



**Spelthorne  
Borough Council**

Council Meeting  
Thursday, 12 December 2024





4 December 2024

*Please reply to:*

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held at The Council's Offices, Knowle Green, Staines-upon-Thames on **Thursday, 12 December 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 24 October 2024.	9 - 22
<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 and Deputy Leader</b> To receive any announcements from the Leader and Deputy 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.  No questions have been received.	
<b>8. Appointment of an Independent Member of the Commercial Assets Sub-Committee</b> Council is asked to approve the appointment of the Independent Member of the Commercial Assets Sub-Committee.	23 - 40
<b>This report is due to be considered by the Corporate Policy &amp; Resources Committee on 09 December so therefore may be subject to amendments.</b>	
<b>9. Appointment of Interim Monitoring Officer</b> Report to follow	

## 10. Council Land and Property Disposals

[This item will be considered by the Business, Infrastructure and Growth Committee on Thursday, 5 December 2024.](#) and the Corporate Policy & Resources Committee on 09 December 2024.

This report will be published after its consideration by both Committees.

## 11. Replacement of Mechanical & Electrical Plant at Sunbury Leisure Centre

Appendix 1 contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in any contract or other type of negotiation with a prospective purchaser who could then know the position of the Council.

41 - 52

Council is asked to:

1. Approve a net budget of up to £739,000 to undertake improvement Mechanical and Electrical Plant replacement works at Sunbury Leisure Centre,
2. Approve a contingency budget in the amount that equals 10% of the total project cost (shown in Appendix 1),
3. Delegate authority to the Group Head of Assets in consultation with the Chair and Vice Chair of Corporate Policy & Resources Committee to agree requests for expenditure from the contingency budget,
4. Delegate authority to the Group Head of Assets in consultation with the Chair and Vice Chair of Corporate Policy & Resources Committee to appoint the preferred bidder as set out in this report to undertake the Mechanical and Electrical Plants works; and
5. Delegate authority to the Group Head of Corporate Governance to enter into necessary legal documentation to formalise the appointment of the Contractor.

**This report is due to be considered by the Corporate Policy & Resources Committee on 09 December so therefore may be subject to amendments.**

- 12. Amendments to the Constitution**
- This report was considered at the Standards Committee meeting on 02 December 2024 that resolved to recommend to Council that it:
- 53 - 122
- Approves the proposed changes to the Constitution as set out in Appendix 1 of the report.
- 13. Motions**
- To receive any motions from Councillors in accordance with Standing Order 16.
- 123 - 124
- One motion was received (as attached)
- 14. General questions**
- The Leader, or their nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 14.
- 125 - 126
- One question has been received (as attached).
- 15. Reports from the Committee Chairs**
- To receive and agree the reports from the Committee Chairs.
- 127 - 140
- Reports for the following Committees are to follow:
- Audit
  - Business, Infrastructure & Growth
  - Corporate Policy & Resources Committee
  - Licensing
  - Planning
- 16. Exclusion of Public & Press (Exempt Business)**
- To move the exclusion of the Press/Public for the following items, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.
- 17. Solar Canopies Over 'Eclipse' Leisure Centre Car Park**
- 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 contractor who could then know
- 141 - 198

Council is asked to approve:

1. The recommended tender option,
2. The Council entering into a contract (subject to the required standstill period) with Bidder A,
3. Authorisation for the Group Head of Corporate Governance to be delegated to enter into a contract and any other associated documentation in connection with the solar car park project; and
4. Agree a supplementary capital estimate as outlined in the report.

**This report is due to be considered by the Corporate Policy & Resources Committee on 09 December so therefore may be subject to amendments.**

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**MINUTES OF THE SPELTHORNE BOROUGH COUNCIL**

**Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 24 October 2024 at 7.00 pm**

**Present:**

Councillors:

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

**Apologies:** Apologies were received from Councillors L.H. Brennan, J.A. Turner and B. Weerasinghe

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

**88/24 Minutes**

The minutes of the Council meeting held on 18 July 2024 were agreed as a correct record of proceedings.

**89/24 Disclosures of Interest**

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

Councillor Saliagopoulos declared an interest in Item 8, Local Plan – Resumption of Examination, and stated she would leave the Chamber during discussion of this item.

**90/24 Announcements from the Mayor**

The Mayor made the following announcements:

“As Mayor of Spelthorne, it is my duty to preside over council meetings and also representing the Council at civic and ceremonial events. Since assuming office as mayor, I have been serving as a dedicated ambassador, engaging with our community and supporting local initiatives. Over the past five months, I had the privilege to participate in a wide range of events and activities within our borough. I am now going to report on the highlights of my key engagements and initiatives undertaken from July to October 2024.

### **1. Local Businesses**

Let me start with local businesses. I strongly believe that fostering growth of small enterprises in our borough is vital to our local economy. Over the past few months, I had the pleasure of officially opening a few new businesses in the borough namely Attic Self Storage in Sunbury, a new facility providing essential services to small businesses and Tadka Indian Restaurant in Staines, a place to explore and enjoy meals with family and friends. I further attended the Spelthorne Business Forum breakfast meeting, where I expressed my gratitude and thank over 50 local business leaders for placing their trust and choosing Spelthorne for doing their business. I also used the opportunity to promote my four nominated charities.

### **2. Job and Skills Hub**

To support our residents to achieving their career goals, I officially opened the Spelthorne Job and Skills Hub to support residents to improve their CV writing, interview skills and find their dream job.

### **3. Promoting Sports and Leisure.**

The last three months, I supported several Sports events. I had the privilege of opening the state-of-the-art Eclipse Leisure Centre in Staines, boasting 200 station gym, 2 swimming pools, sports halls, squash courts and roof top football pitches. Such facility will undoubtedly enhance the quality of life, health and wellbeing of many residents of Spelthorne.

At another event at Spelthorne Eagles Basketball Club, I was proud seeing children given the opportunity to have fun and learn a new sport.

Furthermore, I supported Staines & Lammas FC, and I had the honour of presenting the winning team with a shield.

I was also involved in presenting awards at the Jump Racing event at Kempton Park.

I had the pleasure of attending the Sunbury and Shepperton Amateur Regatta for their annual regatta competition.

All the above events were fantastic opportunities to celebrate local sporting excellence and also bringing our community together.

### **4. Music in the Park**

After sports events, Spelthorne celebrated their 50th Anniversary with Music in the Park events, which was very successful in the summer. This brought joy and harmony to the residents of our borough, thanks to our dedicated Spelthorne Leisure Department Team.

## **5. Communities and Cultures**

My next engagement was to celebrate our Communities and Cultures. I had the opportunity to attend a variety of cultural and community events, the 17th anniversary of NepalBritain.com, where they celebrated the contributions of the Nepali community to British society. Moreover, I was invited to another significant event in Sunbury, the Nepali Mela which attracted over 3,000 residents of the Nepali & Gurka community of Spelthorne and neighbouring areas. It was a great opportunity to engage with Spelthorne diverse community, reaffirming our borough's commitment to diversity and respect for all cultural expressions.

## **6. Protection of Environment and Nature**

Protection of Environment and Nature is a necessity more than ever, I attended the Surrey Nature Day to raise awareness on the protection of nature within our region. This event highlighted our responsibility to safeguard the environment, and I stressed the importance of collective action in preserving our natural heritage for future generations.

## **7. Youth Empowerment and Recognition**

Another highlight of my activities was to recognize the accomplishments of the young people of Spelthorne. I had the privilege of awarding Bronze, Silver and Gold Awards to nearly 100 participants at the Duke of Edinburgh Award ceremony where I acknowledged the remarkable achievements of our young people. This Duke of Edinburgh programme plays an integral role in shaping the future of Spelthorne's youth, and I was delighted to celebrate their success. In addition, along with the Rotary Club, I recognised around 30 youths awarded with the Rotary Youth Leadership Awards (RYLA), a programme encouraging future leaders to develop their potential.

## **8. Promoting the Arts**

The Arts are an essential aspect of our community identity, and I was proud to open a public mural painting in Staines near Elmsleigh surface carpark. The mural represents the creativity and artistic spirit of Spelthorne, and I hope, it will be appreciated by all who see it.

### **1. Networking with Fellow Mayors**

I've had the opportunity to network with Surrey's Mayors, sharing ideas and experiences, and collectively learning from one another to improve how we serve our respective communities.

### **2. Community Engagement**

I have been deeply involved in various community engagement activities. From joining Citizens Advice Spelthorne's Walk at Lammas Park, to visiting Greeno Centre in Shepperton, I've had the pleasure of meeting and engaging with a number of active volunteers and staff who make a real difference to the lives of our residents. Their dedication, especially in working with the elderly, deserves our utmost respect and support.

### **11. Fundraising for Charities**

Supporting my four nominated charities has been a key focus, and I'm delighted to report on two very successful fundraising events, the Quiz Night and Curry Night were well-attended and brought our community together to raise much-needed funds for these charities. The next event is the celebration of Festival of Lights which is scheduled on 2<sup>nd</sup> November at Stanwell Village Hall and I look forward to seeing all members and their families.

### **12. Twinning**

On international front, reviving our International Relations and strengthening Spelthorne's historical bonds with our twinning towns were one of the most significant initiatives I embarked. I visited Grand Port District Council and worked actively with the Chairman and officers to consolidate our 15 years of friendship. For Melun, I exchanged several emails and had a teams meeting with the Mayor of Melun, his deputy, CEO and associates to rekindle the friendship between our two boroughs.

Looking forward, I am preparing to host the Mayor of Melun and his delegation during their short visit to Spelthorne on the 1st and 2nd of November. The visit will include participation in the Spelthorne Business Award Night, the Festival of Lights, and other activities marking a new chapter in our relationship with Melun. These events will reaffirm our commitment to international friendship and cooperation.

To conclude, the past three months have been an enriching and active period in my role as Mayor of Spelthorne. From supporting businesses and youth, engaging with cultural and environmental initiatives, my focus has been on fostering community unity and promoting Spelthorne's values. As we move forward, I remain committed to representing our borough with dignity and pride and ensuring that all sections of our community are heard, supported, and celebrated.

