing Authority will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility.
- are directly related to the premises and the type of licence applied for.
- are fairly and reasonably related to the scale and type of premises.
- are reasonable in all other respects.

The Licensing Authority will not apply conditions upon a premises licence in relation to the following matters: -

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

Conditions that are additional to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives.

## **2.10 Door Supervisors**

If the Licensing Authority do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Licensing Authority will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives.

## **2.11 Adult gaming centres**

Adult gaming centre premises provide higher pay-out gaming machines. Persons operating this type of gaming centre must obtain an operating licence from the Commission and a premises licence from the Licensing Authority. This will allow the operator to make category B (B3 and B4), C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

“Gaming machines” means “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).”

When considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will therefore expect applicants to demonstrate that there will be sufficient measures in place about this objective.

Applicants are encouraged to consider the following steps: -

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being underage.
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Betwatch schemes

This list is not exhaustive and is merely indicative of example measures.

## **2.12 Licensed family entertainment centres**

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Licensing Authority. This will allow the operator to make category C & D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines. As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Licensing Authority will normally require that: -

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited for persons under 18.

Applicants are therefore encouraged to consider the steps set out in this policy in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.



## **2.13 Tracks**

Tracks are sites (including racecourses and dog tracks) where a race or other sporting events take place. Operators of tracks will require a premises licence from the Licensing Authority, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Licensing Authority will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants should consider the steps set out in this policy to prevent the access of children and young people to machines of category B & C. In addition, applicants should consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

### **Gaming machines at Tracks**

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track.

The Licensing Authority will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

### **Condition on rules being displayed at Tracks**

The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

### **Applications and plans for Tracks**

The Licensing Authority will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”).
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans will need to make it clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

## **2.14 Travelling Fairs**

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

## **2.15 Casinos**

**No Casinos resolution** - The Licensing Authority has not issued a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

## **2.16 Betting Premises**

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Licensing Authority.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.

The Licensing Authority may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Licensing Authority will consider the following: -

- the size of the premises.
- the number of counter positions available for person-to-person transactions.
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

The Licensing Authority will therefore expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured. The Licensing Authority will only restrict the number of betting machines where there is evidence that breaches of the licensing objectives have occurred or are likely to occur.

## **2.17 Bingo**

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a Premises Licence from the Licensing Authority. The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to four category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will normally require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where the machines are located.
- access to the area where the machines are located is supervised.
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **2.18 Temporary Use Notices**

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other Licensing Authority in whose area the premises are situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it will issue a counter-notice which may: -

- prevent the temporary use notice from taking effect.
- limit the activities that are permitted.
- limit the time period of the gambling.
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in this Statement of Policy to any consideration as to whether to issue a counter-notice.

## **2.19 Occasional Use Notices (OUNs)**

Occasional Use Notices allow licensed bookmakers to provide betting facilities at genuine sporting events for a short period of time, without needing a full betting premises licence. The event must be temporary or infrequent. For example, at point-to point racecourses or major golf tournaments.

### **3 Permits**

#### **3.1 Unlicensed Family Entertainment Centre gaming machine permits**

Paragraph 3.1 constitutes a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Act. Unlicensed family entertainment centres (UFECs) require a permit from the local Licensing Authority. Permits have effect for 10-years unless they are surrendered or lapse.

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Licensing Authority. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence (thereby becoming a licensed family entertainment centre) from the Gambling Commission and a premises licence from the Licensing Authority.

The Council can grant or refuse an application for a permit but cannot attach conditions. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will also expect applicants to include/demonstrate: -

- what staff should do if they suspect that truant children are on the premises.
- how staff should deal with unsupervised young children on the premises.
- how staff should deal with children causing perceived problems on or around the premises.
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

#### **3.2 (Alcohol) Licensed premises gaming machine permits**

Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence under the Licensing Act 2003, authorising the sale of alcohol will simply need to notify the Licensing Authority, and pay the prescribed fee.

The Licensing Authority may remove the automatic authorisation of any particular premises if: -

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- the premises are mainly used for gaming.
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Licensing Authority shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Licensing Authority shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Licensing Authority will expect applicants to demonstrate: -

- That there will be sufficient measures in place to ensure that under 18-year-olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

With respect to the protection of vulnerable persons, the Licensing Authority will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Licensing Authority will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

### **3.3 Prize gaming permits**

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues. Relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Licensing Authority.

The Licensing Authority may grant or refuse an application for a permit but will not attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are: -

- the limits on participation fees, as set out in regulations.
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize).
- participation in the gaming must not entitle the player to take part in any other gambling.

### **3.4 Club gaming and club machine permits**

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D).

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

The Licensing Authority will only refuse such an application on one or more of the following grounds: -

- the applicant does not fulfil the requirements for a members' or commercial club or and therefore is not entitled to receive the type of permit for which it has applied.
- the applicant's premises are used wholly or mainly by children and/or young persons.
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities.
- a permit held by the applicant has been cancelled in the previous ten years.
- an objection has been lodged by the Gambling Commission or the Police.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast-track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12.
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming.

- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Licensing Authority may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, there are several conditions in the Act that the holder must comply with.

### **3.5 Cancellation of Permits Gaming /Machine Permits**

The authority may cancel a permit in specified circumstances, which includes if the premises are used wholly or mainly by children or young persons, or if an offence under the Act has been committed. Before it cancels a permit an authority must notify the holder giving 21-days' notice of intention to cancel, it must consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

## **4. Small Local Society Lotteries**

### **4.1 Small Society Lottery Registrations**

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the Licensing Authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form, available from the website given below, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the Licensing Authority's website [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

## **5. Exempt Gambling**

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied **with** and any limits on stakes and prizes are observed.

### **5.1 Non-commercial gaming**

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be

incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised: -

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

### **5.2 Non-commercial prize gaming**

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

### **5.3 Non-commercial equal chance gaming**

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track). This can include casino nights and race nights.

### **5.4 Private Gaming**

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

### **5.5 Domestic gaming**

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

### **5.6 Residential gaming**

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

### **5.7 Non-commercial and private betting**

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

### **5.8 Incidental non-commercial lottery**

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or a tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place.
- The draw must take place at the event and the results must be announced while the event is taking place.
- No rollovers are allowed.
- The maximum deduction allowed for prizes from the proceeds is £500.



- The maximum deduction allowed for organising costs from the proceeds is £100.

### **5.9 Exempt gambling in pubs**

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

### **5.10 Equal chance gaming in pubs**

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo, and poker. The following requirements must be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage).
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- No participation fees can be charged and no levy taken from stakes or prizes.
- The games cannot be linked to any other games in other premises.
- Nobody under 18 years old can take part.

### **5.11 Bingo in pubs**

Low-turnover bingo where the aggregate of stakes and prizes in a seven-day period does not exceed £2000 can take place.

### **5.12 Exempt gambling in Clubs**

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes- sometimes known as workingmen's institutes/working men's club) and commercial clubs. The club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply (see paragraph 3.4 above)

### **5.13 Equal chance gaming in clubs**

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place. The following requirements must be met: -

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate.
- Except for poker, there is no maximum stake or prize.
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven-day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250.
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be

- charged).
- The games cannot be linked to any other games in other premises.
- Nobody under 18 years old can take part.

#### **5.14 Bingo in clubs**

Low-turnover bingo where the aggregate of stakes and prizes in a 7-day period does not exceed £2000 can take place in all types of club.

#### **5.14 Bridge and Whist clubs**

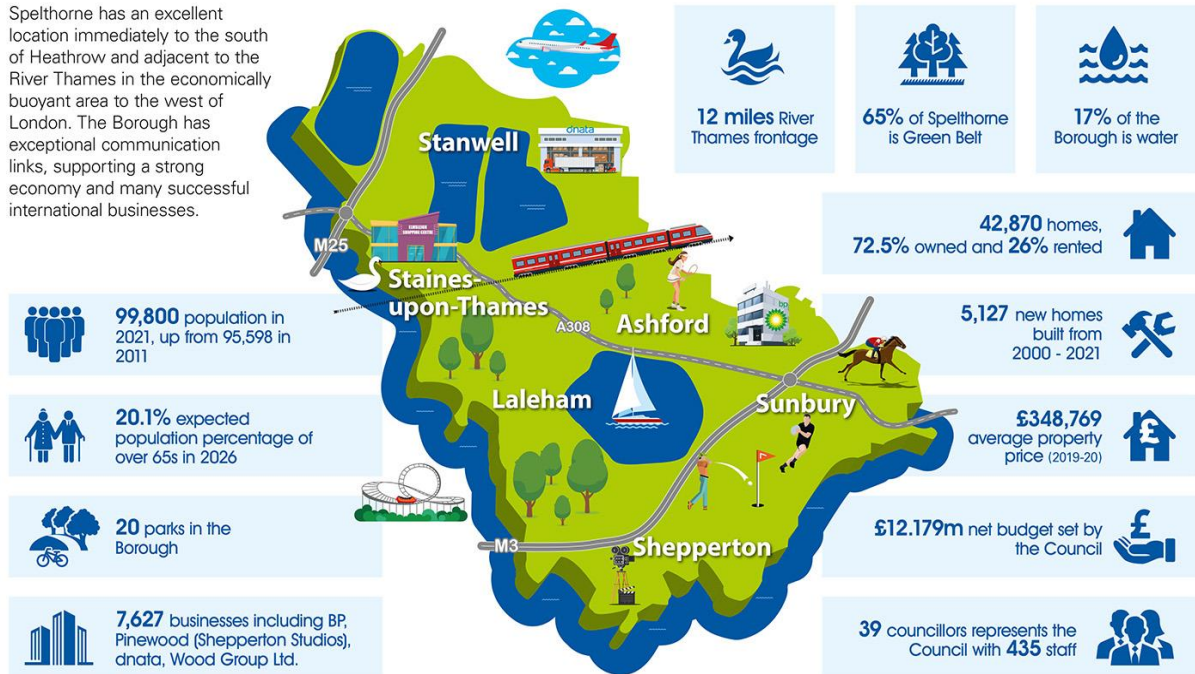
Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

# APPENDICES

## Annex 1 – Local area profile

### Spelthorne in numbers

Spelthorne has an excellent location immediately to the south of Heathrow and adjacent to the River Thames in the economically buoyant area to the west of London. The Borough has exceptional communication links, supporting a strong economy and many successful international businesses.



## Annex 2 - List of Consultees

Persons or bodies representing the interests of those carrying on a gambling business in the borough:	Persons or bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:	Current holders of licenses, permits etc. in Spelthorne:
Association of British Bookmakers <a href="mailto:mail@abb.uk.com">mail@abb.uk.com</a>	All Elected (Ward) Councillors, Spelthorne Borough Council	Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol)
Association of Licensed Multiple Retailers <a href="mailto:info@almr.org.uk">info@almr.org.uk</a>	All "Responsible Authorities" as defined under the Gambling Act, see Annex 3.	Representatives of Qualifying Clubs with Club Premises Certificates
British Amusement Catering Trade Association <a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a>	All departments within Spelthorne Borough Council	
British Amusement Catering Trade Association <a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a>	Citizen Advice Bureau Sunbury Library <a href="mailto:admin@randscab.org.uk">admin@randscab.org.uk</a>	Neighbouring London, County and District Councils: <ul style="list-style-type: none"> <li>• London Boroughs of: Hounslow, Hillingdon &amp; Richmond; (<a href="mailto:licensing@hounslow.gov.uk">licensing@hounslow.gov.uk</a>) (<a href="mailto:licensing@hillington.gov.uk">licensing@hillington.gov.uk</a>) (<a href="mailto:licensing@richmond.gov.uk">licensing@richmond.gov.uk</a>)</li> <li>• Elmbridge Borough Council (<a href="mailto:licensing@elmbridge.gov.uk">licensing@elmbridge.gov.uk</a>)</li> <li>• Royal Borough Of Windsor &amp; Maidenhead (<a href="mailto:licensing@rbwm.gov.uk">licensing@rbwm.gov.uk</a>)</li> <li>• Runnymede Borough Council (<a href="mailto:licensing@runnymede.gov.uk">licensing@runnymede.gov.uk</a>)</li> <li>• Woking Borough Council</li> </ul>