I look forward to continuing this important work and advancing the interests of Spelthorne in the months to come".

### **91/24 Announcements from the Leader**

The Leader and Deputy Leader made the following announcements:

#### **The Leader:**

It has been 18 months since this Administration was elected to lead Spelthorne Borough Council and it feels right that it is time to reflect on all we have achieved as a Council.

The past year and a half has shown once again that in Spelthorne, we have continued to deliver for our residents and have made significant accomplishments in every area of Council business. At the start of this year we launched our Corporate Plan, setting out the Administration's values and priorities over the next five years. We have defined our goals for the Borough, set around five themes: community, addressing housing need, resilience, environment and Services.

Yes, we face ongoing difficulties as national challenges continue to affect local services, and this will be the case for some time. But our successes clearly point to a strong and all-inclusive leadership and highly dedicated and resilient staff.

In February we delivered our balanced budget for the next year, and I outlined how our careful planning ensured we have sufficient contingencies in place to deliver the services our residents expect from us. Much work has already been undertaken for next year's budget, working collaboratively with Councillor Committee Chairs and by listening to our residents and understanding their needs.

We were delighted to receive over 1700 responses to the Residents' survey this summer. The insights collected have provided us with invaluable feedback on our core services and ideas on how we can do things differently to benefit our community. Compared with the LGA averages, Spelthorne scored particularly well in relation to service delivery, value for money, trust, keeping residents informed, and listening and acting on residents' views".

**The Deputy Leader:**

"We continually evolve as an organisation, looking at new and improved ways to reach our goals. The transformation and smarter working programmes within the Council continue to achieve budget savings or reduce future costs, while improving outcomes.

We are working effectively to reduce our debt, this has included lowering the agreed borrowing limits, ensuring we will leave behind a legacy for our younger residents in Spelthorne. The Administration has also agreed a Development Delivery Strategy, setting out a pathway for achieving housing and regeneration outcomes through Joint Ventures and partnership working.

We've had the responsibility of administering additional Government and Council grants to support our residents this year and have ensured these have been fully utilised. This includes £546,000 from the Household Support Fund and £252,700 in community grants, to support households and organisations meeting the challenges of the cost of living, whilst also maintaining our Warm Hubs for the second year running. We have also co-

ordinated the £1.2 million pounds grant funding received so far to support the Homes for Ukraine programme. This Council has also delivered the largest Local Authority Housing Fund Temporary Accommodation and resettlement housing programme of any district or borough council in the country, providing homes for those in need.

In spite of growing construction and inflation costs, our strong financial management has meant we have been able to continue investing in Spelthorne. This includes the opening of Eclipse, the world's largest Passivhaus Leisure Centre and a decarbonisation programme for Sunbury Leisure Centre - both a significant commitment from this Administration to our Net Zero journey.

Through new ways of partnership working and project management, we are also making sure that external providers and partners not only provide value for money, but also benefit our environment and our economy. An example which is clear for all to see is how we have adapted our street cleaning policy by utilising parking enforcement and collaboration with Resident Associations to provide an efficient and effective street cleaning programme”.

**The Leader:**

“There are so many examples of how we look after the needs of the public. Be that through tackling health inequalities or preventing unsafe and unwanted House of Multiple Occupation practices, the Article 4 Direction agreed in August, gives the Local Planning Authority more powers to consider the impacts of small HMOs on local residents and their families.

We have continued to foster a better sense of engagement between the Council and residents. Encouraging residents to report issues via a refreshed digital reporting tool on our website so we can address concerns quickly as we know by working together, we can make a difference. Initiatives such as the Spelthorne Partnership Assembly (SPA), provide an open forum for residents to share their views and for us to listen and act to make their lives better. A prime example is the introduction of a Public Space Protection Order introduced in May to ban taxis parking in Stanwell Moor and parts of Stanwell has made a real difference to our community. Additionally, our community led approach towards the development of our Design Code project will ensure that our decisions will truly reflect what our residents want for Spelthorne as we know that the people who live and work in our community are best placed to shape its future.

I am also excited to share that we have reached a significant milestone in the progression of the Local Plan, only last week a signed agreement between the Council and the Environment Agency has meant that Cllr Beecher has now written to the Planning Inspector, asking to resume the Local Plan Examinations.

As well as hearing from our residents, earlier this year we heard from our staff who are delivering the strategic priorities that this Administration have

directed. And what do they have to say? Following an all-staff survey, this organisation recorded the highest result for overall satisfaction obtained from any Council since the research programme started in 2012.

It is important to say at this point, I am incredibly grateful to our residents and Officers for working with us and their support in making Spelthorne a Borough to be proud of. We couldn't do it without our community, I am determined to work with residents to make Spelthorne the best borough it can be, so if there's a problem in your area, please let us know so we can sort it out.

This Administration remains committed to speaking up for Spelthorne; and I remain confident that our significant and positive progress will continue”.

### **92/24 Announcements from the Chief Executive**

The Deputy Chief Executive made the following announcements on behalf of the Chief Executive:

“We have received the good news that the Sunbury Walled Garden and Staines, Sunbury and Ashford Cemeteries have all received Gold awards in the prestigious South & South East in Bloom awards. One of our most important roles as a Council is to create beautiful green spaces which enrich the lives of our residents, and it is really nice to know we are doing a good job in this regard. Many thanks and congratulations to the teams in Neighbourhood Services who work tirelessly to ensure these public spaces can be enjoyed to the full; their hard work and dedication is much appreciated and a credit to this Borough.

It has been four years since we declared a climate emergency in Spelthorne and our aim of becoming a carbon neutral council by 2030. With this target in mind, we have been running carbon literacy training which involves staff learning about the threats of climate change and pledging two actions that will help reduce carbon emissions in the workplace. I am pleased to say that over 100 employees and several councillors have already received their carbon literacy certificates following the training, and as a result of reaching this milestone, Spelthorne has been accredited as a Bronze-tier carbon literate organisation. Very well done to everyone who has taken part and helped deliver the training.”

### **93/24 Questions from members of the public**

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

#### **Question 1 from 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.”

**Response from The Leader:**

“Thank you for your question Alderman Sider. Yes, I would very much like to send my congratulations to the Shepperton Village Conservation Group for their award, which I am sure was well deserved.

It is always heartening to hear of residents taking a pride in their community and helping to make Spelthorne a lovely place to live”.

**Question 2 from 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 now seen this wonderful achievement come to fruition ?”

**Response from The Leader:**

“The Eclipse Leisure Centre is a fantastic facility for all the residents of Spelthorne. We are very proud of everything that has been achieved and the fact we have delivered the largest, most advanced and energy efficient centres in the world. It represents a significant investment in the health and wellbeing of local people and will serve the community for many years to come. I would like to express my thanks to the CEX, Daniel Mouawad and all Council Officers for driving forward the development of this landmark facility and to all our partners who have worked with us on the project.”

**94/24 Local Plan - Resumption of Examination**

Councillor Gibson declared an interest in this item and stated she would leave the Chamber during the discussion.

Council **resolved** to:

1. Note that the Environmental Agency had signed a Statement of Common Ground (SoCG),
2. Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022,



3. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to undertake any further consultation required by the Planning Inspector; and
4. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to prepare a main modification to the Local Plan, for the new policy on ‘Local Plan Early Review’.

**95/24 Waterfront Development Agreement**

It was proposed by Cllr Sexton and seconded by Cllr Bateson to move the exclusion of the Press/Public for Appendices 1, 2 and 3 as they contained 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.

Council moved back into an open session to take a vote on this item. Cllr Boughtflower requested a named vote.

<b>FOR</b>	Councillors Buck, J Doran, Arnold, Bateson, Beatty, Bing Dong, Boparai, Burrell, Button, Caplin, S Doran, Dunn, Gale, Geach, Geraci, Grant, Gyawali, Nichols, Rutherford, Rybinski, Sexton, Williams, Woodward - <b>23</b>
<b>AGAINST</b>	Councillors Attewell, Beecher, Bhadye, Boughtflower, Chandler, Clarke, Howkins, Islam, Lee, Mathur, Mooney, Saliagopoulos - <b>12</b>
<b>ABSTAIN</b>	Councillor Gibson - <b>1</b>

Council **resolved** to:

1. Approve the Heads of Terms for the Council to enter into an Agreement for Lease with the proposed tenant for the Waterfront Site, Bridge Street, Staines-upon-Thames to facilitate the delivery of a new hotel led regeneration on this prime riverside site,
2. Delegate authority to the Chief Finance Officer in consultation with the Leader to agree any minor variations to the Heads of Terms and the

final terms of the Agreement for Lease subject to valuation advice received,

3. Delegate authority to the Group Head of Corporate Governance in consultation with the Leader to finalise and enter into the Agreement for Lease and any other associated documentation in connection with the grant of the Lease to the proposed tenant; and
4. Note the Local Government Act S. 123 'Best Value' valuation undertaken by Cushman and Wakefield in respect of the proposed terms of this transaction.

**96/24 Development Site, Delivery Prioritisation**

Council **resolved** to approve:

1. The introduction of a Development Delivery Strategy,
2. The form and content of the draft Development Delivery Strategy attached to the Committee report,
3. The prioritisation list of development site delivery; and
4. That the prioritisation list of development site delivery shall form part of the Development Delivery Strategy.

**97/24 Change to Treasury Management Strategy – Proposed Draw Down of Pooled Funds**

Council **resolved** to approve the amendment to the Treasury Management Strategy for 2024/25 as set out in the Committee report.

**98/24 Gambling Act Policy 2025-2028**

Council **resolved** to approve the Gambling Act Policy 2025-2028.

**99/24 Amendments to the Constitution**

Council **resolved** to approve the changes to the Constitution as set out in Appendix 1 of the Committee report.

**100/24 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.

**101/24 Motions**

In accordance with Standing Order 16 the Council received one written Notice of Motions.

Councillor Mooney moved and Councillor Lee seconded the following motion:

“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.”

The Mayor advised the chamber that, in consultation with the Council’s Interim Monitoring Officer, he had decided to implement Standing Order 16.6 of the Council’s Constitution that allowed for a motion to be referred to an appropriate committee to be considered. Standing Order 16.9 of the Council’s Constitution would allow the proposer and seconder of the motion to present their motion to the committee that it was referred to.