		( <a href="mailto:licensing@woking.gov.uk">licensing@woking.gov.uk</a> )
British Beer & Pub Association <a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a>	The Lotteries Council <a href="mailto:admin@lotteriescouncil.org.uk">admin@lotteriescouncil.org.uk</a>	
British Institute of Innkeeping BII and BIIAB <a href="mailto:Customersupport@biiab.co.uk">Customersupport@biiab.co.uk</a>	Society for the Study of Gambling <a href="mailto:support@gamblingtherapy.org">support@gamblingtherapy.org</a>	
British Horseracing Authority <a href="mailto:info@britishhorseracing.com">info@britishhorseracing.com</a>	Gamblers Anonymous <a href="mailto:sr.pro@gamblersanonymous.org.uk">sr.pro@gamblersanonymous.org.uk</a>	
Federation of Licensed Victuallers <a href="mailto:admin@flva.co.uk">admin@flva.co.uk</a>	Gamcare <a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>	
Ladbrokes Betting and Gaming Ltd <a href="mailto:richard.royal@ladbrokes.co.uk">richard.royal@ladbrokes.co.uk</a>	The Samaritans <a href="mailto:admin@samaritans.org">admin@samaritans.org</a>	
William Hill Plc <a href="mailto:jnorris@williamhill.co.uk">jnorris@williamhill.co.uk</a>	Responsibility in Gambling Trust <a href="mailto:support@gamblingtherapy.org">support@gamblingtherapy.org</a>	
Gala Coral group <a href="mailto:help@coral.co.uk">help@coral.co.uk</a>	Catalyst Alcohol & Drug Advisory Service <a href="mailto:info@catalystsupport.org.uk">info@catalystsupport.org.uk</a>	
The Bingo Association <a href="mailto:info@bingo-association.co.uk">info@bingo-association.co.uk</a>	Surrey Chamber of Commerce <a href="mailto:louise.punter@surrey-chambers.co.uk">louise.punter@surrey-chambers.co.uk</a>	
Working Men's Club & Institute Union <a href="mailto:info@wmciu.org">info@wmciu.org</a>	Surrey Trading Standards <a href="mailto:business.advice@surreycc.gov.uk">business.advice@surreycc.gov.uk</a>	
Racecourse Association Ltd <a href="mailto:info@racecourseassociation.co.uk">info@racecourseassociation.co.uk</a>	Surrey Youth Offending Team Head of Service: <a href="mailto:jamie.cottington@surreycc.gov.uk">jamie.cottington@surreycc.gov.uk</a>	
	The Salvation Army <a href="mailto:info@salvationarmy.org.uk">info@salvationarmy.org.uk</a>	

Note: This list is not intended to be exhaustive. Comments and Observations Were welcomed from anyone interested in this policy. Should you have any comments about this policy statement please send them via e-mail or letter using the details in Annex 3.

### **Annex 3 - Schedule of Responsible Authorities**

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises.

---

#### **Spelthorne Licensing Department**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines  
TW18 1XB  
licensing@spelthorne.gov.uk

#### **The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
licensing@gamblingcommission.gov.uk

#### **Licensing Northern Surrey Police**

Spelthorne Neighbourhood Team  
PO Box 101  
Guildford  
GU1 9PE  
licensingnorthern@surrey.police.uk

#### **Surrey Fire & Rescue Service**

Headquarters  
Croydon Road  
Reigate  
Surrey  
RH2 0EJ  
sfrs.firesafety@surreycc.gov.uk

Head of Planning

#### **Spelthorne Planning Department**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines  
TW18 1XB  
Planning.DevelopmentControl@spelthorne.gov.uk

#### **Surrey County Council's Children's Services**

Quadrant Court  
35 Guildford Road

Woking  
GU22 7QQ  
childemployment@surreycc.gov.uk

**HM Revenue & Customs**

National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
Scotland  
G2 4PZ  
[nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

**Surrey Trading Standards**

Consort House  
5-7 Queensway  
Redhill  
RH1 1YB  
trading.standards@surreycc.gov.uk

**Spelthorne Environmental Health Department**

Spelthorne Borough Council  
Council Offices Knowle  
Green Staines  
TW18 1XB  
[Environmental.Health.Commercial@spelthorne.gov.uk](mailto:Environmental.Health.Commercial@spelthorne.gov.uk)

**Head of Planning**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB  
planning.development.control@spelthorne.gov.uk

This page is intentionally left blank



## **GamCare’s response to Spelthorne Borough Council – Consultation on the revision of statement of principles under the Gambling Act 2005**

### **About GamCare:**

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

### **GamCare’s comments on the revision of the statement of principles:**

- We welcome the position Spelthorne Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- It is vital that Spelthorne Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Spelthorne Borough Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Spelthorne Borough Council should continue to pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Spelthorne Borough Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.



*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,  
Senior External Affairs Officer: [pollyanna.hopkins@gamcare.org.uk](mailto:pollyanna.hopkins@gamcare.org.uk)*

## **Corporate Policy & Resources Committee**

**24 October 2024**

### **Amendments to the Constitution**

This item was considered at the meeting of the Standards Committee on 02 October 2024 who **resolved** to recommend to the Corporate Policy & Resources Committee that Council approve the proposed changes as outlined in the report.

This page is intentionally left blank

# Standards Committee



2 October 2024

<b>Title</b>	Amendments to the Constitution
<b>Purpose of the report</b>	To make a recommendation
<b>Report Author</b>	Karen Limmer, Interim Monitoring Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	This item is not in the current list of Corporate Priorities but still requires a Council decision.
<b>Recommendations</b>	<b>Committee is asked to recommend Council to: Approve the proposed changes to the Constitution as set out in Appendix 1.</b>
<b>Reason for Recommendation</b>	<b>To ensure that the Constitution is an effective and up to date document and to support good governance.</b>

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>The Committee System Working Group and Officers have raised some changes that they wish to see in the Constitution to provide clarity on decision-making and improve public engagement in the work of Committees.</li> </ul>	<ul style="list-style-type: none"> <li>To ensure the Constitution facilitates efficient and effective decision-making, thereby supporting good governance.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>Recommend the changes as set out in Appendix 1 for approval.</li> </ul>	<ul style="list-style-type: none"> <li>Seek Council approval for the proposals.</li> <li>Once approved, the Constitution will be updated and published on the website.</li> <li>Information about the change to public engagement in Committee meetings will be communicated on all appropriate channels.</li> </ul>

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

## **2. Key issues**

2.1 The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution to ensure the smooth operation of the Committee System and making recommendations on these to the Standards Committee.

2.2 Following the failed Motion at Council in December 2023 to amend Standing Orders in relation to public questions at Committee, the CSWG requested that these changes be brought back to Council and voted on individually rather than 'en bloc' as was the case previously.

2.3 Additionally, Officers have identified other amendments which are required to clarify responsibilities for decision-making.

2.1 The proposed changes to the Constitution were discussed with the Committee System Working Group on 10 September. The Working Group supported the proposed changes.

## **3. Constitutional amendments**

3.1 Attached at **Appendix 1** is a summary of all the amendments which are recommended for approval. The amendments relate to a number of the Parts which make up the Constitution. Clean copies of these amended Parts are attached as appendices. Tracked change versions of these documents are available to Members in the Mod.Gov app library.

## **4. Legal comments**

4.1 It is considered that the proposals in the Appendix to this report will meet two of the purposes of the Constitution as set out in Article 1:

- (a) to enable decisions to be taken efficiently and effectively;
- (b) to support and encourage the active involvement of the Spelthorne community in the decisions which affect them.

## **5. Timetable for implementation**

5.1 A recommendation from Standards Committee will be considered by Council at its meeting on 24 October 2024.

5.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.

## **6. Contact**

6.1 Gill Scott, Corporate Governance Support Officer (g.scott@spelthorne.gov.uk)

**Please submit any material questions to the Mayor and Officer Contact by two days in advance of the meeting.**

**Background papers: There are none.**

**Appendices:**

**Appendix 1 – Summary of proposed Constitution amendments**

**Followed by:**

**Part 3(b) Terms of Reference**

**Part 3(d) Delegations to Officers**

**Part 4(a) Council Standing Orders**

**Part 4(a) Rules of Debate flowchart**

This page is intentionally left blank



## Explanation of proposed Constitution Changes 2024

Page 215

Section	Current Text	Proposed	Reason for change
<b>Part 3b – Terms of Reference</b>			
Corporate Policy and Resources Committee	Not applicable – new wording	Addition of new term of reference: To appoint a shareholder representative for any company set up by Spelthorne Borough Council, from that committee within whose remit the business of the company falls.	To delegate appointments of shareholders to existing SBC companies and any that may be set up in the future.
Commercial Assets Sub-Committee	Not applicable – new wording	Addition of new term of reference: To approve dilapidation settlements valued between £101k and £500k and make recommendations to Corporate Policy and Resources Committee for any that exceed £500k.	To delegate those dilapidation settlements that exceed the delegation to officers.
Corporate Policy and Resources Committee	Not applicable – new wording	Addition of new term of reference: To approve dilapidation settlements that exceed £500k.	To delegate those dilapidation settlements that exceed the delegation to Commercial Assets Sub-Committee
Licensing Committee	To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.	To monitor and review relevant Council policies. <i>To make changes to existing policies and adopt new policies</i> where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.	To delegate functions to the appropriate Committee and to align with General terms of reference for Strategic Committees which can adopt policies relevant to their remit.

## Explanation of proposed Constitution Changes 2024

Section	Current Text	Proposed	Reason for change
<b>Part 3d – Delegations to Officers</b>			
1.13	New delegation to Group Head Place, Protection and Prosperity.	To authorise grant funding for the Spelthorne Business Forum on an annual basis, to ensure value for money.	To ensure VfM, Spelthorne Business Forum are now required to apply for grant funding on an annual basis.
4.1	4.1i – new delegation Group Head of Assets, in consultation with the Chair of Commercial Assets Sub-Committee	To agree dilapidation settlements up to £100k.	To facilitate fast turnaround of decisions once a dilapidation settlement is agreed. Without an appropriate level of delegation in place, the Council would need to take urgent action.
7.17	New delegation to Group Head of Neighbourhood Services	To authorise appropriate officers to issue Fixed Penalty Notices under section 34(2)(a) of the Environmental Protection Act 1990 to persons whom the officer has reason to believe has failed to comply with their duty of care in the disposal of controlled waste.	Approved by Neighbourhood Services and Enforcement Committee at its meeting on 9 September 2021.
12.11	New delegation to Group Head Place, Protection and Prosperity in consultation with the Chair of the Licensing Committee.	To make minor amendments to the Pavement Policy.	Approved by Licensing Committee at its meeting on 23 July 2024.

## Explanation of proposed Constitution Changes 2024

Section	Current Text	Proposed	Reason for change
<b>Part 4a – Standing Orders (SO)</b>			
SO 13.6 Scope of Public Questions	The Chief Executive may reject a question if	The Chief Executive <i>and/or Monitoring Officer in consultation with the Mayor</i> may reject a question if	To include a councillor in the decision to reject Public questions.
SO 16.11 Length of Motion	No Motion shall exceed 100 words in length.	No Motion shall exceed 200 words in length.	Recommendation of Committee System Working Group to facilitate clear and understandable Motions to Council.
SO 40.1 to 40.5 Public questions at Committee /Sub-Committee	<p>Questions have to relate to a matter on the agenda.</p> <p>Notice to be given 5 working days before a meeting.</p> <p>Questions limited to two per agenda item.</p> <p>No limit to length of question.</p> <p>Limited reasons for rejection. Rejection decision by Chief Executive.</p>	<p>Questions permitted on any matter within a committee’s remit.</p> <p>Notice to be given by 12 noon 8 working days before a meeting.</p> <p>Questions limited to 3 per meeting.</p> <p>Questions limited to 150 words.</p> <p>Reasons for rejection expanded to reflect those for public questions put to Council (SO 13.6 above) and decision to be made in consultation with Chair of Committee.</p> <p>(Detailed wording on amended document)</p>	<p>To improve opportunities for public engagement.</p> <p>This aligns with SO 13.3</p> <p>To ensure the main business on the agenda of the Committee can be dealt with at the meeting.</p> <p>To ensure only appropriate matters are accepted for Committee consideration.</p>

## Explanation of proposed Constitution Changes 2024

Section	Current Text	Proposed	Reason for change
<b>Part 4a Rules of Debate</b>	Text in flowchart	Changes to text to clarify the Amendment procedure during the debate of a Motion	To clarify the process for councillors during a debate at Council.

## TERMS OF REFERENCE

All Committees will have the following functions in relation to those areas of responsibility falling within the remit of each Committee:

- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan and set strategic priorities within the Budget and Policy Framework, for services within its remit
- To adopt, monitor and review Council policies and strategies which fall within the remit of that Committee.
- To take decisions within the budget framework including contract and virement decisions.
- Where there are significant budgetary implications, to make recommendations to the Corporate Policy and Resources Committee on changes to existing policies, or the adoption of new policies, with the exception of changes to previously approved, or the addition of new policies falling within the Policy Framework. These are reserved to Council.
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project (with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.
- To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.
- To review and have oversight of the agreed Project Initiation Document and other relevant project reporting documentation in relation to service projects within the Committee's remit.
- To consider and propose budget priorities and actions on the delivery of Council services within each Committee's remit, within the overall policy and budgetary framework agreed by the Council.
- To consider periodic budgetary monitoring and variation reports in respect of the functions within the Committee's remit and make any recommendations to the Council as necessary.
- To consider Motions referred to the Committee by Council under Standing Order 16.6, in accordance with the rules of debate at Standing Order 18.
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee, or in the case of that Committee, make recommendations to Council.
- To review and scrutinise service delivery in line with the strategic direction set above and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community.