Council were advised that there would be no further discussion or debate on the motion.

#### **102/24 General questions**

The Mayor reported that one general question had been received, in accordance with Standing Order 15, from 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?”

The Chair of the Business, Infrastructure and Growth Committee, Councillor Williams, provided the following response:

“The short answer is that we can’t build a fourteen-storey building on the Oast House site because the Oast House is a listed building and you can’t just stick a fourteen-storey extension onto a listed building.

I’m guessing the question really relates to Kingston Road Car Park, which is the land adjoining the Oast House. This requires a slightly longer answer.

In its many meeting on this matter, the Council has for a long time deliberately differentiated between the two sites when planning any development. One is a listed building, which limits what can be done to it. The other is basically a piece of bare land and presents a blank piece of paper on which the Council can draw up its plans.

However, there is at least one false assumption in this question and there are numerous reasons why the Council would not act on the suggestion implied in the question, ie to build higher.

1. It is wrong to assume that a larger development would produce a better financial outcome for the Council. In fact, the history of Spelthorne's construction projects shows quite the opposite. The more each project has grown, the bigger the losses have been,
2. You will recall that one of the first actions this Council took after the election was to stop trying to deliver these construction projects directly itself, instead adopting a model whereby the Council will work with partners who are expert in the field. So in some ways the final configuration is not entirely within the gift of the Council. The most we can do it to exert some control by leasing the land instead of selling it.
3. We need to listen to our residents. One of the reasons for the downfall of the previous administration was its determination to act like a property developer instead of a Local Authority. Residents made it very clear that they opposed the building of high-rise tower blocks, but feel they were ignored. The new administration is putting residents first and trying to limit heights rather than increasing them; and
4. In the ranking of the dozen or so construction projects the Council is considering, Kingston Road Car Park is considered a mid/long term project, meaning 3-8 years away.

You will recall that Councillors recently received a presentation about two new proposals to connect Staines Town Centre to Heathrow terminal 5 with a new railway line, One is called Heathrow Southern Rail or HSR, and is being promoted by a private consortium and is supported by Heathrow Airport Ltd. The second is called Southern Light Rail, or SLR and is being promoted by our own Chief Executive alongside our Head of Place, Protection and Prosperity. Indeed the Head of Place, Protection and Prosperity delivered the SLR presentation to Councillors recently. We expect we might get a decision from central government on which option it supports in the next 3-8 years too, so our proposed timing for any development of Kingston Road Car Park matches the decision making timing on these railway links to Heathrow.

One common denominator in both of these competing proposals is that they will both increase demand for car parking capacity near Staines Railway Station, which is of course only a stone's throw away from Kingston Road Car Park. So, it may well turn out to be that the best use of Kingston Road Car Park is in fact a car park.

I trust that this answers the question”.

**103/24 Exclusion of Public & Press (Exempt Report)**

It was proposed by Cllr Sexton and seconded by Cllr Bateson to move the exclusion of the Press/Public for the following items as they contained 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.

**104/24 Housing Options Document Management System**

Council **resolved** to approve an in-year Capital bid for an Electronic Document Management System for Housing Options

**105/24 Procurement of a New Spelthorne Borough Council Website**

Council **resolved** to:

1. Approve 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.

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# Corporate Policy and Resources Committee



9<sup>th</sup> December 2024

<b>Title</b>	<b>Appointment of an Independent Member of Commercial Assets Sub-Committee</b>
<b>Purpose of the report</b>	To make a recommendation to Full Council
<b>Report Author</b>	Coralie Holman, Group Head Assets
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	All
<b>Recommendations</b>	<p><b>CPRC is asked to recommend to Full Council the appointment of:</b></p> <p><b>Mark Bunney as the independent member of the Commercial Assets Sub-Committee</b></p>
<b>Reason for Recommendation</b>	As part of the move to the new committee system structure and governance, the Council resolved to have an independent member of the Commercial Assets Sub-Committee.

## 1. Summary of the report

What is the situation	Why we want to do something
The terms of reference for the Commercial Assets Sub Committee included one independent member appointment	Formalise the independent member appointment and complete the Member selection for this committee.
This is what we want to do about it	These are the next steps
Confirm the appointment of the selected candidate	If Full Council approval is received on 12 <sup>th</sup> December 2024, issue all the relevant appointment paperwork, so the selected candidate is able to attend the CASC meetings and input into decision making.

- 1.1 The revised terms of reference for the Commercial Assets Sub-Committee (CASC) were approved by the Council on the 25<sup>th</sup> April 2024 and this reflected that there would be one independent member on that committee.
- 1.2 In order to affect the decision of the Council to appoint an independent member to CASC, the role was advertised and was subject to a recruitment process. There was only a single applicant, however following consultation with The Chair and Vice-Chair of CASC, it was agreed the applicant's experience was suitable and the applicant should be invited to an interview.
- 1.3 As a result of the recruitment process, this report is recommending Corporate Policy & Resources Committee (CPRC) support the appointment of the preferred candidate until the end of the 2026/27 Municipal year and asks Full Council to approve the appointment.

## **2. Current position - Recruitment Process**

- 2.1 A recruitment pack was produced in consultation with the Chair and Vice-Chair of CASC. The pack included a person specification stating the skills, knowledge and can be found in Appendix 1.
- 2.2 The role was advertised on the Council's website, on all social media channels and with Resident's Associations.
- 2.3 As referred to in section 1.2 of this report, there was only a single application for the role. Following assessment of the application against the personal specification, this candidate was shortlisted for interview and the panel proceeded with a single interview.
- 2.4 The interviews were undertaken by the Chair and Vice Chair of CASC Committee and assisted by the Deputy Chief Executive (Terry Collier), and the Group Head Assets (Coralie Holman).
- 2.5 Through the interview process Mark Bunney demonstrated that he fully met all the requirements of the person specification and would bring appropriate expertise to the committee. The interview panel were unanimous in their decision on the recommendation to progress this appointment.

## **3. Options**

- 3.1 Option 1 - **It is recommended** that Corporate Policy & Resources Committee approve a report to Full Council for the appointment of Mark Bunney as the independent member of Commercial Assets Sub Committee until the end of the 2026/27 Municipal year.
- 3.2 Mark Bunney is a Chartered Surveyor, who has worked within the property sector for over 35 years. He has experience of advising pension schemes, charities and property companies on complex property matters.
- 3.3 Option 2 – **It is not recommended** that Corporate Policy & Resources Committee do not approve the appointment, but instead seek to extend the recruitment process to seek other interest in the role.

## **4. Next steps**

- 4.1 If the CPRC are supportive to recommend to Full Council the appointment of Mark Bunney, subject to Council agreement, Mark Bunney would with immediate effect be a member of that Committee following the Council meeting on 12<sup>th</sup> December 2024.



## **5. Financial implications**

5.1 This role attracts the usual committee allowance of £2000pa

## **6. Risk Management**

6.1 If the Council does not progress this appointment, next steps would be to advertise the post in property or similar trade journals, which may attract other applicants, but they may not meet the preferred option of someone who is based local to and as a result has knowledge of Spelthorne. In addition, further time and external costs of c. £4000 per trade journal advert are likely to be incurred.

## **7. Procurement comments**

7.1 There are no direct procurement implications in respect of this appointment. The role has been openly advertised.

## **8. Legal comments**

8.1 The proposed appointment will meet the following purposes of the Constitution as set out in Article 1 para 1.3:

Sub-para 5: enable decisions to be taken efficiently and effectively; and

Sub para 9: ensure that high standards of probity and ethics are evident in all aspects of the Council's decisions and activities.

8.2 The Terms of Reference for Commercial Assets Sub-Committee envisage that an independent member will be appointed.

## **9. Other considerations**

9.1 To progress neither option would be in direct contravention of the April 2024 decision to appoint an independent Member to CASC, hence, to do nothing is not a viable option.

## **10. Equality and Diversity**

10.1 There are no direct equality issues arising.

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

11.1 The appointment will include electronic access to all reports, hence paper resources will not be needed

## **12 Timetable for implementation**

12.1 Immediately progress next steps, outlined above, if approved.

## **13 Contact**

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

**Background papers: There are none.**

**Appendices: Appendix 1 Recruitment Pack**

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# **Recruitment Pack**

## **Independent Member of Spelthorne Borough Council's Commercial Assets Sub Committee**

**August 2024**

## **Contents**

1. Advertisement
2. Personal Specification
3. Terms of Reference of the Audit Committee
4. Recruitment Process
5. Application Form

# Advertisement

## Vacancy for Independent Member of the Commercial Assets Sub Committee

The Council is looking for a local person, unaffiliated to the Council's political groups and with no connection with the Council, to sit on our Commercial Assets Committee (CASC). We are looking for a person with experience of working in an organisation at a senior level or have other experience which would give similar experiences. Ideally you will have Asset management experience (Tenancy management, investment, acquisition/disposal transactions of large multi-let commercial office premises).

CASC is a newly formed committee with effect from May 2024 and will provide challenge and assurance in respect of the Council's management of its commercial property investments. CASC is a non-decision-making committee, with the remit of assessing the risk and understanding the wider financial issues connected to the Council's investment portfolio to support the Council in ensuring that it is well managed and able to deliver its priorities.

The Sub-Committee focus on all aspects of the investment portfolio including approval of tenant lease events above a certain value threshold i.e. lettings, rent reviews and lease renewals. In addition, the committee will consider reports detailing performance of the assets against KPIs, and general property benchmarks. The committee will consider capital expenditure proposals and requests, in advance of these being taken to the Corporate Policy and Resources Committee and/or Full Council as appropriate to seek budget approval.

The Committee will meet monthly (usually on a Monday at 1.30pm). You will sit with elected councillors and bring an informed and independent perspective to the Committee. This is role which carries public responsibility.

You will be appointed up to the end of the 2027/2028 Municipal and this appointment may be renewed annually thereafter.

In order to be eligible to apply for the position, applicants must not be:

- Be a Councillor or officer of the Council or have been so in the preceding five years prior to appointment
- Be related to, or a close friend of, any Councillor or officer of Spelthorne Borough Council.
- Have been convicted of any offence.
- Be an undischarged bankrupt
- Have significant business dealings with the Council
- Have a formal connection with any political group

If you are interested in becoming an Independent Member of the Commercial Assets Sub Committee, please apply by completing the application form.

There is an annual allowance of £2000 for the role. You can also view an information pack about the role.

The closing date for applications is 5pm Wednesday 11<sup>th</sup> September 2024. Applications will be considered by the committee in mid-September and those short listed will then be contacted about the interview process and dates in late September.

For more information or an informal discussion, please contact Coralie Holman, Group Head of Assets on 01784 446243.

# Personal Specification

## Qualifications and Experience

You will be a person who has experience of working in a medium / large organisation at a senior level or other experience which would give similar benefits.

You are required to have experience dealing with decision making connected to the Asset Management of a Commercial Property Portfolio. This should include in-depth understanding of tenancy management (i.e. lettings, rent reviews lease renewals), investment transactions i.e. acquisition/disposal transactions of large multi-let commercial office premises.

## Skills

You will have:

- an ability to understand complex property issues and the importance of accountability and probity in public life
- an ability to analyse and question written and verbal reports in respect of the strategic asset management of commercial property activities
- an understanding of the need to safeguard and maximise income whilst managing and reducing associated risk
- an ability to demonstrate integrity and discretion
- effective interpersonal skills
- be able to maintain strictest confidentiality of sensitive information

## Knowledge

All members of the Commercial Assets Sub Committee should have, or should acquire as soon as possible after appointment:

- An understanding of the objectives and key activities of the Council and current major initiative and significant issues for the Council
- An understanding of the Council's structures and responsibilities, including key relationships with partners, businesses and organisations
- An understanding of the organisation's culture
- An understanding of any relevant legislation or other rules governing the organisation
- An understanding of corporate governance arrangements in place across the Council
- An understanding of the governance environment generally
- An understanding of risk management

## Other

You must:

- Have local connections, and either reside in the Borough, carry out the main part of your work in the Borough or have other recognisable ties to the area.
- Agree to abide by the provisions of the Code of Conduct while serving on the Committee.

You must not:

- Be a councillor or officer of the Council or have been so in the preceding five years prior to appointment
- Be related to, or a close friend of, any councillor or officer of Spelthorne Borough Council.
- Have been convicted of any offence. The Council has the right to DBS check any independent committee members.
- Be an undischarged bankrupt
- Have significant business dealings with the Council
- Have a formal connection with any political group
- Have a proven history of vexatious and/or frivolous complaints against Spelthorne Borough Council
- Be the holder of a significant office in an organisation being grant aided/supported by Spelthorne Borough Council



# Terms of Reference of the Commercial Assets Sub Committee (CASC)

## 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 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. Page 244 Part 3 section (b) Updated 25 April 2024

### 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 the change of use of investment assets including recommendations to the Corporate Policy and Resources Committee regarding alternative use or classification of the asset.
- (c) To receive monthly update reports on the management of the investment assets in accordance with the adopted Asset Management Strategy, including rental income, potential letting opportunities, pending break option and lease expiries over the next 12-month period, significant assignments and any other estate management issues based on officer recommendations.
- (d) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
- (e) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.
- (f) To approve new lettings where the rental income per annum (net of VAT) exceeds £100k.
- (g) 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.
- (h) To receive monthly arrears reports on each individual asset/tenant within the investment portfolio by rent quarters.
- (i) 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.
- (j) 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.
- (k) To receive notification of and authorize any non-budgeted capital expenditure or any capital expenditure over £50,000. on the investment portfolio.
- (l) 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.
- (m) 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.
- (n) 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.

## **Recruitment Process**

- Application submission deadline 5pm Wednesday 11<sup>th</sup> September 2024
- Applications will be considered and a shortlist of candidates for interview will be produced.
- Interviews will take place. This will not involve any other tests or activities.
- Recommendation for appointments presented to the Corporate Policy & Resources Committee and then Full Council for decision

# Application form

SPELTHORNE BOROUGH COUNCIL

APPLICATION FOR THE POST OF INDEPENDENT MEMBER

## Personal Details

Name:

Address:

Home Telephone:

Work Telephone:

Mobile:

Email:

Please read the **Person Specification** before completing this form.

Are you currently, or have you been at any time in the past five years, a member of Spelthorne Borough Council or any other local authority?

Yes/No

If yes, please state which Council and give dates.

Are you a paid-up member of a political party?

Yes/No

If yes, please give details.

Are you currently, or have you been at any time in the past five years, employed by Spelthorne Borough Council or any other local authority?

Yes/No

If yes, please state which Council and give dates.

Are you the subject of a Bankruptcy Restrictions Order or Interim Order?

Yes/No

Do you have any convictions that remain unspent?

Yes/No

If yes, please enclose details.

Have you ever been convicted or disqualified for any corrupt electoral practices?

Yes/No

If yes, please enclose details.

Are you a relative or close friend of a Councillor or employee of Spelthorne Borough Council?

Yes/No

If yes, please give details.

#### QUALIFICATIONS AND WORK EXPERIENCE

Please provide brief details of any professional or academic qualifications, any work experience and/or any roles relevant to the role of an independent member?

**SKILLS, KNOWLEDGE, ABILITIES AND PERSONAL QUALITIES**

Please briefly explain how you feel you fulfil the role profile for this post.

Please give the names and addresses of two referees

1.

2.

I confirm that the information given in this application is correct.

Signed :

Date:

Please return this form to Coralie Holman, ([c.holman@spelthorne.gov.uk](mailto:c.holman@spelthorne.gov.uk)) Group Head of Assets, Spelthorne Borough Council, Knowle Green, Staines-upon-Thames, TW18 1XB **by 5pm Wednesday 11<sup>th</sup> September 2024**



## Corporate Policy and Resources Committee

9<sup>th</sup> December 2024 then Full Council 12<sup>th</sup> December 2024

<b>Title</b>	<i>Replacement of Mechanical &amp; Electrical Plant at Sunbury Leisure Centre</i>
<b>Purpose of the report</b>	To make a recommendation to Full Council
<b>Report Author</b>	Coralie Holman, Group Head Assets
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	Main Report and Appendix 2 – No Appendix 1 - yes
<b>Exemption Reason</b>	As to Appendix 1. The Appendices 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 a prospective purchaser who could then know the position of the Council.
<b>Corporate Priority</b>	Community, Environment and Services
<b>Recommendations</b>	<p><b>Committee is asked to:</b> Recommend to Full Council to:</p> <ol style="list-style-type: none"> <li>1) Approve a net budget of up to £739,000 to undertake improvement Mechanical and Electrical Plant replacement works at Sunbury Leisure Centre.</li> <li>2) Approve a contingency budget in the amount that equals 10% of the total project cost (shown in Appendix 1)</li> <li>3) Delegate authority to the Group Head of Assets in consultation with the Chair and Vice Chair of Corporate Policy and Resources Committee to agree requests for expenditure from the contingency budget.</li> <li>4) Delegate authority to the Group Head of Assets in consultation with the Chair and Vice Chair of Corporate Policy and Resources Committee to appoint the preferred bidder as set out in this report to undertake the Mechanical and Electrical Plant works.</li> <li>5) Delegate Authority to the Group Head of Corporate Governance to enter into necessary legal documentation to formalise the appointment of the contractor.</li> </ol>

<b>Reason for Recommendation</b>	The replacement Mechanical and Electrical Plant works at Sunbury Leisure Centre, will not only enhance the operation of the facility but are also a contractual requirement under the Leisure Operator Contract between the Council and Places for People.

### Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>• The Mechanical and Electrical plant (MEP) at Sunbury Leisure Centre is over 25 years old and is considered obsolete</li> <li>• As part of the procurement for a new leisure centre operator the Council undertook to replace the aged MEP</li> <li>• Under the Leisure Operator Contract, the works must be completed by 30<sup>th</sup> September 2025</li> <li>• The Council has undertaken a procurement exercise to appoint a contractor, but only 1 of the 4 invited contractors submitted a tender</li> </ul>	<ul style="list-style-type: none"> <li>• If the works are not undertaken the Council will be in breach of the Leisure Operator Contract</li> <li>• If the aged equipment is not replaced it is at risk of failing and this could result in parts or all of Sunbury Leisure centre having to close for long periods of time</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>• Seek approval from Full Council for a net budget provision of £739,000 (allowing for additional funds received from a dilapidations settlement to also be used to meet the total cost of replacement)</li> <li>• Liaise with alternative suitable contractors listed on a framework contract to determine if a more competitive price can be achieved.</li> <li>• Once the framework contractors have been approached, identify a preferred contractor and</li> </ul>	<ul style="list-style-type: none"> <li>• Identify a preferred bidder and enter into a contract for the works to be carried out</li> <li>• Works to commence in January 2025 to ensure completion by 30<sup>th</sup> September 2025, which is the deadline set in the Leisure Operator contract for completion</li> </ul>

appoint them to undertake the works	
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## **1. Key issues**

- 1.1 As part of the tender of the new Leisure Centre Operator contract, the Council undertook to complete certain improvement works at Sunbury Leisure Centre in respect of Mechanical and Electrical Plant (MEP) and the Building Fabric. The works were based on survey information dated 2021 and 2023 which formed part of the tender documents included with the procurement for a new Leisure operator. These works were not included within the March 2022 budget approvals sought for the construction of the new Eclipse Leisure Centre.
- 1.2 This report focuses on the MEP works, referred to above. The required works were determined based on a 2023 Mechanical & Electrical survey carried out by an external specialist consultant, Hoare Lee. The Hoare Lee report noted several key areas of plant that had come to the end of its economic life in terms of manufacturers recommended 'shelf life'. There are 3 main elements of MEP that need to be replaced, the Building Maintenance System, Air Handling Units and the main Electrical Power distribution.
- 1.3 The existing MEP at Sunbury is over 25 years old and consultants have advised cannot be replaced on a like for like basis, predominantly because the size, configuration and functionality of MEP equipment has significantly changed over the last 25 years.
- 1.4 The Council procured and instructed a specialist consultant, Calford Seadon to assist with the preparation of a bespoke MEP design, procurement of a contractor and project management of the physical works. The indicative programme shows commencement in January and complete in September 2025. The consultant provided a budget cost of £900,000 for the works, which was in addition to their own fee of 5% of the contract sum plus £1,750 for dealing with statutory Health & Safety matters to address Construction, Design and Management regulations.