### Part 3 section (b)

- To encourage performance improvement in relevant services, consistent with Value for Money principles (defined in Part 4d Glossary of terms) and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to that Committee.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Strategic Committees).
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- In respect of matters that cross the remits of two or more Strategic Committees, the Chairs of the relevant Committees will agree which Committee will deal with the issue, in consultation with the relevant officer bringing the matter. If the Chair is not available, the Vice-Chair will be consulted. In the case of a conflict, the Corporate Policy and Resources Committee will be responsible for the matter.
- Where a function does not clearly fall within the remit of a Strategic Committee, the Corporate Policy and Resources Committee shall direct which Committee shall deal with the function, or deal with the matter itself.
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Scheme (Part 4b of this Constitution).

## CORPORATE POLICY & RESOURCES COMMITTEE

### Membership

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

### Functions

The Corporate Policy and Resources Committee exercises any function not delegated to another Committee, an officer or reserved to Council. In particular, it makes recommendations concerning the Council's budget to Council. The Committee will also carry out those statutory and non-statutory functions falling within its area of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Where a function does not clearly fall within the remit of a Strategic Committee, this Committee shall direct which Committee shall deal with the function, or deal with the matter itself.

The Committee will recommend to Council new, or changes in previously approved, policies that fall within the Policy Framework as set out in Article 4 as well as making joint arrangements or delegating decision making to Chief Officers. However, this does not prevent that Committee from choosing to exercise the function itself.

Areas of responsibility include:

- Appointments to Outside Bodies
- Armed Forces Covenant
- Building Control
- Business and Financial Planning
- Compulsory Purchase Orders
- Contracts and Commissioning
- Council Insurance, Health and Safety
- Corporate Communications
- Corporate Complaints
- Customer Services
- Debt and Treasury Management
- Democratic Services
- Electoral Services
- Financial Services
- Human Resources
- Investment and Regeneration Assets
- Land Charges
- Legal Services
- ICT and Digital transformation
- Oversight of major (where the cost of the project as a whole exceeds £1 million) programmes and projects within the Capital programme.
- Performance Management

- Procurement
- Project Management
- Reserves Strategy
- Revenues and Benefits
- Risk Management
- Strategic Partnerships

And specifically:

- To make recommendations as appropriate on matters reserved to Council for decision including:
  - the Council's draft annual budget, including the capital and revenue budgets, prudential controls and council tax
  - the use of reserves
  - the Council's Community and Corporate Plans
  - the Council's Policy Framework
- To consider periodic budgetary monitoring and variation reports and make any recommendations to the Council as necessary.
- To be responsible for decision making in respect of the Council's fees and charges and consider recommendations from the other Strategic Committees on fees and charges for services falling within their remit.
- To act as the Council's shareholder representative on the Knowle Green Estates Board.
- To appoint a shareholder representative for any company set up by Spelthorne Borough Council, from that committee within whose remit the business of the company falls.
- To be responsible for decisions to proceed with asset acquisitions relating directly to Regeneration purposes only.
- To be responsible for decisions to proceed with freehold (or long leasehold) disposal of investment assets and/or commercial assets within the regeneration programme.
- To approve dilapidation settlements that exceed £500k.
- To receive quarterly reports on the Investment Sinking Fund Reserves and to be notified of any change of adverse impact and mitigation measures which are being taken to address.
- To be responsible for the oversight of major programmes and projects within the Capital Programme where the cost of the project as a whole exceeds £1 million.
- To be responsible for decision making in respect of the Council's services and activities other than those specifically delegated to other Committees or officers.
- To be responsible for decision making where there is a conflict in respect of matters that cross the remits of two or more Strategic Committees.
- To be responsible for decisions to adopt new policies or make changes to previously approved policies, falling outside the Policy Framework, where there are significant budgetary implications.
- To be responsible for decisions on Community Infrastructure Levy (CIL) funds allocation on those proposals related to major infrastructure projects where



### **Part 3 section (b)**

significantly large sums of monies (approximately £1million or more) are being committed or on schemes which carry a degree of complexity as recommended by the CIL Task Group.

- To consider the Annual report from the Local Government and Social Care Ombudsman and any maladministration findings of the body.
- To make a Compulsory Purchase Order and decide on the level of costs arising up to £1 million.
- To make appointments to outside bodies and charities where the appointment is not reserved to Council for decision.
- To be consulted by other committees on any issues raised relating to the performance and provision of services.
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Procedure Rules (Part 4b of this Constitution).

## COMMERCIAL ASSETS SUB-COMMITTEE

### Objective

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the management of the Council's Investment properties and commercial assets within the Council's regeneration programme.

### Membership

A minimum of 4 Members reflecting political balance, with at least 1 member from each political party. An independent member will also be appointed.

### Functions

1. Acquisitions relating directly to Regeneration purposes only (acquiring assets for alternative purposes is not covered via the Objectives of this Sub-Committee)
  - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new strategic property acquisitions for regeneration purposes only.
  - (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions.
  - (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with acquisitions in accordance with relevant Council procedure rules.
  
2. Disposals
  - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold (or long leasehold) disposal of investment assets and/or commercial assets within the regeneration programme.
  - (b) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential joint venture initiative involving investments assets and/or commercial assets within the regeneration programme.
  - (c) Following (a) or (b) above to give an initial steer on whether to investigate further those potential disposals or joint venture initiatives.
  - (d) Following (c) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with the particular freehold (or long leasehold) disposal or joint venture initiative in accordance with the relevant Council procedure rules.
  - (e) To receive recommendations from officers and approve (or otherwise) any proposals for the granting of a new or reversionary lease at an aggregated rent over the term which exceeds officer delegation levels.

3. Management of Investment Assets and Commercial Assets within the Regeneration Programme
- (a) To approve leasehold disposals (lettings) in investment assets (where officer/member delegation financial limits are exceeded.)
  - (b) To approve dilapidation settlements valued between £101k and £500k and make recommendations to Corporate Policy and Resources Committee for any that exceed £500k.
  - (c) To approve the change of use of investment assets including recommendations to the Corporate Policy and Resources Committee regarding alternative use or classification of the asset.
  - (d) To receive monthly update reports on the management of the investment assets in accordance with the adopted Asset Management Strategy, including rental income, potential letting opportunities, pending break option and lease expiries over the next 12-month period, significant assignments and any other estate management issues based on officer recommendations.
  - (e) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
  - (f) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.
  - (g) To approve new lettings where the rental income per annum (net of VAT) exceeds £100k.
  - (h) To approve lease renewals where the rent in the first year of the new lease is less than 50% of the passing rent of the previous lease, or where the financial impact exceeds £250k.
  - (i) To receive monthly arrears reports on each individual asset/tenant within the investment portfolio by rent quarters.
  - (j) To be notified of any potential arrears and issues being faced by individual tenants (including taking decisions on tenant requests to change from quarterly to monthly payments or rent deferment requests) where the rental income exceeds £100,000pa and to be advised of steps being taken by officers to mitigate that risk.
  - (k) To receive quarterly reports on the Investment Sinking Funds and to be notified of any change of adverse impact and mitigation measures which are being taken to address.
  - (l) To receive notification of and authorize any non-budgeted capital expenditure or any capital expenditure over £50,000. on the investment portfolio.
  - (m) To approve, the settlement of rent reviews, lease renewals or lease re-structuring negotiations in respect of the Investment assets where officer/member delegation financial limits are exceeded.
  - (n) To review, advise on and approve formal reporting of the investment portfolio to CPRC and/or full council to include Asset Investment Strategies, Business Plans, Key Performance Indicators, Risk Registers, and half yearly update reports.
  - (o) To agree the scope of the annual reporting on the Council's investment and regeneration portfolios with the Assets Team.

4. Frequency

Monthly day-time meetings. Where meetings are not necessary for lack of business they will be cancelled.

## ENVIRONMENT & SUSTAINABILITY (E&S) COMMITTEE

### Membership

At least 15 members reflecting political balance.

### Functions

This committee has responsibility to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Areas of responsibility include:

- Cemeteries
- Climate emergency response - including carbon management, mitigation and adaptation measures
- Community Infrastructure Levy (CIL) funds
- Emergency planning
- Environmental sustainability and biodiversity
- Fly tipping
- Grounds Maintenance
- Heathrow liaison
- The Local Plan
- Parking services and strategy
- Parks, open spaces, allotments and playgrounds
- Planning policy and enforcement
- Pollution control including air quality and contaminated land
- Street Cleansing
- Transport including Electric Vehicle strategy
- Waste strategy and management, including Recycling

And specifically:

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To consider all Community Infrastructure Levy (CIL) funds allocation and determination in all cases, except for those proposals related to major infrastructure projects where significantly large sums of monies are being committed or on schemes which carry a degree of complexity which will be referred for decision to Corporate Policy and Resources Committee, as recommended by the CIL Task Group.
- To scrutinise those aspects of the operation of Heathrow Airport that directly relate to this Committee's areas of responsibility.
- To establish the Community Infrastructure Levy Working Group with the membership and terms of reference as set out below

- To establish the Climate Change Working Group with the membership and terms of reference as set out below
- To review and scrutinise flood risk management

## **Working Groups Terms of Reference**

### **Community Infrastructure Levy (CIL) Working Group**

#### **1. Remit**

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

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

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

#### **2. Membership of the Working Group**

The CIL Working Group comprises:

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

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

The following Officer representation will apply:

- Strategic Planning Manager
- Infrastructure Delivery Co-ordinator

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

#### **3. Meetings**

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

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

#### **4. Objectives**

The Working Group objectives are:

- To ensure overall programming of infrastructure projects agreed by the appropriate Committee.

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

The Working Group will be responsible for:

- Recommending projects to the appropriate Committee which require CIL funding from resources allocated to it, following assessment in accordance with the agreed criteria.
- Regular monitoring and reporting to the E&S Committee on the delivery of projects including revisions to timescales and expenditure.
- Reporting to the E&S after completion of each project.

## **5. Output**

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

*Adopted 26 April 2023*

## **Climate Change Working Group**

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

The Terms of Reference for the Working Group are:

1. To implement the climate change strategy and action plan agreed in 2022 to deliver our target of carbon neutrality by 2030.
2. To make recommendations to Environment and Sustainability Committee on areas for improvement which can impact on 'climate change' and to identify, and make recommendations on, developing new environmental policies where required which will help move the Council and Borough towards carbon neutrality by 2030.
3. To report to c appropriate action plans and targets to deliver the Council's 2030 target of zero carbon emissions.
4. To monitor progress with delivering the action plans and achieving targets and report on progress to Environment and Sustainability Committee on a quarterly basis.
5. To consider government and wider authorities' consultation on documents relating to 'climate change' and assist Environment and Sustainability Committee in formulating its response.
6. For members of the Working Party to act as 'climate change' champions by leading by example and advocating action on climate change. The Council has an important community leadership role to play regarding the 'climate change' agenda.
7. To identify areas for further research and invite presentations, workshops and discussions with experts as appropriate to help inform the Council's policies and action plans.

8. The Climate Change Working Group will consider the best way of engaging with key partners and work closely with the Government, the Environment Agency, Surrey County Council, local businesses, residents and other partners across the county and Borough to meet the target of making the Borough carbon neutral by 2030.
9. To consider and formulate a communication strategy to promote the Council's activities on climate change.
10. To monitor flood risk and actions to mitigate.

### **Membership and Proceedings of the Working Group on Climate Change**

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

*Adopted 27 June 2023*

## **BUSINESS, INFRASTRUCTURE AND GROWTH (BIG) COMMITTEE**

### **Membership**

At least 11 members reflecting political balance

### **Functions**

This committee has responsibility within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the management of the Council's municipal, strategic regeneration (non-income producing) and development asset portfolios.

Also to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Areas of Responsibility:

- Business partnerships
- Business transformation, support and inward investment
- Economic development
- Heathrow liaison
- Infrastructure scrutiny
- Markets
- Tourism
- Town centre viability and regeneration
- Management of the municipal, strategic regeneration (non-income producing) and development asset portfolios as defined in the Asset Management Strategy.

And specifically:

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To be responsible for the management of the strategic regeneration portfolio at such time as those assets are no longer held for income producing purposes.
- To consider and make recommendations to Council on proposals for achieving residential outcomes on assets within the Council's development portfolio through Joint Venture contracts/programmes, including the transfer of units/schemes to Knowle Green Estates or Registered Providers.
- To consider and make recommendations to Council on the disposal of assets in the development portfolio.
- To consider proposals to change the community use of a municipal asset, subject to inviting members of the Community Wellbeing and Housing Committee to attend



any meeting at which the matter is due to be discussed, to make their representations on the proposals.

- To scrutinise and provide observations and comments to the relevant authorities responsible for delivering those infrastructure projects which affect the local economy.
- To scrutinise those aspects of the operation of Heathrow Airport that directly impact this Committee's areas of responsibility.