## **2. Current position**

- 2.1 The Council has secured a financial settlement from the previous Leisure operator to compensate the Council for technical breaches of lease, where it could be considered the operator did not fully meet their lease obligations in terms of repair and maintenance of both the building and MEP. (The details of this financial settlement must remain confidential as part of the settlement agreement, hence, are set out in a confidential Appendix, no.1.)
- 2.2 The financial settlement can be offset against the cost of the MEP replacement works hence the budget sought within this report, is referred to as a 'net budget', being the difference between the cost of the MEP replacement works and dilapidations settlement received. Any works relating

to the building fabric are minor and will be met from existing revenue planned maintenance budget provision.

- 2.3 Under the terms of the new Leisure operator contract (LOC) the MEP replacement work must be completed by 30<sup>th</sup> September 2025. If the work is not completed by this date, and the 'aged' equipment malfunctions or fails causing the new leisure operator to incur financial losses the Council will be exposed to a contractual claim. Due to the lead in times with ordering the new equipment a contractor must be appointed by Christmas 2024 to achieve the 30<sup>th</sup> September deadline. Appendix 2 sets out the works programme.
- 2.4 The works programme could not be completed until the LOC was finalised (30<sup>th</sup> September 2024). This resulted in a short tender period to allow for reporting timescales to present a report to CPRC and Council in December 2024. Whilst 4 contractors were invited to submit tenders, due to the complexity of the work and short tender period only one contractor submitted a tender price. This tender price (set out in Appendix 1) includes provisional budget sums and project management costs (including for Health and Safety management).
- 2.5 The Council has a contractual obligation to undertake this work and due to the anticipated contract value, the works had to be formally procured to comply with the Council's contract procedure rules. However as only a single tender price has been received, we are seeking a further quote for the work from a specialist procurement framework. This will provide a benchmark comparable price, subject to a second price being obtained in a timescale that allows a contractor to be appointed and works to commence in January 2025.
- 2.6 Early indications suggest there are several contractors on the framework who would be prepared to submit a tender price. Due to the limited timescales, we do not have sufficient time to carry out further procurement. The selected framework provides the ability to progress with a single lead contractor who is identified through pre-determined framework scoring, carried out by the external framework provider.
- 2.7 In order to appoint a contractor before Christmas and obtain budget approval, we are running tender evaluation in parallel with bringing a report to this Committee and Council. Hence at this stage we are only seeking agreement from this Committee to recommend to full Council a net budget is approved up to a maximum of £739,000, being the actual cost, the Council will need to fund once the dilapidations settlement is added, to finance the costs of the works.
- 2.8 The report also seeks approval that appointment of the preferred bidder is delegated to the Group Head of Assets in consultation with the Chair and Vice Chair of CPRC. If full Council agree this delegation, it will provide the additional time required prior to January 2025, to fully evaluate the single tender received, conclude discussions with the framework contractors in order to achieve a comparable price and reach a conclusion about the preferred bidder.

- 2.9 Conclusions will be based on assessment of all risks relating to tender assumptions. The single tender currently includes c.£300,000 of budget prices. This is where the contractor can't provide fixed, guaranteed prices for certain elements of the work and the risk of any price increases will have to be met by the Council. Therefore, full evaluation of the reasons for the budget pricing must be undertaken and then qualified and closed out where possible to provide as greater level of price certainty as possible.
- 2.10 Part of the tender evaluation includes ensuring all contractors (both from the open tender and framework) meet the required standards, with acceptable contract terms and performance. Therefore, conclusions about the preferred contractor will be based on price, including cost certainty i.e. the risk of price increase occurring from budget items within the overall contract sum. The appointed external project manager will provide guidance on the areas of the contract price that pose the greatest risk in respect of cost increase.
- 2.11 The tender prices do not provide for any project contingency. Through the project management and reporting which will include budget monitoring, should any unknown items arise which require any additional budget, this is likely to require an immediate decision. It is recommended that a budget contingency up to 10% of the gross contract sum (see appendix 1) be agreed, without the need for further referral to Full Council on the condition that all requests for expenditure from this contingency budget will be agreed by the Group Head of Assets in consultation with the Chair and Vice Chair of Corporate Policy and Resources Committee for transparency.

### **3. Options**

- 3.1 Option 1 - **It is recommended** a) this Committee agree to approve a recommendation and full Council approve a net budget provision of £739,000, plus a further 10% contingency as needed to undertake the replacement MEP works set out within this report. This is a contractual obligation under the LOC contract between the Council and Places for People and b) the final decision to appoint a contractor to undertake the work be delegated to the Group Head of Assets in consultation with the Chair and Vice Chair of CPRC. This will follow discussions with framework contractors to determine if a more competitive price can be achieved for the works.
- 3.2 Option 2 – re-tender the works over a longer period to see if further interest from contractors and more competitive prices can be achieved. This is not recommended as it will result in the programme commencement being delayed and completion of the works extending beyond the 30<sup>th</sup> September 2025, which could result in Places for People claiming against the Council for losses.
- 3.3 Option 3 – Do not progress any of the MEP works at Sunbury Leisure Centre. This is not recommended as the Council would be in breach of its contractual obligations to Places for People and may find the aged plant at Sunbury Leisure Centre fails resulting in the swimming pool or other elements of the centre having to close. This is likely to result in a much greater claim for losses from Places for People than a delay would.

### **4. Next steps**

- 4.1 Progress discussions with suitable framework contractors to determine if a more favourable price can be achieved for the work. Following conclusion of these discussions, select a preferred contractor based on contract pricing, then seek approval from the Group Head of Assets in consultation with the Chair and Vice Chair of CPRC to enter into a contract with the preferred bidder to undertake the works, commencing in January 2025.

## **5. Financial implications**

- 5.1 A net budget of up to £739,000 from the Capital programme (set out in Appendix 1) is required for this work, whilst not all funds will be spent in the 2024/25 financial year, in year additional capital budget provision will be required. This level of budget request allows for use of the dilapidation's settlement referred to in section 2.1 of this report.
- 5.2 This spend forms part of the total Leisure Centre Programme cost referenced in the Capital Monitoring Q2 and the Eclipse Financing Report and will be part of the expenditure financed from the sources referenced in the Financing Report.
- 5.3 The requirement to carry out this work and the previous estimate of costs have been included within previous financial reports, specifically the Q1 Capital Monitoring Report (Appendix 2) which went to this Committee in July 2024. The estimated costs of works has increased from the financials included within the July report, based on the tender prices received being higher than the original project managers estimated budget.

## **6. Risk Management**

- 6.1 If the contract is not awarded to the preferred bidder before Christmas 2024, this will impact on the works programme and is likely to result in works not being completed by 30<sup>th</sup> September and raises the possibility of Places for People making a claim for losses incurred, due to breach of contract.
- 6.2 The risk associated with the current leisure operator incurring Loss of profit and / or a breach of contract claim from the current leisure operator, is managed by co-ordinating the schedule of works with the current operator to minimise disruption, by carrying out the works outside the operating hours of the leisure centre where possible, by selecting the preferred contractor before Christmas 2024 and by carefully monitoring the works once these commence.
- 6.3 The services of a specialist project manager have been procured to manage the works on behalf of the Council due to the specialist technical nature and to provide close supervision and careful programming and monitoring to ensure there are no delays. The consultant costs are included within the budget request as shown in Appendix 1.
- 6.4 Service continuation/Sunbury LC closures – the existing MEP is approaching the end of its lifespan and in the event of a breakdown or failure there is a risk that the leisure centre will not be able to operate as repairs may not be a viable option. This risk is managed by the ongoing maintenance regime until the replacement works are completed.
- 6.5 Project Management - the project will be managed using the Council's project management methodology, which is broadly based around Prince 2 Project Management and quarterly updates will be provided to the Chair and Vice

Chair of CPRC. Project documentation includes a project Initiation document and programme. Once commenced further documents to include a project risk log, project progress, budget monitoring and other relevant matters will be produced and made available on the project dashboard.

## **7. Procurement comments**

- 7.1 The contract was procured in line with the Council's contract procedure rules initially inviting 4 specialist contractors to submit tenders for the work. As has been set out in the report only one of the 4 companies submitted a tender.
- 7.2 Due to the submitted tenderer's price including certain assumptions (the detail of which has not been provided), resulting in provisional sums and exceeding the informed budget cost, further quotes will be sought from a specialist framework. The frameworks suppliers regional 'rates' for mechanical and electrical works will form the basis of any tender pricing.

## **8. Legal comments**

- 8.1 The Council has a statutory duty to deliver best value under the Local Government Act 1999. The proposal to obtain a further quote for the MEP works to establish a benchmark cost is consistent with this duty.
- 8.2 Council's Contract Standing Orders (Part 4(e) of the Constitution) must be considered and complied with in the selection of the preferred contractor.
- 8.3 Legal Services ([g.legal@spelthorne.gov.uk](mailto:g.legal@spelthorne.gov.uk)) will provide advice and assistance with the review and negotiation of the contract terms and conditions and any other associated documentation as necessary.
- 8.4 Sunbury Leisure Centre is held by the Council on a lease from Sunbury Manor School. Legal Services will liaise with the landlord in the event the lease requires the landlord's consent to the proposed works.
- 8.5 The Council has granted a sublease of Sunbury Leisure Centre to the current operator, Places for People Leisure Management Ltd; the sublease reserves suitable rights to carry out the proposed works which mitigates a risk of a claim from and / or the need to enter into a supplemental arrangement with the operator.