## **COMMUNITY WELLBEING & HOUSING (CWH) COMMITTEE**

### **Membership**

At least 11 members reflecting political balance.

### **Functions**

This committee has responsibility to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

#### Areas of Responsibility

- Affordable, social housing and homelessness provision
- Arts and culture strategy
- Asylum seekers and refugees
- Civil Enforcement (JET)
- Community Day Centres
- Community safety and crime & disorder
- Community Transport (Spelride)
- Disabled Facilities Grants
- Environmental Health excluding pollution control and contaminated land
- Family Support
- Home Improvement Agency
- Housing Benefits/Council Tax Support
- Housing Options including allocations
- Housing policies and strategies
- Leisure and sports contracts
- Licensing matters (including HMO licensing) save for those specifically reserved to the Licensing Committee
- Management and maintenance of council owned housing and services to tenants
- Private sector and social housing enforcement including housing conditions
- Public Halls
- Services for older people
- Supported living independently – including meals on wheels
- Voluntary and community sector strategy and liaison
- Workplace Health & Safety enforcement of businesses in the community

#### **And specifically:**

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To establish the Grants Panel with membership and terms of reference as set out below.
- To make decisions on grants funding to organisations in the voluntary and community sector

- To receive periodic reports from Spelthorne Healthy Communities Board on funding decisions. The Board's membership and terms of reference are set out below for completeness.
- To exercise the Council's statutory scrutiny responsibilities arising under the Police and Justice Act 2006 in relation to crime and disorder.

## **Spelthorne Healthy Communities Board**

### **1. Purpose**

The purpose of the group is to improve the Health and Wellbeing in Spelthorne. The group will discuss and determine the Health & Wellbeing priorities for Spelthorne with targets and performance reviews outlined in the Spelthorne Health & Wellbeing Strategy. The group will raise awareness and communicate Health & Wellbeing information in Spelthorne and will provide an annual report to the joint committee of Spelthorne Borough Council and Surrey County Council.

### **2. Membership**

We will invite representatives from the following organisations:

- (a) Spelthorne Borough Council including the Chair of the Community Wellbeing and Housing Committee and Group Head for Community Wellbeing, and representatives from relevant Council departments
- (b) Surrey County Council representatives including Adult Social Care and Children's Services. A SCC councillor who is appointed by Joint Committee at the start of each municipal year.
- (c) Voluntary organisations such as Voluntary Support North Surrey, Action for Carers and Catalyst
- (d) A representative from North West Surrey Clinical Commissioning Group
- (e) A representative from one of the third sector community care borough wide forums or groups (for, children with disabilities, older people and adults with physical and sensory disabilities—Appendix 1) or a suitable representative from the community.
- (f) Other members from relevant organisations will be invited where appropriate and dependant on topical projects. These may include Surrey and Borders Partnership NHS Foundation Trust, or Ashford & St Peter's Hospital's NHS Trust

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

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

The responsibilities of the Health and Wellbeing Group are:

- (a) To oversee progress towards the Spelthorne priorities as outlined in the Spelthorne Health & Wellbeing Strategy and to identify any new priorities that should be addressed. The group will provide periodic reports to the Community Wellbeing and Housing Committee.
- (b) To develop an action plan for the Health and Wellbeing Strategy outlining clear targets; to be monitored quarterly and reviewed annually. Produce criteria to enable performance as red/amber/green.
- (c) To consider any issues raised by members of the group or the wider community and to determine what needs to be done to resolve these issues.
- (d) To provide an opportunity for the sharing of relevant information between agencies.

(e) To link to other local, partnership groups as appropriate  
(These responsibilities are underpinned by a statement of principles on equalities (shown in Appendix 2) to ensure that the work of the group pays due regard to issues of discrimination, equality of opportunity and the promotion of good relations between people from different backgrounds.

## **Grants Panel**

### **1. Purpose of the Panel**

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

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

It will:

- a) assess grant applications and make recommendations to the Community Wellbeing and Housing Committee (CWHC) as to whether they should be funded.
- b) maintain an overview of the reach of Spelthorne Council's grant-making and suggest ways in which any gaps might be addressed
- c) Review the performance of grant recipients on an annual basis where a Service Level Agreement is in place
- d) Signpost applicants to alternative sources of funding
- e) Co-ordinate regular events to promote funders and grant sources to the CVS sector.

### **2. Terms of Reference**

The Terms of Reference for the Grants Panel are:

- a) A minimum of 3 elected members and three Spelthorne Council officers with relevant skills or knowledge will comprise the panel
- b) These will be appointed to the panel by being proposed and seconded by existing panel members and following a vote of existing members. Members should be nominated on the basis of specific skills that they will bring to the panel.
- c) a quorum shall be four members
- d) the chair must be an elected member and will be elected by majority vote
- e) Councillors on the Panel will be asked to register/declare any interests before considering the applications and making any recommendations.
- f) all decisions will be made by a majority vote and in instances of there being no majority, the chair will gain the power to make one casting vote

**Part 3 section (b)**

- g) the Panel will meet at least once a year, though “virtual” meetings may be held via telephone or email exchange at any time. The quorum and voting rules will still apply and, normally, at least 5 working days will be allowed from the start to the conclusion of such meetings, in order to allow an adequate opportunity for all Panel members to take part.
- h) Panel members will be expected to attend at least 50% of “physical” meetings. Members missing three consecutive meetings without giving good reason may be deemed to have resigned and their position may be filled
- i) the Panel may invite anyone to attend a meeting(s) to give specialist input
- j) the annual revenue grants process will be the subject of a report to CWHC and acceptance by Full Council at its annual budget-setting meeting

## **POLICE AND CRIME COMMISSIONER'S PANEL**

### **Membership**

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

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

### **Functions**

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

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

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

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

## REGULATORY COMMITTEES

### AUDIT COMMITTEE

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

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

## LICENSING COMMITTEE

### Membership

13 members reflecting political balance

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

### Functions

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



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

**Part 3 section (b)**

6. To adopt, monitor and review relevant Council policies and strategies, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.
  
7. To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.

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

## PLANNING COMMITTEE

### Membership

15 councillors reflecting political balance

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

### Functions

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

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

## STANDARDS COMMITTEE

### Membership

9 councillors reflecting political balance + 2 Independent non-voting Members

### Functions

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

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

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

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

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the councillor's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;

- recommend to the councillor's group leader that the councillor be removed from a Committee, or an outside body (as appropriate); or,
- a combination of any of the above.

## **Working Groups' Terms of Reference**

### **Committee System Working Group**

#### **Membership**

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

#### **Responsibilities**

##### **Monitoring of objectives**

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

##### **Recommendation of amendments**

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

##### **Decision Making**

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

## APPOINTMENTS AND APPEALS COMMITTEE

### Membership

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

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

### Functions

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

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

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

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

## INVESTIGATING AND DISCIPLINARY COMMITTEE

### Membership

5 members reflecting political balance. The members of this Committee may not also sit on the Appointments and Appeals Committee in respect of the same matter. The quorum for this Committee is 3 provided those members present are of different political groups.

### Responsibilities

1. To conduct an initial assessment of allegations against the Chief Executive, Chief Finance Officer or Monitoring Officer (together known as Statutory Officers), relating to (i) conduct, (ii) capability or (iii) some other substantial issue that requires investigation.
2. To consider whether it is appropriate to suspend a Statutory Officer if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the council's functions.
3. If an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority, the following may suspend the Statutory Officer immediately, in an emergency:
  - In relation to serious allegations of misconduct against the Chief Executive, the Monitoring Officer and Chief Finance Officer jointly in consultation with the Chair of this Committee or
  - In relation to serious allegations of misconduct against the Monitoring Officer or Chief Finance Officer, the Chief Executive in consultation with the Chair of this Committee.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To determine whether a detailed investigation of an allegation against the Statutory Officer relating to (i) conduct, (ii) capability or (iii) some other substantial issue is needed.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state their case and to question witnesses, where relevant, before making a decision.
9. To decide and issue sanctions short of dismissal for a Statutory Officer.

10. To receive advice from the Independent Panel in the event dismissal of a Statutory Officer is being considered.
11. Subject to receiving advice from the Independent Panel, to make any recommendations to Council for dismissal of a Statutory Officer.



## INDEPENDENT PANEL

### Membership

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

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

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

### Functions

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

Appropriate training should be provided for Independent Panel members.

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

This page is intentionally left blank

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

**Part 3 section (d)**

<p>1.7 To respond to routine and technical consultations from the Local Government Association, the MHCLG, other Government bodies or departments and any other bodies</p>	<p>Chief Executive, Deputy Chief Executive. Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named</p>
<p>1.8 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults</p>	<p>Deputy Chief Executive responsible for Safeguarding</p>
<p>1.9 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies</p>	<p>Group Head of Corporate Governance</p>
<p>1.10 To invite members:</p> <p>a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and</p> <p>b) of the Standards Committee to participate in meetings of Assessment Panels.</p>	<p>Group Head of Corporate Governance</p>
<p>1.11 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.</p>	<p>Chief Executive</p>
<p>1.12 To be designated the Council's 'Appointed person' in accordance with s10(8) of the Party Wall Act 1996.</p>	<p>Building Control Manager</p>
<p>1.13 To authorise grant funding for the Spelthorne Business Forum on an annual basis, to ensure value for money.</p>	<p>Group Head Place, Protection and Prosperity</p>

Part 3 section (d)	
<b>2 LEGAL AND LEGAL PROCEEDINGS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
2.1 To instigate, conduct and settle proceedings, complaints, or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body or by way of local resolution, and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Corporate Policy and Resources Committee.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: <ul style="list-style-type: none"> <li>a. legislation which gives the Council a right or duty to prosecute</li> <li>b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties</li> <li>c. any other order or regulation under which the Council has powers or duties</li> </ul>	Group Head of Corporate Governance
2.3 To accept service of proceedings on behalf of the Council	Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)
2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council	Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)
2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land	Group Head of Corporate Governance
2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings	Group Head Commissioning and Transformation, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer

**Part 3 section (d)**

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

**Part 3 section (d)**

have been followed including legal advice being obtained for contracts over £20,000	Planning Manager or Senior Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
<b>4 LAND ISSUES</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<p>4.1 In respect of properties leased/licensed to or by the Council:</p> <ul style="list-style-type: none"> <li>a. to refuse or consent to assignments or sub-lettings, including changes to Trustees or Directors details, subject to satisfactory references;</li> <li>b. to negotiate, approve and document rent reviews;</li> <li>c. to agree low level less than best value rents/licence fees for community groups where proper justification has been acquired and documented;</li> <li>d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate;</li> <li>e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954;</li> <li>f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954;</li> <li>g. to settle terms of management arrangements and any variations to them;</li> <li>h. to agree to the grant of Licences to Alter</li> <li>i. in consultation with the Chair of Commercial Assets Sub-Committee, to agree dilapidation settlements up to £100k.</li> </ul>	Group Head for Assets
<p>4.2</p> <ul style="list-style-type: none"> <li>a. To approve new lettings where the rental income per annum (net of VAT) does not exceed £100k.</li> </ul>	Group Head for Assets in consultation with the Chief Finance Officer.