## **9. Other considerations**

- 9.1 If the Council does not carry the works out then this could create reputational risk, from the potential of the Council being in breach of its contract with Places for People and also from failing equipment that cannot easily be repaired resulting in lengthy closures of some or all of Sunbury Leisure Centre.
- 9.2 The length of closures cannot be qualified as this will depend on the element of MEP that fails, the availability of suitable parts to undertake repairs. As outline earlier in the report, much of the equipment is considered obsolete as well as being dated, hence it is not anticipated sourcing parts to replace the aged equipment will be straightforward.

9.3 The progression of these works will need to be managed in parallel with works relating to the decarbonisation project e.g. installation of new PV panels and air source heat pumps.

## **10. Equality and Diversity**

10.1 There are no direct implications

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

11.1 As part of the procurement process, the selection criteria prescribe contractors to demonstrate processes which minimise the environmental impact of their services.

11.2 Additionally, replacing MEP installations at Sunbury Leisure Centre with energy-efficient technologies have many environmental benefits, including reduction in carbon footprint and greenhouse gas emissions.

11.3 Any Mechanical and Electrical Plant that is replaced will be recycled where possible, at the current time we do not have sufficient information to provide clarity on what elements can or can't be recycled. This information can be included in the quarterly project updates provided to CPRC.

12 Timetable for implementation

12.1 Immediately progress next steps, outlined above, if approved.

## **13 Contact**

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

**Background papers: There are none.**

**Appendices: Appendix 1 – 'Exempt' Financial Analysis of budget request  
Appendix 2 – Works programme**



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

Document is Restricted

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Task	Week No.																																																											
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1 Clients' instruction to proceed.	█																																																											
2 Contractor's site set up / lead in period.				█																																																								
3 Surveys, validations and reporting period.					█	█	█																																																					
4 Detailed design period.							█	█	█	█																																																		
5 Agreement of final scope of works									█	█																																																		
6 Procurement period.										█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█				
7 Preperation Works prior to delivery of AHUs											█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█				
8 Delivery of AHU's																																																												
9 Enabling Works for Pool AHU Replacement																																																												
10 Replacement of Pool & Wet Changing AHUs & Associated MCCP																																																												
11 Commissioning/Testing of Pool MCCP																																																												
12 Enabllng Works for remaining AHUs replacement																																																												
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14 Commissioning/Testing of AHUs and Associated MCCP																																																												
15 Replacement of Boiler Room MCCP																																																												
16 Testing and Commissioning of Boiler Room MCCP																																																												
17 Issue of O&M's and record drawings.																																																												
18 Client training																																																												
19 Snagging / De-Snagging.																																																												
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# Standards Committee



2 December 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>Officers have identified some changes to the Constitution to provide clarity on decision-making and reflect current legislation.</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> </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 and making recommendations on these to the Standards Committee.

- 2.2 Officers have identified amendments which are required to clarify responsibilities for decision-making and reflect new legislation.
- 2.3 The proposed amendments relate to:
- the terms of reference of Committees (Part 3b of the Constitution),
  - the Scheme of Officer Delegation (Part 3d) and
  - Contract Standing Orders (Part 4e)
- 2.1 Terms of reference of Committees – The Corporate Policy and Resources Committee has responsibility for Corporate Complaints and receives the annual performance report on complaints. The Community Wellbeing Committee was recently appointed ‘Member Responsible for Complaints’. This appointment arose from a recommendation to CPRC on 9 September 2024 in a report on Housing Complaints Performance and the Housing Ombudsman’s Complaint Handling Code.
- 2.2 The report stated:
- “The Complaint Handling Code requires one member (or committee) of the governing body to have lead responsibility for complaints. This role is responsible for ensuring the governing body receives regular information on complaints that provides insight and learning on the Council’s complaint handling performance.*
- The Member Responsible for Complaints (MRC) will be responsible for ensuring that future annual self-assessments of compliance with both Ombudsmen’s Codes, (Housing Ombudsman and Local Government and Social Care Ombudsman [LGSCO]) are scrutinised and challenged. This forms part of their role in embedding a positive complaint handling culture across the organisation.*
- The LGSCO Code also advises the appointment of an MRC with an equivalent role, (to that of the MRC under the Housing Ombudsman’s Code) although the LGSCO is yet to provide a detailed suggested role profile. Complaints falling within the jurisdiction of the LGSCO relate to every service of the Council with the exception of social housing. These complaints far outweigh the number of complaints handled by MTVH (the Housing Company appointed by the Council to manage its social housing i.e. Harper House and White House) in the last year about social housing.*
- ... it is proposed to appoint one MRC to cover both Ombudsmen’s jurisdictions.”*
- 2.3 Although appointment of the Community Wellbeing and Housing Committee as MRC for social housing complaints is appropriate, the requirement is to appoint one MRC to scrutinise all complaints relating to any service of the Council. In 2023-24 we received just 2 complaints about social housing and 42 about other services.
- 2.4 It is proposed to amend the terms of reference to delegate Corporate Policy and Resources Committee as the “Member responsible for Complaints” to avoid possible duplication of scrutiny and reporting on complaint performance.

- 2.5 Scheme of Delegation – to accord with the Statutory Guidance issued by the Government which relates to Special Severance Payments, it is proposed to delegate to the Head of Paid Service in consultation with the Leader to sign off severance payments of £20,000 to £100,000 and to delegate to the Chief Finance Officer to sign off severance payments below £20,000. These relate to payments which may be considered on termination of employment following previous government proposals to limit exit payments in the public sector, which were then rescinded.
- 2.6 Contract Standing Orders – a new public procurement regime has been created by the Procurement Act 2023. It is necessary therefore to update Contract Standing Orders to reflect this new piece of legislation.
- 2.7 The proposed changes to the Constitution were discussed with the Committee System Working Group on 20 November 2024. The Working Group suggested a minor amendment to the Contract Standing Orders to require advertising of contracts over £30,000 instead of £25,000.
- 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 councillors 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 one of the purposes of the Constitution as set out in Article 1:
- (a) to enable decisions to be taken efficiently and effectively;
- 4.2 The new public procurement regime created by the Procurement Act 2023 (the Act) was due to start on 28 October 2024. On 12 September 2024, government announced that the Procurement Act 2023 will now commence on 24 February 2025 - a delay of four months, to allow time for a new National Procurement Policy Statement (NPPS) to be produced.
- 5. Risk considerations**
- 5.1 If the Constitution is not updated to reflect current legislation, the Council exposes itself to the risk of legal challenge. If we fail to comply with the Procurement Act 2023, there is a risk that contracts may be invalid.
- 5.2 If the responsibility for complaints is not clarified in the terms of reference for Committees, there is a risk of confusion as to the correct reporting body and the possibility of duplication of work with the consequent impact that has on resources.
- 6. Timetable for implementation**
- 6.1 A recommendation from Standards Committee will be considered by Council at its meeting on 12 December 2024.
- 6.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.
- 7. Contact**

7.1 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(e) Contract Standing Orders**



## Explanation of proposed Constitution Changes December 2024

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Section	Current Text	Proposed	Reason for change
<b>Part 3b – Terms of Reference</b>			
Amend	Corporate Policy and Resources Committee has responsibility for Corporate Complaints and receives the annual report on complaints. Community Wellbeing Committee has recently been appointed 'Member Responsible for Complaints'	Corporate Policy and Resources Committee to be appointed 'Member Responsible for Complaints'	To delegate one Committee to have responsibility for complaints performance to avoid the possibility of duplication of work.
Section	Current Text	Proposed	Reason for change
<b>Part 3d – Delegations to Officers</b>			
New	Sections 6.6 and 6.7 – new delegations for special severance payments	Delegation to Head of Paid Service in consultation with the Leader to sign off severance payments of £20,000 to £100,000. Delegation to Chief Finance Officer to sign off severance payments below £20,000	To accord with the statutory guidance relating to special severance payments.
Section	Current Text	Proposed	Reason for change
<b>Part 4e – Contract Standing Orders (SO)</b>			
Amend		Reviewed to align with Procurement Act 2023	To reflect current legislation.

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## 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

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 ([LGSCO](#)) and any maladministration findings of the body.
- [To act as the Member Responsible for Complaints in accordance with the Complaint Handling Codes of the LGSCO and the Housing Ombudsman.](#)
- 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 deferral 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.

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<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>

<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

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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 Planning Manager or Senior

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have been followed including legal advice being obtained for contracts over £20,000	Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
<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> <li>b. To approve lease renewals where the rent</li> </ul>	<p>Group Head for Assets in consultation with the Chief Finance Officer.</p> <p><i>(Note: for lettings granted under the</i></p>

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<p>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. <i>Financial impact to be based on contracted rental values.</i></p> <p>a. to d. <i>VAT should be disregarded when determining if a transaction falls under the stated thresholds.</i></p>	<p><i>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>

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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>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
5.1 To make a formal demand for payment of	Relevant Deputy Chief Executive



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<p>monies expended in carrying out works in default under statutory powers, including interest payable thereon</p>	
<p>5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations</p>	<p>Chief Finance Officer</p>
<p>5.3 In connection with the provision of services under their control:</p> <ul style="list-style-type: none"> <li>a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts);</li> <li>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</li> <li>c. Control, purchase and disposal of stores or surplus materials</li> <li>d. To enter into any arrangement with a creditor for payment to be made by way of instalment</li> </ul>	<p>Relevant budget holders</p>
<p>5.4 To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy</p>	<p>Chief Finance Officer</p>
<p>5.5 To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended</p>	<p>Chief Finance Officer</p>
<p>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</p>	<p>Chief Finance Officer or Group Head Commissioning and Transformation</p>
<p>5.7 To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business</p>	<p>Group Head Commissioning and Transformation</p>



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Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	
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
5.17 To write off debts for non-domestic rates not exceeding £9000 and for Council tax	Group Head Commissioning and Transformation

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not exceeding £5000.	
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>	
<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	Chief Executive, Deputy Chief

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<p>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</p>	<p>Executive or Group Heads</p>
<p>6.3 To implement national awards affecting wages, salaries and conditions of service</p>	<p>Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime</p>
<p>6.4 To administer the Council's car loan scheme</p>	<p>Chief Finance Officer</p>
<p>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</p>	<p>Chief Executive in consultation with the Leader of the Council</p>
<p><u>6.6 To approve and sign off special severance payments of £20,000 and above but not exceeding £100,000</u> <u>(Payments of £100,000 and above are reserved to Council)</u></p>	<p><u>Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment.</u></p>
<p><u>6.7 To approve and sign off special severance payments below £20,000</u></p>	<p><u>Chief Finance Officer</u></p>