**Part 3 section (d)**

<p>b. To approve lease renewals where the rent in the first year is more than 50% of the passing rent of the previous lease, subject to the financial impact not exceeding £250k.</p> <p>c. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction.</p> <p>d. To approve the exercise of a break option under the terms of lease of land or property where the financial impact does not exceed the value £100k.</p> <p>e. To accept or agree a surrender where the land or property is no longer required by the Council or the Landlord/Tenant as appropriate, where the financial impact does not exceed £100k.</p> <p>f. to make the application for planning permission in relation to Regulation 3 of the <u>Town and Country Planning General Regulations 1992</u>, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.</p> <p><i>Notes:</i></p> <p>a. to c. Financial impact to be based on contracted rental values.</p> <p>a. to d. VAT should be disregarded when determining if a transaction falls under the stated thresholds.</p>	<p><i>(Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)</i></p>
<p><b>4.3 Urgent Action</b></p> <p>In relation to a new letting, to take a decision which is so urgent that it cannot wait until the next scheduled meeting of the Committee and where the decision is not in contravention of established policies. In following this procedure, the Group Head for Assets is required to seek the approval of the Chair and Vice-Chair of the Business, Infrastructure and Growth Committee if the matter would ordinarily fall within the remit of the Committee or in the case that any aspect of the letting could be considered sensitive. The use of such urgent action must be reported to the next relevant Committee meeting.</p>	<p>Group Head for Assets</p>



**Part 3 section (d)**

4.4 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required	Group Head for Assets
4.5 To enter into a Tenancy at Will	Group Head for Assets
4.6 To determine applications for rights of way or other easements over land	Chief Finance Officer after consultation with Group Head for Assets
4.7 To approve the release of covenants subject to obtaining appropriate legal and valuation advice	Group Head for Assets
4.8 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.	Group Head for Assets
4.9 To review decisions made regarding the inclusion of assets on the list of assets of community value in accordance with section 92 of the Localism Act 2011	Group Head Corporate Governance
4.10 To maintain the list of assets of community value in accordance with section 87 of the Localism Act 2011	Group Head for Assets
4.11 To assess and determine compensation applications to private property owners arising out of listings of assets of community value in accordance with section 99 of the Localism Act 2011 and Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head for Assets
4.12 To review decisions made regarding compensation award in accordance with Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Corporate Governance
<b>5 FINANCIAL MATTERS</b>	

**Part 3 section (d)**

<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
5.1 To make a formal demand for payment of monies expended in carrying out works in default under statutory powers, including interest payable thereon	Relevant Deputy Chief Executive
5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations	Chief Finance Officer
<p>5.3 In connection with the provision of services under their control:</p> <p>a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts);</p> <p>b. Day to day running and operation of services, including maintenance and repairs of all buildings, land and equipment within the responsibility of the service area, in accordance with the policies set down by the Council or relevant Committee; and</p> <p>c. Control, purchase and disposal of stores or surplus materials</p> <p>d. To enter into any arrangement with a creditor for payment to be made by way of instalment</p>	Relevant budget holders
5.4 To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy	Chief Finance Officer
5.5 To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended	Chief Finance Officer
5.6 To deal with applications for local council tax discounts in very exceptional cases. Such cases to include flooding and where committal action through the courts is not deemed appropriate. The latter will need to be supported by third party reports generally from a social worker or doctor	Chief Finance Officer or Group Head Commissioning and Transformation

**Part 3 section (d)**

5.7 To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	Group Head Commissioning and Transformation
5.8 To sign certificates issued under Section 116 of the Social Security Administration Act 1992	Group Head Commissioning and Transformation
5.9 To exercise the Council's responsibilities under Regulation 6 of the Accounts and Audit (England) Regulations 2011, to maintain an adequate and effective system of internal audit of the accounting records and control systems	Chief Finance Officer
5.10 To take decisions in applications under section 44A of the Local Government Finance Act 1988 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.11 To grant applications for mandatory rate relief under in accordance with section 43 of the Local Government Finance Act 1988	Chief Finance Officer or Group Head Commissioning and Transformation
5.12 To grant application for discretionary rate relief for properties in accordance with Council policies provided that element of the relief recoverable from local taxpayers does not exceed £9000 in any one case.	Chief Finance Officer or Group Head Commissioning and Transformation
5.13 To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.14 To serve the Valuation Officer with notice of objection to any proposals for alteration of the valuation banding lists.	Chief Finance Officer or Group Head Commissioning and Transformation
5.15 To make proposals for the alteration of the valuation list for the inclusion of particular properties in the valuation list. To sign valuation agreements and to serve on the Valuation Officer proposals to alter the council tax banding list	Chief Finance Officer or Group Head Commissioning and Transformation
5.16 To pay sums due from the Council	Chief Finance Officer

**Part 3 section (d)**

5.17 To write off debts for non-domestic rates not exceeding £9000 and for Council tax not exceeding £5000.	Group Head Commissioning and Transformation
5.18 To write off debts for Housing Benefits not exceeding £5000	Group Head Community Wellbeing
5.19 To write off debts not exceeding £5000 and to write off all debts without limit where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	Group Head Commissioning and Transformation
5.20 To fix interest rates for housing loans in accordance with legislation and Council policy	Chief Finance Officer
5.21 To determine the local average interest rates for local authority mortgages, in accordance with section 438 and schedule 16 of the Housing Act 1985 and Council policy	Chief Finance Officer
5.22 To provide all necessary insurance cover and to settle insurance claims	Chief Finance Officer
5.23 To make determinations under sections 42,50, 56,60 and 63(1) of the Local Government and Housing Act 1989	Chief Finance Officer
5.24 To serve completion notices for Council Tax and Business Rate proposals	Chief Finance Officer or Group Head Commissioning and Transformation
5.25 To set fees for Local Land Charges services	Chief Finance Officer
5.26 Approval of grants from any funds remaining from the Council's former local lottery	Chief Finance Officer
5.27 To make appropriate staged payments for grants for development	Chief Finance Officer
<b>6 PERSONNEL MATTERS</b>	

**Part 3 section (d)**

<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
6.1 To give approval to services to advertise or to fill a staffing vacancy	Chief Executive, Deputy Chief Executive or Group Heads
6.2 Within staffing budgets and overall management structure to approve all matters relating to the organisation, appointment (other than appointments at, or above, grade Group Head) and management (including disciplinary action) of staff in accordance with the Council's staff policies and procedures	Chief Executive, Deputy Chief Executive or Group Heads
6.3 To implement national awards affecting wages, salaries and conditions of service	Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime
6.4 To administer the Council's car loan scheme	Chief Finance Officer
6.5 To agree redundancy payments under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 in cases approved by Management Team	Chief Executive in consultation with the Leader of the Council

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

**Part 3 section (d)**

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

**Part 3 section (d)**

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



**Part 3 section (d)**

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

**Part 3 section (d)**

<p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p> <p>ooo. Public Health (Control of Disease) Act 1984</p> <p>ppp. Clean Air Act 1993 (section 56)</p>	
<p>7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.</p>	<p>Senior Environmental Health Manager</p>
<p>7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.</p>	<p>Senior Environmental Health Manager</p>
<p>7.5 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.</p>	<p>Licensing Manager</p>
<p>7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.</p>	<p>Licensing Manager</p>
<p>7.7 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005</p>	<p>Senior Environmental Health Manager</p>
<p>7.8 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision on whether a representation is irrelevant, frivolous or vexatious</p>	<p>Environmental Health Manager</p>
<p>7.9 To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises</p>	<p>Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)</p>
<p>7.10 Authority under the Food Safety Acts, and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>

**Part 3 section (d)**

<p>7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed</p>	
<p>7.12 To exercise the Council's powers under the Food Safety and Hygiene (England) Regulations 2013 and relevant EU Directives and any associated regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices</p>	<p>All Environmental Health Staff identified for this purpose by the Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.13 To exercise the Councils powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.14 Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.</p>	<p>Senior Environmental Health Manager, Group Head Neighbourhood Services</p>
<p>7.15 To make minor changes to the Building Control Charges Scheme No. 1.</p>	<p>Building Control Manager</p>
<p>7.16 To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small-scale fly tipping offence.</p>	<p>Group Head of Neighbourhood Services and Senior Environmental Health Manager</p>
<p>7.17 To authorise appropriate officers to issue Fixed Penalty Notices under section 34(2)(a) of the Environmental Protection Act 1990 to persons whom the officer has reason to believe has failed to comply with their duty of care in the disposal of controlled waste.</p>	<p>Group Head of Neighbourhood Services</p>

<b>8. MARKETS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
8.1 To operate a market in Staines under the terms of the Staines Town Hall and Market Act 1872	Group Head Neighbourhood Services
8.2 To set and enforce regulations for any markets within the Borough	Group Head Neighbourhood Services
8.3 To respond to requests for stands in Staines High Street on non-market days under the terms of s115E of the Highways Act	Group Head Neighbourhood Services
<b>9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
9.1 To add documents to the Council's publication scheme	Data Protection Officer/Information Governance Co-ordinator
9.2 To determine whether any requests under the above acts are repeated or vexatious	Data Protection Officer/Information Governance Co-ordinator
9.3 To determine whether any exemptions apply under the above Acts and Regulations	Data Protection Officer /Information Governance Co-ordinator
9.4 To review decisions made to place items in Part II of agendas and to authorise the disclosure of such items where the reasons for confidentiality no longer apply or where it would be in the public interest to disclose of such items.	Group Head of Corporate Governance in consultation with the Leader of the Council
<b>10. HOUSING AND COMMUNITY CARE MATTERS</b>	

**Part 3 section (d)**

<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
10.1 To approve mandatory/discretionary grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	Group Head Community Wellbeing
10.2 To exercise the powers and the functions of the Council under the Housing Grants and Regeneration Act 1996 and any regulations made thereunder.	Group Head Community Wellbeing
10.3 Authority to require repayment of mandatory/discretionary grants in accordance with Government guidelines and within the timescales laid down in the Council’s approved policies.	Group Head Community Wellbeing
10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.	Group Head Community Wellbeing
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> <li>a. to serve notices requiring the abatement of overcrowding;</li> <li>b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost;</li> <li>c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations</li> <li>d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards;</li> <li>e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs;</li> </ul>	Senior Environmental Health Manager

**Part 3 section (d)**

<p>f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works.</p> <p>g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders and empty property management orders and in respect of houses in multiple occupation, to:</p> <p>i. make interim and final management orders;</p> <p>ii. serve notices requiring compliance with management regulations, the execution of works, including the provision of facilities and fire escapes;</p> <p>iii. make directions to prevent or reduce overcrowding;</p> <p>iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs.</p> <p>v. To determine and issue licences under the Housing Act 2004</p>	
<p>10.6 To discharge the duties or exercise the powers of the Council under the Housing Act 1996 Parts VI and VII with regard to the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.</p>	<p>Group Head Community Wellbeing</p>
<p>10.7 The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore</p>	<p>Group Head Community Wellbeing</p>
<p>10.8 To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.</p>	<p>Group Head Community Wellbeing</p>

**Part 3 section (d)**

10.9	To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.	Group Head Community Wellbeing
10.10	To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.	Group Head Community Wellbeing
10.11	To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.	Group Head Community Wellbeing
10.12	Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Group Head Community Wellbeing
10.13	To take any necessary action to deal with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Group Head of Corporate Governance
10.14	To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent allowances and Council Tax benefit and recovery of housing benefit overpayments in accordance with the regulations.	Group Head Community Wellbeing
10.15	The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head Community Wellbeing
10.16	The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17	Review of a Discretionary Housing Payments decision	Group Head Community Wellbeing
10.18	The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties	Group Head Community Wellbeing

**Part 3 section (d)**

provided or to be provided for housing purposes.	
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head Community Wellbeing
<b>11. LEISURE AND ASSOCIATED MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<p>11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:-</p> <p>a. the fixing of charges for special events not covered by the annual review of fees and charges;</p> <p>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</p> <p>c. The power to waive fees and charges; and</p> <p>d. The setting of opening hours for facilities and the duration of sports seasons.</p>	Group Heads Neighbourhood Services and Community Wellbeing
11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.	Group Head Community Wellbeing
11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.	Group Head Neighbourhood Services
11.4 The management of cemeteries, including the allocation, re-allocation and	Group Head Neighbourhood Services



**Part 3 section (d)**

<p>grant of grave spaces, including the repurchase of grave spaces and other associated matters.</p>	
<p>11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.</p>	<p>Group Head Community Wellbeing</p>
<p><b>12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS</b></p>	
<p><b>Column 1 – Function</b></p>	<p><b>Column 2 – Authorised Officer</b></p>
<p>12.1 To determine applications made in respect of land under the control of the Council for the following:-</p> <ul style="list-style-type: none"> <li>a. Placing of structures.</li> <li>b. Erection of directional signs.</li> <li>c. Erection of banners.</li> <li>d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.</li> <li>e. Fun runs, marathons, filming and other similar activities.</li> </ul>	<p>Senior Environmental Health Manager or Group Head Neighbourhood Services</p>
<p>12.2 In relation to the Council's Car Parks:-</p> <ul style="list-style-type: none"> <li>a. to authorise proceedings in respect of offences against any car park regulations; and</li> <li>b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park.</li> </ul>	<p>Deputy Chief Executive</p>
<p>12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	<p>Relevant Deputy Chief Executive</p>

**Part 3 section (d)**

12.5	The numbering and renumbering of premises in streets.	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.6	All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.	Group Head Neighbourhood Services
12.7	To make representations to Surrey County Council regarding the provision of tendered bus services under the Transport Act, 1985.	Relevant Deputy Chief Executive
12.8	To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:- <ul style="list-style-type: none"> <li>a. Section 23 (in relation to dangerous trees);</li> <li>b. Section 25 (in relation to dangerous excavations).</li> </ul>	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.9	To institute proceedings in the County Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.	Group Head of Corporate Governance
12.10	To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.	Relevant Deputy Chief Executive or Group Head Neighbourhood Services
12.11	To make minor amendments to the Pavement Policy	Group Head Place, Protection and Prosperity in consultation with the Chair of the Licensing Committee.
12.12	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
12.13	To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.	Senior Environmental Health Manager
12.14	Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the	Senior Environmental Health Manager in consultation with the

**Part 3 section (d)**

Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Chair and Vice-Chair of Licensing Committee
12.15 To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.16 To suspend Hackney Carriage and private hire vehicle licenses in accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government (Miscellaneous Provisions) Act 1976)	Senior Environmental Health Manager
12.17 To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme	Senior Environmental Health Manager
12.18 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.19 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.20 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.21 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.22 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.23 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.24 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager

**Part 3 section (d)**

12.25	To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.26	To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.27	To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.28	To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)	Joint Enforcement Team and Senior Environmental Health Manager
12.29	To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
<b>13. BYELAWS</b>		
<b>Column 1 – Function</b>		<b>Column 2 – Authorised Officer</b>
13.1	To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

<b>14. PLANNING AND DEVELOPMENT MANAGEMENT</b>		
14.1	Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development management and the following:	Planning Development Manager
14.2	Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the "1990 Act").	Planning Development Manager
14.3	Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager

**Part 3 section (d)**

14.4	Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5	Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6	Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7	Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8	Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9	Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10	Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11	Power to prosecute for demolition in a conservation area under s196D of the 1990 Act	Planning Development Manager
14.12	Power to seek an injunction under s187B of the 1990 Act.	Planning Development Manager
14.13	Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14	Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15	Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16	Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager
14.17	Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager
14.18	Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19	Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager

**Part 3 section (d)**

14.20	Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21	Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22	Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23	Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24	Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003	Planning Development Manager
14.25	To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.26	To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27	To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.28	To require any owner or relevant person to provide the Council with such further information, documents or materials as considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.29	Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30	Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods	Planning Development Manager

**Part 3 section (d)**

Vehicles (Licensing of Operators) Regulations 1995.	
--	--

This page is intentionally left blank



## COUNCIL STANDING ORDERS

### CONTENTS

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

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

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

**1. TIME AND PLACE OF MEETINGS**

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

**2. NOTICE OF AND SUMMONS TO MEETINGS**

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

**3. CHAIRING OF MEETINGS**

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

**4. QUORUM**

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

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

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

**5. DURATION OF MEETING**

- 5.1** The Chief Executive or their representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.
- 5.2** Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

**6. ORDINARY MEETINGS**

- 6.1** Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.
- 6.2** The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.
- 6.3** The agenda at an ordinary Council meeting will normally be to:-
  - (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present (see Standing Order 3.1)
  - (b) Receive any apologies for absence
  - (c) Approve the minutes of the last meeting
  - (d) Receive any declarations of interest from councillors
  - (e) Receive any announcements from the Mayor, Leader (or their nominated spokesperson), Committee Chairs and/or the Chief Executive
  - (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers
  - (g) Receive petitions; (See Standing Order 15)
  - (h) Deal with any business from the last Council meeting
  - (i) Deal with referrals from Strategic Committees in accordance with Standing Orders 32.4 and 32.5
  - (j) Deal with any recommendations from the Committees
  - (k) Receive reports from the Committee Chairs and any questions arising from those reports
  - (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations
  - (m) Consider motions
  - (n) Hear the Leader or their nominee or appropriate Committee Chairs answer any questions from councillors on matters generally affecting the Borough or for which their committee has responsibility; and

- (o) Consider any other business specified in the summons to the meeting.

## **7. EXTRAORDINARY MEETINGS**

### **7.1 Calling Extraordinary Meetings**

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

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

### **7.2 Date of Extraordinary meeting**

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

### **7.3 Business**

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

## **8. ANNUAL MEETING**

### **8.1 Timing and business**

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

- 8.2** The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.

**8.3** The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present
- (b) Elect a councillor to be the Mayor of the Council
- (c) Elect a councillor to be Deputy Mayor of the Council
- (d) Approve the minutes of the last ordinary meeting
- (e) Receive any declarations of interest
- (f) Receive any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year

- (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting

**8.4 Selection of Councillors on Committees and Outside Bodies**

At the Annual meeting, the Council will:

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

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

**9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

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

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

**10. MINUTES**

**10.1 Signing the Minutes**

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

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

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12

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

**10.3 Form of Minutes**

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

**11. DECLARATION OF INTEREST**

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

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

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

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

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

**12. REPORTS OF COMMITTEES**

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

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

**13. PUBLIC INVOLVEMENT IN COUNCIL**

**13.1 General**

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

**13.2 Order of Questions**

Questions will be asked in the order received, except that the Mayor may

group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

**13.3 Notice of Questions**

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

**13.4 Length of Questions**

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

**13.5 Number of Questions**

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

**13.6 Scope of Questions**

The Chief Executive and/or Monitoring Officer in consultation with the Mayor, may reject a question if it:

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



**13.7 Record of Questions**

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

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

**13.8 Asking the Question at the Meeting**

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

**13.9 Supplementary Question**

No supplementary questions will be allowed.

**13.10 Written Answers**

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

**13.11 Reference of Question to a Committee or Sub-Committee**

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

**14. QUESTIONS BY COUNCILLORS**

**14.1 General**

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

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

**14.2 Procedure on questions**

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

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

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

**14.4 Written Answers**

Where the Mayor considers that:

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

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

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

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

**15. PRESENTATION OF PETITIONS TO THE COUNCIL**

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

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

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

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

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

- (a) take the action the petition requests; or
- (b) not to take the action requested for reasons put forward in the debate; or
- (c) note the petition and keep the matter under review; or
- (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
- (e) the petition be referred to the relevant Committee for further consideration.

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

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

## **16. MOTIONS ON NOTICE**

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

### **16.2 Notice**

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

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

### **16.4 Motion Set Out In the Agenda**

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

### **16.5 Scope of Motion**

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

### **16.6 Referral of Motion to Committee**

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

record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.

- 16.7** If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or likely to incur any expenditure in excess of £40k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion shall not be moved or debated. The minutes of the meeting will record the motion being received. Any decision on the motion shall be made at a future meeting of the Council which shall not consider the matter without a full report on the policy, budget and financial implications together with any recommendations from the Committee to which the matter was referred.
- 16.8** The Corporate Policy and Resources Committee may issue guidance on the application of Standing Order 16.7 with regards to the levels of any expenditure.
- 16.9** A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.
- 16.10** A Motion referred to a Committee shall be considered in accordance with the Rules of Debate at section 18 below.
- 16.11** **Length of Motion**  
No motion shall exceed 200 words in length.
- 16.12** **Motion Not Moved**  
If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.
- 17. MOTIONS WITHOUT NOTICE**  
The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.
- (a) To appoint a Chairman of the meeting at which the motion is moved (none).
  - (b) In relation to the accuracy of the minutes (no limit).
  - (c) To change the order of business on the agenda (none).
  - (d) To refer something to an appropriate Committee or Sub-Committee (no limit).
  - (e) To withdraw a motion (none).
  - (f) To extend the time limit for speeches (none).
  - (g) To amend a motion (no limit).

- (h) To proceed to the next business (none, except a right of reply in accordance with standing order \*\*).
- (i) That the question be now put (non, except a right of reply in accordance with standing order \*\*).
- (j) To adjourn a debate (none).
- (k) To adjourn a meeting (none).
- (l) To suspend a particular Standing Order (two).
- (m) To exclude the public and press in accordance with the Access to Information Procedure Rules (two).
- (n) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none).
- (o) To give the consent of the Council where its consent is required by the Constitution (no limit).
- (p) To continue the meeting beyond 3 hours (none).

**18. RULES OF DEBATE**

**18.1 No Speeches until Motion Seconded**

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

**18.2 Right to Require Motion in Writing**

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

**18.3 Secunder's Speech**

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

**18.4 Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point or order.

No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council.

**18.5 When a Member May Speak Again**

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

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

**18.6 Amendment to Motions**

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

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

- 18.6.1** An amendment which forms the negative of the motion will not be allowed. Councillors should aim to keep the length of the amendment in line with that of the motion, which shall not exceed 100 words in length.
- 18.6.2** The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.
- 18.6.3** Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder. Amendments to motions must be moved at the earliest possible opportunity during the debate.
- 18.6.4** If an amendment is not agreed, other amendments to the original motion can be moved.
- 18.6.5** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 18.6.6** After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, or if no member indicates they wish to speak, he/she will put it to the vote.

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

**18.7 Alteration of motion**

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

**18.8 Withdrawal of Motion**

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

**18.9 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.

- (d) The mover of an amendment has no right of reply to the debate on their amendment.

**18.10 Motions Which May Be Moved During Debate**

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

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

**18.11 Closure motions**

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

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

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

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

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

**18.12 Point of Order**

A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the

Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

**18.13 Personal Explanation**

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

**19 ANNOUNCEMENTS**

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

**20 PREVIOUS DECISIONS AND MOTIONS**

**20.1 Motion to Rescind A Previous Decision**

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

**20.2 Motion similar to One Previously Rejected**

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

**21 VOTING**

**21.1 Majority**

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

**21.2 Voting at Regulatory Committees**

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

**21.3 Chairman's Casting Vote**

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

**21.4 Show of Hands**

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

**21.5 Recorded Vote**

(a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.



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

**21.6 Right to Require Individual Vote To Be Recorded**

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

**21.7 Voting on Appointments**

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

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

**22 OFFICERS SPEAKING DURING DEBATES**

**22.1** Any Chief Officer or their representative may signify their wish to speak. The Mayor shall then use their discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:

- i) providing relevant information; or
- ii) explanation or interpretation of any law, regulation, protocol or procedure.

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

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

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

**23 COUNCILLORS' CONDUCT**

**23.1 Role of Mayor**

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

**23.2 Standing to Speak**

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

**23.3 Mayor Standing**

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

**23.4 Member Not to Be Heard Further**

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

**23.5 Member to Leave the Meeting**

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

**23.6 General Disturbance**

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

**24 DISTURBANCE BY THE PUBLIC**

**24.1 Removal of Member of the Public**

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

**24.2 Clearance of Part of Meeting Room**

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

**25 EXCLUSION OF PUBLIC**

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

**26 RECORD OF ATTENDANCE**

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

**27 PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

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

**28 SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS**

**28.1 Suspension**

All these Standing Orders except for Standing Orders 10.1 (signing of minutes), 21.6 (enabling a councillor to record their vote) or 38.2 and 38.3 (continuation of meeting beyond 3 hours up to an absolute cut-off of 10.30pm) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

**28.2 Amendment**

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

**29 APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES**

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

**ADDITIONAL SPECIFIC RULES APPLYING TO COMMITTEES**

**30 CALLING OF COMMITTEE MEETINGS**

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

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

**Extraordinary Committee Meetings**

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

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

**31 PUBLIC OR PRIVATE MEETINGS OF COMMITTEES**

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

**32 HOW ARE COMMITTEE DECISIONS TAKEN?**

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

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

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

**Referral of decision to parent body**

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

*Such a request cannot be made if:*

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

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

Or:

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

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

**33 WHO PRESIDES AT A COMMITTEE MEETING**

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

**34 BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING**

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

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

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

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

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

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

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

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

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

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

**36 ATTENDANCE BY OTHERS AT A COMMITTEE MEETING**

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

**37 APPOINTMENT OF SUB-COMMITTEES**

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

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

**38 DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS**

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

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

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

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

**39 PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS**

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

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

**40 PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

**40.1 General**

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

**40.2 Notice of Questions**

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

**40.3** Each question must give the name and address of the questioner and must not exceed 150 words in length.

**40.4 Scope of Questions**

The Chief Executive and/or Monitoring Officer in consultation with the Chair of the relevant Committee may reject a question if it:

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

**40.5 Number of Questions**

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

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

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

**40.6 Record of Questions**

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

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

**40.7 Asking the Question at the Meeting**

The Chair will invite the questioner(s) in turn to ask their question during Public Question time. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

**40.8 Supplementary Question**

No supplementary questions will be allowed.