<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> </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>	

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<ul style="list-style-type: none"> <li>q. Health and Safety at Work;</li> <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 (II ) the Building Control Manager</p>

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<p>r. Animal Boarding Establishments Act 1963;</p> <p>s. Breeding of Dogs Act 1973;</p> <p>t. Breeding of Dogs Act 1991;</p> <p>u. Dangerous Wild Animals Act 1976;</p> <p>v. Hypnotism Act 1952;</p> <p>w. Smoke-free (Premises and Enforcement) Regulations 2006;</p> <p>x. Smoke-free (Signs) Regulations 2012</p> <p>y. Smoke-free (Exemptions and Vehicles) Regulations 2007</p> <p>z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;</p> <p>aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;</p> <p>bb. Pollution Prevention and Control Act 1999;</p> <p>cc. Control of Pollution Act 1974;</p> <p>dd. Public Health (Control of Disease) Act 1984;</p> <p>ee. Private Security Industry Act 2001;</p> <p>ff. Meat (Sterilisation and Staining) Regulations 1982;</p> <p>gg. Clean Air Act 1993;</p> <p>hh. Land Compensation Act 1973 s.37;</p> <p>ii. Sunday Trading Act 1994;</p> <p>jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;</p> <p>kk. Working Time Regulations 1998;</p> <p>ll. Building Regulations 2010;</p> <p>mm. Building (Approved Inspectors etc.) Regulations 2010;</p> <p>nn. Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;</p> <p>oo. Land Drainage Act 1991;</p> <p>pp. Scrap Metal Dealers Act 2013;</p> <p>qq. Sunbeds (Regulation) Act 2010;</p> <p>rr. The Caravan Sites and Control of</p>	
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<p>Development Act 1960;</p> <p>ss. Mobile Homes Act 2013;</p> <p>tt. Water Industry Act 1991;</p> <p>uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;</p> <p>vv. Waste (England and Wales) Regulations 2011</p> <p>ww. Tattooing of Minors Act 1969</p> <p>xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.</p> <p>zz. The Business and Planning Act 2020</p> <p>aaa. Town Police Clauses Act 1847</p> <p>bbb. Highways Act 1980</p> <p>ccc. Policing and Crime Act 2017</p> <p>ddd. Live Music Act 2012</p> <p>eee. Deregulation Act 2015</p> <p>fff. Police, Factories &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> <p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p>	
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<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>7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020</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>



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

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<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>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
10.1 To approve mandatory/discretionary grants under the Housing Grants,	Group Head Community Wellbeing

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<p>Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.</p>	
<p>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.</p>	<p>Group Head Community Wellbeing</p>
<p>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.</p>	<p>Group Head Community Wellbeing</p>
<p>10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.</p>	<p>Group Head Community Wellbeing</p>
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> <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> <li>f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works.</li> <li>g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate)</li> </ul>	<p>Senior Environmental Health Manager</p>

**Part 3 section (d)**

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

**Part 3 section (d)**

nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.	
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 provided or to be provided for housing purposes.	Group Head Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing

**Part 3 section (d)**

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>
11.1	The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:- <ul style="list-style-type: none"> <li>a. the fixing of charges for special events not covered by the annual review of fees and charges;</li> <li>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</li> <li>c. The power to waive fees and charges; and</li> <li>d. The setting of opening hours for facilities and the duration of sports seasons.</li> </ul>	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 grant of grave spaces, including the repurchase of grave spaces and other associated matters.	Group Head Neighbourhood Services
11.5	The administration of Leisure Development Grants to be made to	Group Head Community Wellbeing

**Part 3 section (d)**

Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.	
<b>12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<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>	Senior Environmental Health Manager or Group Head Neighbourhood Services
<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>	Deputy Chief Executive
<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>	Relevant Deputy Chief Executive
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	Relevant Deputy Chief Executive
<p>12.5 The numbering and renumbering of premises in streets.</p>	Deputy Chief Executive with responsibility for Environmental Health & Building Control
<p>12.6 All necessary steps in connection with the removal and disposal of abandoned</p>	Group Head Neighbourhood Services

**Part 3 section (d)**

	vehicles under the Refuse Disposal (Amenity) Act 1978.	
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 Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.15	To suspend Hackney Carriage driver	Senior Environmental Health



**Part 3 section (d)**

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	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
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

**Part 3 section (d)**

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
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	Planning Development

**Part 3 section (d)**

	notice under s171C of the 1990 Act	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
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	Planning Development Manager

**Part 3 section (d)**

the Habitats Directive.	
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 Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager

PROCUREMENT ACT 23 - CONTRACT STANDING ORDERS PROCEDURAL RULES								
<u>Whole Life Contract Value</u>	<u>Level of Authority to Proceed required</u>	<u>Support required from Procurement Team</u>	<u>Advertising the Opportunity</u>	<u>Approach to Market</u>	<u>Testing Market Capability</u>	<u>Evaluation by</u>	<u>Approval to Award Contract</u>	<u>Contract Required?</u>
Under £5,000	Budget Holder	No	Opportunity does not need to be advertised	Local <sup>1</sup> suppliers must be sought. If no local suppliers can be found, then a regional suppliers should be sought. If the selected supplier is not Local or Regional <sup>2</sup> then approval to proceed must be sought from Group Head and the variation must be added to the Exemption Report	Selected suppliers confirm prices in writing /email in advance	Budget Holder	No further approval required	No. Invoices and quotes to be retained in accordance with the retention policy.

<sup>1</sup> Local is defined as within the Borough of Spelthorne

<sup>2</sup> Regional is defined as in the wider County of Surrey.

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PROCUREMENT ACT 23 - CONTRACT STANDING ORDERS PROCEDURAL RULES								
<u>Whole Life Contract Value</u>	<u>Level of Authority to Proceed required</u>	<u>Support required from Procurement Team</u>	<u>Advertising the Opportunity</u>	<u>Approach to Market</u>	<u>Testing Market Capability</u>	<u>Evaluation by</u>	<u>Approval to Award Contract</u>	<u>Contract Required?</u>
£5,000 - £30,000 (Inc VAT)	Procurement Business Case is approved by Group Head	No, except where the opportunity is to be advertised on Contracts Finder	Not required but if the value of contract is over £30,000 and is advertised, it must be advertised in Contracts Finder (Govt transparency requirements)	Requirement communicated to suppliers and confirmed in writing.	A minimum of 3 written quotes to be obtained and retained on file.	Budget Holder	Group Head	Yes. Support from Legal Services required.
£30,000 (Inc VAT) – <b>(BELOW<sup>3</sup> THRESHOLD TENDER)</b>	Procurement Business Case and Procurement process must be approved by Group Head and MaT	Yes, Project needs to be discussed at the <b>Procurement Board and put on the Procurement Project Plan</b>	Opportunity advertised on Elcom portal and on <b>Contracts Finder (if over £30K)</b>	Detailed Specification with required outcomes, outputs and KPIs. <b>(Invitation to Tender, Request for Quotation or suitable Framework)</b>	A minimum of 3 suppliers to be invited to tender. <b>(Select 1 “Local” supplier)</b>	Project Lead with Procurement	Deputy Chief Exec or Service Committee (if the requirement is strategic/critical)	Yes, support from Legal Services required unless a framework is used.  <i>Contract made under seal if over £100,000.00</i>

<sup>3</sup> Supplies and Services Threshold - £214,904, Works Threshold - £5,372,609.00 (inc VAT) as from 1<sup>st</sup> Jan 24. These figures are revised every two years.

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PROCUREMENT ACT 23 - CONTRACT STANDING ORDERS PROCEDURAL RULES								
<u>Whole Life Contract Value</u>	<u>Level of Authority to Proceed required</u>	<u>Support required from Procurement Team</u>	<u>Advertising the Opportunity</u>	<u>Approach to Market</u>	<u>Testing Market Capability</u>	<u>Evaluation by</u>	<u>Approval to Award Contract</u>	<u>Contract Required?</u>
Over Procurement Act 2023 Threshold	Procurement Business Case and Procurement process must be approved by Group Head and MaT and appropriate Service Committee . The project must be on the Council's Forward Plan	Yes, Project needs to be discussed at the <b>Procurement Board and put on the Procurement Project Plan</b>	Opportunity must (unless a suitable Framework is sought) be advertised on Find A Tender (FTS) via the Elcom portal and on <b>Contracts Finder</b>	Detailed Specification with required outcomes, outputs and KPIs. <b>(Invitation to Tender or suitable Framework)</b>	ITT (inclusive of Suitability Assessment Questionnaire) in accordance with the Procurement Act	Project Lead and /or subject matter experts and Procurement	Service Committee	Yes, support from Legal Services is required. Contract will be made under seal.