**40.9 Duplication of Questions**

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

**41 PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS**

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

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

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

**42 LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS**

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

**43 AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS**

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

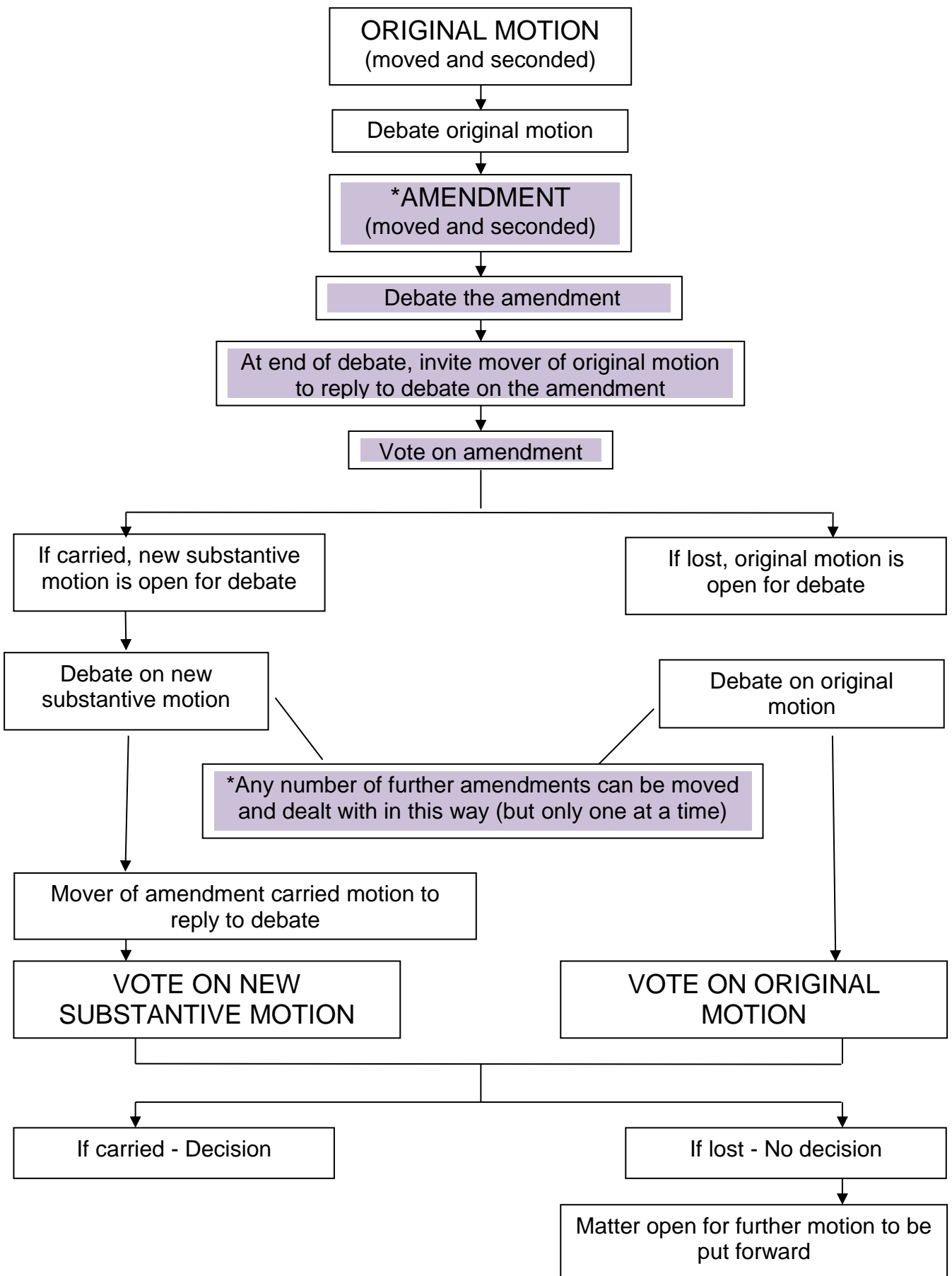
**44 CHAIRING OF COMMITTEES**

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



# RULES OF DEBATE

(Diagram showing how decisions can be made)





## **Report of the Chairman on the Work of the Audit Committee**

The Audit Committee held a meeting on 26 September 2024 and considered the following business:

### **1. Internal Audit Progress Report**

1.1 The Committee considered the Internal Audit Progress Report which had been drafted by the Deputy Head, Southern Internal Audit Partnership.

1.2 The Committee **resolved** to note the Internal Audit Progress Report.

### **2. External Audit Update**

2.1 The Committee received an External Audit Update from Grant Thornton on the status of our 2023-24 Annual Audit Opinion which was progressing as expected.

2.2 The Committee also received an update from the Deputy Chief Executive on addressing the audit backlog period relating to years 2018-19 up to and including financial year 2022-23.

2.3 The Committee **resolved** to note the External Audit Update.

### **3. Audit Risk Assessment**

3.1 The Committee considered a report from Grant Thornton on the Audit Risk Assessment for Spelthorne Borough Council 2023/24.

3.2 The Committee **resolved** to note Grant Thornton's Audit Risk Assessment for Spelthorne Borough 2023/24 with the addition of further comments made by this Committee.

### **4. Procurement Internal Audit Recommendations Progress Update**

4.1 The Committee considered a report on the Procurement Internal Audit Recommendations Progress Update.

4.2 The Committee **resolved** to note the progress in relation to the Procurement Internal Audit Progress Review Update and the Implementation of the Procurement Act 2023.

### **5. Annual Review of the Confidential Reporting Code**

5.1 The Committee received a report on the Annual Review of the Confidential Reporting Code.

5.2 The Committee **resolved** to note that the review of the Confidential Reporting Code by the Monitoring Officer had taken place and agreed to retain the current policy.

## **6. Corporate Risk Management**

6.1 The Committee received a report on the Corporate Risk Register (Corporate Risk Management) which set out the significant strategic risks to the Council in delivering its priorities.

6.2 The Committee **resolved** to consider the significant strategic risks and issues highlighted in this report and present these to the Corporate Policy and Resources Committee, ensuring continued wider reporting of the Corporate Risk Register and actions across other Committees.

---

**Decisions taken at the meeting held on Thursday, 12 September 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Howard Williams (Chair), Councillor Chris Bateson, Councillor Sean Beatty, Councillor Malcolm Beecher, Councillor Tony Burrell, Councillor Darren Clarke, Councillor Michele Gibson, Councillor Suraj Gyawali and Councillor Anant Mathur

**1. APOLOGIES AND SUBSTITUTES**

Apologies were received from Councillor Boughtflower and Councillor Islam.

**2. MINUTES**

The minutes of the meeting held on 06 June 2024 were agreed as a correct record.

**3. DISCLOSURES OF INTEREST**

There were none.

**5. FORWARD PLAN**

The Sub-Committee resolved to note the Forward Plan.

**6. DEVELOPMENT SITE, DELIVERY PRIORITISATION**

The Committee **resolved** to recommend to Council to:

1. Approve the introduction of a Development Delivery Strategy.
2. Approve the form and content of the draft Development Delivery Strategy attached to this report.
3. Approve the prioritisation list of development site delivery.
4. Approve that the prioritisation list of development site delivery shall form part of the Development Delivery Strategy.

**NOTES:-**

- (1) *Members are reminded that the "call-in" procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
- (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*

- i. reserved to full Council
  - ii. on regulatory matters
  - iii. on member conduct issues.
- (2) Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.
- (3) Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.
- (4) The members exercising the right of call-in must not be members of the Committee which considered the matter.
- (5) When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:
  - a. Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or
  - b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.
- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.
- (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.
- (8) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.
- (9) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.
- (10) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.
- (11) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 17 September 2024.

---

**Decisions taken at the meeting held on Monday, 16 September 2024.**

**Meeting Time:**

8.30 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Howard Williams (Chair), Councillor John Boughtflower (Vice-Chair), Councillor Chris Bateson, Councillor Sean Beatty, Councillor Malcolm Beecher, Councillor Tony Burrell, Councillor Darren Clarke, Councillor Michele Gibson, Councillor Suraj Gyawali, Councillor Karen Howkins and Councillor Naz Islam

**1. APOLOGIES AND SUBSTITUTES**

Apologies were received from Councillor Mathur. Councillor Howkins attended as their substitute.

**2. DISCLOSURES OF INTEREST**

There were none.

**3. SOUTHERN ACCESS TO HEATHROW - RAIL PROPOSALS**

The Committee **resolved** to defer any indicative decision of support for either scheme due to the lack of definitive information: instead to set up an all-party Working Group to examine all options in detail and report back to this Committee. Any final decision to be referred for a vote to Council.

**NOTES:-**

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
- (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-*

*forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*

- (4) The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:
  - a. Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
  - b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or*
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.**
- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
- (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
- (8) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
- (9) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
- (10) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (11) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 19 September 2024.*



---

**Decisions taken at the meeting held on Monday, 5 August 2024.**

**Meeting Time:**

1.30 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Lawrence Nichols (Chair), Councillor Sean Beatty (Vice-Chair), Councillor Rose Chandler and Councillor Denise Saliagopoulos

**1. APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies were received from Councillor Gale and Councillor Williams. Councillor Beecher attended as substitute for Councillor Gale.

**2. MINUTES**

The minutes of the meeting held on 01 July 2024 were agreed as a correct record.

**3. DISCLOSURE OF INTEREST**

Councillor Nichols advised that he was a Director of Knowle Green Estates Limited.

**5. URGENT ACTIONS**

The Sub-Committee **resolved** to recommend that the Settlement of Dilapidations as set out in the report is progressed as an Urgent Action.\*

**6. FORWARD PLAN**

The Sub-Committee **resolved** to note the Forward Plan.

**7. EXCLUSION OF PUBLIC AND PRESS (EXEMPT BUSINESS)**

It was proposed by Councillor Beatty, seconded by Councillor Beecher and **resolved** to exclude the public and press for the following agenda items, in accordance with paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972 (as amended) because it was likely to disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in being able to undertake even-handed negotiations and finalizing acceptable contract terms.

**8. ASHFORD FOOTBALL GROUND SURRENDER AND NEW LEASE**

The Sub-Committee **resolved** to agree the recommendations as set out in the report.

**9. NEW LETTING 13TH FLOOR THAMES TOWER**

The Sub-Committee **resolved** to agree the recommendations as set out in the report.

## 10. COMMERCIAL PORTFOLIO UPDATE

The Sub-Committee **resolved** to note the update.

### NOTES:-

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
  - b. *Evidence that the decision fails to support one or more of the Council’s Corporate Plan priorities to the detriment of the majority of the Borough’s residents; or*
  - c. *Evidence that explicit Council Policy or legal requirements were disregarded.*
- (6) *Once the request for ‘call-in’ has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
- (7) *The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
- (8) *Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*

- (9) *In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
- (10) *In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (11) *The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 08/08/2024*

This page is intentionally left blank

---

**Decisions taken at the meeting held on Monday, 16 September 2024.**

**Meeting Time:**

1.30 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Lawrence Nichols (Chair), Councillor Sean Beatty (Vice-Chair), Councillor Adam Gale, Councillor Denise Saliagopoulos and Councillor Howard Williams

**1. APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies were received from Councillor Chandler, and Councillor Howkins attended as her substitute.

**2. MINUTES**

The Committee resolved to agree the minutes of the meeting held on 5 August 2024 subject to the amendments raised at the meeting.

**3. DISCLOSURE OF INTEREST**

There were none.

**4. QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were none.

**5. URGENT ACTIONS**

There were none.

**6. FORWARD PLAN**

The Committee **resolved** to note the forward plan for future committee business.

**7. UPDATE ON RECRUITMENT OF INDEPENDENT PERSON**

The Committee **resolved** to note the update on the recruitment of an independent person for the Commercial Assets Sub-Committee.

**10. LETTING OF 3RD AND 4TH FLOORS TOTHILL CAR PARK**

The Committee **resolved** to:

- 1) Approve the letting of the 3<sup>rd</sup> and 4<sup>th</sup> Floors of Tothill Car Park;
- 2) Authorise the Group Head of Assets in consultation with the Chair and Vice-Chair of the Commercial Assets Sub-Committee to agree to any variations to the proposed terms; and
- 3) Authorise the Group Head of Corporate Governance to enter into the lease and any ancillary legal documentation.

## 11. RELETTING OF UNIT 46, ELMSLEIGH SHOPPING CENTRE

The Committee **resolved** to

- 1) Approve the letting of Unit 46 Elmsleigh Shopping Centre;
- 2) Authorise the Group Head of Assets in consultation with the Chair and Vice-Chair of the Commercial Assets Sub-Committee to agree to any variations to the proposed terms; and
- 3) Authorise the Group Head of Corporate Governance to enter into the agreement for lease and any ancillary legal documentation.

## 12. ASSET PORTFOLIO EXIT STRATEGIES

The Committee **resolved** to approve the form and detail of the Exit Strategy for each investment asset subject to incorporation of the comments raised at the meeting.

### NOTES:-

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
  - b. *Evidence that the decision fails to support one or more of the Council’s Corporate Plan priorities to the detriment of the majority of the Borough’s residents; or*
  - c. *Evidence that explicit Council Policy or legal requirements were disregarded.*
- (6) *Once the request for ‘call-in’ has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*

- (7) *The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
- (8) *Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
- (9) *In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
- (6) *In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (7) *The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on .....(Insert date).*

This page is intentionally left blank



---

**Decisions taken at the meeting held on Monday, 9 September 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

---

**PRESENT:**

**6. HOUSING COMPLAINTS PERFORMANCE AND SELF-ASSESSMENT AGAINST HOUSING OMBUDSMAN COMPLAINT HANDLING CODE\***

Committee **resolved** to:

1. Receive and respond to the annual report on Metropolitan Thames Valley Housing's 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 Metropolitan Thames Valley Housing's Complaints Policy against the Complaint Handling Code, for submission to the Housing Ombudsman Service; and
3. Appoint the Community Wellbeing & Housing Committee to fulfil the role of Members Responsible for Complaints.

**7. SOLAR CANOPIES OVER 'ECLIPSE' LEISURE CENTRE CAR PARK\***

Committee **resolved** to:

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

**8. NEW ARTIFICIAL INTELLIGENCE POLICY\***

Committee **resolved** to approve the draft of the new Artificial Intelligence Policy.

## 9. **BUS SHELTER MAINTENANCE\***

Committee **resolved** 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 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.