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<b><u>CONTRACT STANDING ORDERS PROCEDURAL RULES</u></b> <b><u>Whole Life Contract Value</u></b>	<b><u>Level of Authority to Proceed required</u></b>	<b><u>Support required from Procurement Team</u></b>	<b><u>Advertising the Opportunity</u></b>	<b><u>Approach to Market</u></b>	<b><u>Testing Market Capability</u></b>	<b><u>Evaluation by</u></b>	<b><u>Approval to Award Contract</u></b>	<b><u>Contract Required?</u></b>
Procurements from an internal Spelthorne Framework Agreement (in accordance with the contract values above)	Procurement Business Case and Procurement process must be approved by Group Head and MaT	Yes, where the contract value exceeds £30,000.00. The project needs to be discussed at the Procurement Board and put on the Procurement Project Plan	No	Detailed Specification with required outcomes, outputs and KPIs. In accordance with the specific Framework, ie, Mini Comp or Direct Award	In accordance with the framework conditions.	Project Lead and Procurement	In accordance with the expect contract value as above.	<b>No. Use the Framework Terms and Conditions.</b> Contract made under seal if above £100,000.00
Procurements from an external Framework Agreement (in accordance with the contract values above)	Procurement Business Case and Procurement process must be approved by Group Head and MaT	Yes, where the contract value exceeds £30,000.00. The project needs to be discussed at the Procurement Board and put on the Procurement Project Plan	No	Detailed Specification with required outcomes, outputs and KPIs. In accordance with the specific Framework, ie, Mini Comp or Direct Award	In accordance with the framework conditions.	Project Lead and Procurement	In accordance with the expect contract value as above.	<b>No. Use the Framework Terms and Conditions.</b> Contract made under seal if above £100,000.00

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<u>CONTRACT STANDING ORDERS PROCEDURAL RULES</u> <u>Whole Life Contract Value</u>	<u>Level of Authority to Proceed required</u>	<u>Support required from Procurement Team</u>	<u>Advertising the Opportunity</u>	<u>Approach to Market</u>	<u>Testing Market Capability</u>	<u>Evaluation by</u>	<u>Approval to Award Contract</u>	<u>Contract Required?</u>
Variations to a Contract Over £100,000.00 <b>NOTE:</b> Not to exceed 50% of the original Contract value	Service Committee	Yes	No, but needs to be put on the internal Contract Database	Existing Supplier only	N/A	Project Lead	Service Committee	Variation to be included in the existing Contract – <b>Legal</b>
Extending a contract's duration	Service Committee	<b>Yes – only if the existing contract has extension periods.</b>	No, but needs to be put on the internal Contract Database	Existing Supplier only	N/A	Project Lead	Service Committee	Extension to contract to be included in the existing Contract – <b>Legal</b>

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**Motion for Council 12 December 2024**

**Proposer – Councillor J Boughtflower**  
**Seconder – Councillor M Lee**

“This motion proposes that this Council removes Cllr Sexton as Leader and Cllr Bateson as Deputy Leader of the Council forthwith”.

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## Questions from Councillors

### Question received from Councillor D Saliagopoulos

#### Five Swimmers Statue by David Wynn

Whilst it is appreciated that the decision to give this Statue to a local Developer has already been made. Its route was through Committee and there we go. Staines Town elected Councillors seem happy to hand it over without an argument and without consulting the residents of Staines.

I was recently invited to its "unveiling" by the Managing Director of the Developer - at their multi storey new high rise building which I declined. He wrote to me to say that "the people will be able to use this as a public space". Really? So that means people can go around the proposed quadrant freely whenever they want and it's a walk from the High Street? I wonder if the new residents of these high rise flats will be aware of this? According to a specialist website I have seen, the Statue was sold in July 2024? Can the people of Staines be assured that this is NOT the case? The Statue is very valuable and should be insured for some £400,000 or so. Can this Council be assured that as and when it is decided, by this Council on behalf of the people of this borough, the Statue will be placed back in a public space where it belongs. Might I also say that had you asked the residents they may well have come up with a better idea than this. £90 thousand pounds to relocate and embed the Statue? I am sure we would have plenty of ideas where this sort of saving could be made, in order to pay for the Statute ourselves.

It's unknown that a public piece of Art has been gifted to a contentious developer within the confines of its Town.

Again, may the people of Staines be assured that they can reclaim the Statue when a suitable site has been identified?

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## Commercial Assets Sub-Committee

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### Decisions taken at the meeting held on Monday, 11 November 2024.

**Meeting Time:**

1.30 pm

**Meeting Venue:**

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

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**PRESENT:** Councillor Lawrence Nichols (Chair), Councillor Sean Beatty (Vice-Chair), Councillor Rose Chandler, Councillor Denise Saliagopoulos and Councillor Howard Williams

**7. HALF YEAR PORTFOLIO REVIEW**

The Committee **resolved** to note the Half Year Commercial Property Portfolio Review.

**8. EXCLUSION OF PUBLIC AND PRESS (EXEMPT BUSINESS)**

The Committee **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 finalising acceptable contract terms.

**9. COMMERCIAL PORTFOLIO UPDATE**

The Sub-Committee **resolved** to note the updates.

**10. LEASE VARIATION, PT 10TH FLOOR, THAMES TOWER, READING**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report, subject to further information being provided to the Chair and Vice-Chair on the profitability of the proposal.

**11. SETTLEMENT OF DILAPIDATIONS AND APPOINTMENT OF A CONTRACTOR - GROUND FLOOR SUITE, CHARTER BUILDING, UXBRIDGE**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report.

**12. PROPOSED LETTING TERMS FOR SUITE 2, SECOND FLOOR, THE CHARTER BUILDING, UXBRIDGE**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report.

**13. ASSET PORTFOLIO EXIT STRATEGIES**

The Sub-Committee **resolved** to approve the form and detail of the Exit Strategy for each investment asset.

**14. URGENT ITEM - NEW LETTING, UNIT 24, ELMSLEIGH SHOPPING CENTRE, STAINES-UPON-THAMES**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report.

**15. URGENT ITEM - LEASE RENEWAL FOR UNITS IN THE ELMSLEIGH SHOPPING CENTRE, STAINES-UPON-THAMES**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report.

**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*

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**Decisions taken at the meeting held on Thursday, 28 November 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

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**PRESENT:** Councillor Sue Doran (Chair), Councillor Olivia Rybinski (Vice-Chair), Councillor Michelle Arnold, Councillor Maureen Attewell, Councillor Chris Bateson, Councillor Mary Bing Dong, Councillor Lisa Brennan, Councillor Sandra Dunn, Councillor Adam Gale, Councillor Rebecca Geach and Councillor Kathy Grant

**5. COMMUNITY WELLBEING & HOUSING - BUDGET, FEES AND CHARGES, REVENUE GROWTH AND SAVINGS FOR 2025/26**

Committee **resolved** to:

1. Approve the Budget, Fees and Charges, Growth and Savings proposals for Community Wellbeing & Housing Committee **subject to** deferring the decision on increasing Meals on Wheels and Opal Group fees and charges until 7 January 2025 Committee in order for Officers to come back with alternative options.
2. Recommend to Corporate Policy & Resources Committee that they approve the proposed budget, Fees and Charges, Growth and Savings proposals for Community Wellbeing & Housing Committee.

**6. HOUSEHOLD SUPPORT FUND PHASE 6 (HSF)**

The Committee **resolved** to:

- 1) Agree the proposed scheme of distribution of Household Support fund Phase 6 as set out in option two of the report.
- 2) Agree that in the event of any funds being unallocated that they are moved to the "General Allocation Pot" at the end of March 2025.

**7. HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY**

Committee **resolved** to approve the draft Housing, Homelessness and Rough Sleeping Strategy for public consultation as set out in option one of the report.

**8. PLACEMENT POLICY FOR EMERGENCY ACCOMMODATION**

Committee **resolved** to approve the placement policy for emergency accommodation.

**9. AN UPDATE FROM THE ENVIRONMENTAL HEALTH DEPARTMENT ON HOUSES IN MULTIPLE OCCUPATION (HMOS)**

Committee **resolved** to note the contents of the report.

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;*
  - (a) *Decisions to award a contract following a lawful procurement process;*
  - (b) *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 .....4 December 2024.*

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**Decisions taken at the meeting held on Tuesday, 3 December 2024.**

**Meeting Time:**

7.00 pm

**Meeting Venue:**

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

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**PRESENT:** Councillor Malcolm Beecher (Chair), Councillor Kathy Grant (Vice-Chair), Councillor Sean Beatty, Councillor Lisa Brennan, Councillor Tony Burrell, Councillor Jolyon Caplin, Councillor Sue Doran, Councillor Anant Mathur, Councillor Joanne Sexton, Councillor John Turner, Councillor Howard Williams and Councillor Paul Woodward

**4. ENVIRONMENT & SUSTAINABILITY - BUDGET, FEES AND CHARGES, CAPITAL BIDS, REVENUE GROWTH AND SAVINGS FOR 2025/26**

The Committee **resolved** to

1. Approve the 2025/26 Budget, Fees and Charges, Capital Bids, Revenue Growth and Savings Proposals for Environment and Sustainability Committee
2. Recommend to Corporate Policy and Resources Committee that they approve the proposed 2025/26 Budget, Fees and Charges, Capital Bids, Revenue Growth and Savings proposals for Environment and Sustainability Committee.

**5. LOCAL PLANNING ENFORCEMENT POLICY UPDATES**

The Committee **resolved** to adopt the updated Local Planning Enforcement Policy.

**6. ANNUAL PLANNING DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2023**

The Committee **resolved** to note the Annual Planning Development Management Performance Report 2023.

**7. DRAFT AIR QUALITY ACTION PLAN**

The Committee **resolved** to:

1. Note the Air Quality Action Plan consultation report and
2. Approve the adoption of the final Air Quality Action Plan.

**8. UPDATE TO LOCAL DEVELOPMENT SCHEME**

The Committee **resolved** to:

1. Agree the publication of the updated Local Development Scheme
2. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording and its supporting text, and any minor modifications, to propose to the Inspector.

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.*
- (6) *The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 9 December 2024.*

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## **Report on the Work of the Standards Committee**

This report gives an overview of the key items considered by members of the Standards Committee at their meeting on 2 December 2024.

### **Standards Committee – 2 December 2024**

**1. Minutes of the Standards Sub-Committee – 17 October 2024**

The Committee considered the minutes of the Standards Sub-Committee Hearing held on 17 October 2024.

**2. Minutes of the Standards Sub-Committee – 8 August 2024**

The Committee considered the minutes of the Standards Sub-Committee hearing held on 8 August 2024.

**3. Amendments to the Constitution**

The Committee **resolved** to recommend to Council the proposed changes as set out in Appendix 1 of the report.

**4. Member Development Strategy 2025-2027**

The Committee **resolved** to agree to adopt the Member Development Strategy 2025-2027 and agree the reconstitution of the Member Development Steering Group as set out in the Terms of Reference.

**5. Consultation on Enabling Remote Attendance and Proxy Voting at Local Authority Meetings**

The Committee **resolved** to note the report and agree the proposed response subject to the suggested amendments being incorporated by the Interim Monitoring Officer.

**6. General Updates on Standards Matters**

The Committee **resolved** to note the update on general standards matters.

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