## 10. **Q1 CAPITAL MONITORING REPORT**

Committee **resolved** 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.

## 11. **Q1 REVENUE MONITORING REPORT**

Committee **resolved** to note the forecast overspend of £23,000 for 2024-25 as at 30 June 2024.

## 12. **CORPORATE RISK MANAGEMENT**

Committee **resolved** to consider the significant strategic risks and issues highlighted in the report, ensuring continued wider reporting of the Corporate Risk Register and actions across other committees.

## 13. **FORWARD PLAN**

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

## 15. **5 SWIMMERS STATUE\***

Committee **resolved** 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).

## 16. **WATERFRONT DEVELOPMENT AGREEMENT\***

Committee **resolved** to recommend to Council that it:

1. Approve the Heads of Terms for the Council to enter into an Agreement of 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 of 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.

## 18. COMMERCIAL PROPERTY INSURANCE RENEWAL\*

Committee **resolved** to agree the recommendations as outlined in the confidential report:

1. Approve Option 1 in the report being the award of the Commercial Real Estate Insurance Contract for the period of 1 year from 26 September 2024 to the suppliers outlined in the report,
2. Approve the award of the engineering Insurance Policy and the Engineering Inspection Policy to the supplier outlined in the report; and
3. Authorise the Group Head of Assets to enter into any necessary documentation relating to the selected insurance policies.

### NOTES:-

- (1) *Members are reminded that the "call-in" procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*

- b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or*
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.*
- 
- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
  - (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
  - (8) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
  - (9) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
  - (10) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
  - (11) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on **Friday 13 September 2024.***

---

**Decisions taken at the meeting held on Tuesday, 15 October 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

---

**PRESENT:**

**5. REFLECTIONS WATER FEATURE\***

The Committee **resolved** to agree to allow a local business sponsor to carry out repairs and maintenance at no cost to the Council for a minimum of three years; and

Delegate authority to the Group Head of Corporate Governance to agree the terms and enter necessary documentation

**6. SUNBURY LEISURE CENTRE\***

The Committee **resolved** to agree the submission of a planning application in relation to the decarbonisation of Sunbury Leisure Centre to add additional Solar PV to Sunbury Leisure Centre, install Air-to-Water Heat Pumps and remove the aging boilers from site.

**7. KEY PERFORMANCE INDICATORS 2023/24**

The Committee **resolved** to note the Key Performance Indicators (KPIs) to be reported on an annual basis to this Committee.

**9. 2023-24 RESERVES OUTTURN REPORT**

The Committee **resolved** to note the 2023-24 Reserves Outturn Report.

**10. CHANGE TO TREASURY MANAGEMENT STRATEGY – PROPOSED DRAW DOWN OF POOLED FUNDS\***

The Committee **resolved** to recommend to Council that it approves the amendment to the Treasury Management Strategy for 2024/25.

**11. SPELTHORNE FINANCIAL SERVICES PARTNERSHIP\***

The Committee **resolved** to:

1. Approve the creation of a Joint Finance Partnership between Mole Valley District Council and Spelthorne Borough Council,
2. Approve the Heads of Terms for an Intra-Authority Agreement between the two Councils as set out at Appendix 2 of the report and delegate authority to the Council's Section 151 Officer and the Interim Group Head of Corporate Governance to finalise all necessary legal arrangements and agreement to implement the partnership in line with the Heads of Terms,
3. Approve the creation of a Joint Partnership Board and its terms of reference as outlined in Appendix 3 of the report to provide the scrutiny and governance function for the partnership,
4. Approve the staff structure for the partnership outlined at Appendix 5, subject to consultation and to delegate authority to the Section 151 Officer to approve any amendments to the structure following consultation; and
5. Approve the partnership budget outlined in Appendix 4 of the report.

**12. APPOINTMENT OF CHARITY TRUSTEES - ASHFORD SICK OR NEEDY\***

The Committee **resolved** to agree the appointments of

Mr G Forsbrey  
Mr A Joel and  
Councillor S Mooney

as Trustees of the Ashford sick and Needy Charity for a period of four years.

**13. CORPORATE RISK MANAGEMENT**

The Committee **resolved** to note the significant strategic risks and issues highlighted in the report.

**14. FORWARD PLAN**

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

**15. URGENT ACTIONS**

The Committee **resolved** to note the urgent action that had taken place since the last meeting of this Committee.

**17. HOUSING OPTIONS DOCUMENT MANAGEMENT SYSTEM\***

The Committee **resolved** to recommend to Council that it approves an in-year Capital bid for an Electronic Document Management System for Housing Options

## 18. PROCUREMENT OF A NEW WEBSITE\*

The Committee **resolved** to recommend to Council that it:

1. Agrees a supplementary Capital budget for a new website,
2. Agree to proceed with the procurement of a new website,
3. Authorise the Head of Communications and Customer Engagement to carry out the procurement in accordance with Contract Standing Orders; and
4. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement the new contract and approve the proposed spend under the contract.

## 19. CORPORATE POLICY AND RESOURCES CHAIR'S UPDATES

There were none.

### NOTES:-

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (1) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (2) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (3) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (4) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*

- b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or*
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.*
- 
- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
  - (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
  - (8) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
  - (9) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
  - (10) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
  - (11) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on **21 October 2024**.*



---

**Decisions taken at the meeting held on Tuesday, 24 September 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Olivia Rybinski (Vice-Chair), Councillor Michelle Arnold, Councillor Maureen Attewell, Councillor Chris Bateson, Councillor Sean Beatty, Councillor Lisa Brennan, Councillor Tony Burrell, Councillor Sandra Dunn, Councillor Adam Gale and Councillor Kathy Grant, Councillor Sinead Mooney.

**5. COMMUNITY SAFETY PARTNERSHIP PLAN AND PRIORITIES 2024-2026**

The Committee **resolved** to:

1. Note the report; and
2. Approve the Community Safety Partnership Plan and Priorities 2024-26.

**7. SAFEGUARDING CHILDREN AND ADULTS AT RISK POLICY 2024-2028**

The Committee **resolved** to:

1. Make a recommendation to the Corporate Policy and Resources Committee to approve the Safeguarding Children and Adults at Risk Policy 2024-2028.
2. Make a recommendation to the Corporate Policy and Resources Committee to delegate authority to the Strategic Safeguarding Lead in consultation with the Chair of the Community Wellbeing and Housing Committee to approve minor amendments and updates to the Policy.

**8. GROUP TRAINING LICENCES IN PARKS**

Committee **resolved** to:

Approve the issuing of licences for fitness training including the proposed pricing structure whereby instructors pay a nominal fee subject to reviewing this arrangement after one year and reporting back to this Committee.

**9. ESTABLISHMENT OF HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY WORKING GROUP AND TERMS OF REFERENCE**

Committee **resolved** to:

1. Agree the establishment of the Housing, Homelessness and Rough Sleeping Strategy Working Group ('the Working Group').

2. Agree the Terms of Reference (ToR) for the Working Group, outlined in Appendix A.
3. Agree membership of the Working Group, including the nomination of any Elected Members.

## **10. FORWARD PLAN**

The Committee **noted** the Forward Plan

## **12. BRINGING THE SERVICE AT WHITE HOUSE AND HARPER HOUSE IN HOUSE**

The Committee **resolved** to:

1. To authorise bringing the landlord management function service and the repair service at White House and Harper House into the Council service provision within the Assets team.
2. To authorise bringing the support provision at White House and Harper House into the Council service provision within the Housing Options team.

### **NOTES:-**

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
  - b. *Evidence that the decision fails to support one or more of the Council’s Corporate Plan priorities to the detriment of the majority of the Borough’s residents; or*

*c. Evidence that explicit Council Policy or legal requirements were disregarded.*

- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
- (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*
- (6) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
- (7) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
- (8) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (9) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 30 September 2024.*

This page is intentionally left blank

---

**Decisions taken at the meeting held on Tuesday, 17 September 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

---

**PRESENT:** Councillor Malcolm Beecher (Chair), Councillor Kathy Grant (Vice-Chair), Councillor Sean Beatty, Councillor Lisa Brennan, Councillor Tony Burrell, Councillor Sue Doran, Councillor Olivia Rybinski, Councillor Joanne Sexton, Councillor John Turner and Councillor Howard Williams

**4. REFURBISHMENT OF THE LAMMAS PLAY AREA**

The Committee **resolved** to

- 1) Authorise the Group Head of Neighbourhood Services to commence a tender for the procurement of play area equipment;
- 2) Delegate authority to the Group Head Neighbourhood Services to appoint the chosen supplier/s;
- 3) Authorise the Group Head of Corporate Governance to enter the contract with the selected supplier.

**5. NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION RESPONSE**

The Committee **resolved** to

- 1) Approve the submission of Spelthorne Borough Council's response to the Government's open consultation of changes to the National Planning Policy Framework and the planning system;
- 2) Give delegated authority to the Group Head Place Protection and Prosperity in consultation with the Chair of the Environment & Sustainability Committee to make any final amendments to the consultation response before it is submitted.

**6. GREEN INITIATIVES FUND BID - ELECTRIC VEHICLE CHARGING**

The Committee **resolved** to

- 1) Authorise funding of £7,787.38 from the Green Initiatives Fund to offset the already spent cost of the provision sufficient electric vehicle charging.

**7. GREEN INITIATIVES FUND BID - CARBON LITERACY ACCREDITATION**

The Committee **resolved** to:

- 1) Approve the bid for funding of £2,500 from the Green Initiatives Fund towards the application for Carbon Literacy Accreditation.

**8. CLIMATE CHANGE STRATEGY PROGRESS UPDATE**

The Committee **resolved** to

- 1) Agree to the publication of the Climate Change Strategy Progress Report, and

2) Approve the changes to the Climate Change Strategy Action Plan.

**10. APPOINTMENT OF ENVIRONMENT AND SUSTAINABILITY COMMITTEE CHAIR TO THE DESIGN CODE TASK GROUP**

The Committee **resolved** to amend the membership of the Design Code Task Group to include the Chair of the Environment and Sustainability Committee.

**NOTES:-**

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*
    - ii. *on regulatory matters*
    - iii. *on member conduct issues.*
- (2) *Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.*
- (3) *Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.*
- (4) *The members exercising the right of call-in must not be members of the Committee which considered the matter.*
- (5) *When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:*
  - a. *Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or*
  - b. *Evidence that the decision fails to support one or more of the Council’s Corporate Plan priorities to the detriment of the majority of the Borough’s residents; or*
  - c. *Evidence that explicit Council Policy or legal requirements were disregarded.*
- (6) *Once the request for ‘call-in’ has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.*
- (7) *The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.*

- (8) *Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.*
- (9) *In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.*
- (10) *In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.*
- (11) *The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 23 September 2024.*

This page is intentionally left blank



## **Report on the Work of the Licensing Committee**

This report gives an overview of the key items considered by members of the Licensing Committee at their meetings on

### **Licensing Committee – 23 July 2024**

#### **Hackney Carriage and Private Hire Licensing Policy**

The Committee considered the draft Hackney Carriage and Private Hire Licensing Policy for consultation purposes.

The Committee **resolved** to approve the Hackney Carriage and Private Hire Policy 2024-2029 for consultation purposes subject to the inclusions raised at the meeting.

#### **Pavement Licensing Policy**

The Committee considered the draft Pavement Licensing Policy and fees for consultation purposes.

The Committee **resolved** to agree the policy for consultation purposes.

#### **Gambling Act Policy 2025-2028 Draft for Consultation**

The Committee considered the draft Statement of Gambling Policy 2025-2028 for consultation.

The Committee **resolved** to approve the draft Statement of Gambling Policy 2025-2028 for consultation.

### **Licensing Committee – 1 October 2024**

#### **Review and Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators**

The Committee considered the proposed licensing fees and charges for consultation purposes and statutory advertising requirements.

The Committee **resolved** to approve the proposed licensing fees and charges for consultation.

#### **Gambling Act Policy 2025-2028**

The Committee considered recommending adoption of the Gambling Act Policy 2025-2028 to Council.

The Committee **resolved** recommending adoption of the Gambling Act Policy 2025-2028 to Council.

This page is intentionally left blank

## **Standards Committee Meeting 02 October 2024**

The Standards Committee met on 02 October 2024 to consider a report on proposed changes to the Council's Constitution, following a meeting of the Committee System Working Group, and to make a recommendation to Council.

The Committee **resolved** to recommend that Council approve the proposed changes to the Constitution as set out in Appendix 1 attached to the report.

This page is intentionally left blank

**Question 1 – Councillor Boughtflower**

"Given this Council could be in a better financial position, will the artificial constraints (excluding the 14 stories height limit) on developing the Oast House site be removed, as the extra development potential could bring in significant extra funds. The extra dwellings would also make up our housing shortfall created by the loss of 30 plus dwellings, because of the Environment Agency's objections and meeting the Government's aspirations on housing developments.

Will this matter be put on the next available committee meeting agenda to be debated and voted upon.

This page is intentionally left blank

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

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