

Corporate Policy and Resources

5 July 2021



Title	Waterfront Inquiry Review Group and terms of reference
Purpose of the report	To make a decision
Report Author	Victoria Statham, Group Head of Corporate Governance
Ward(s) Affected	All wards
Exempt	No
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none">1. Establish a Waterfront Inquiry Review Group (Review Group) with the terms of reference set out in the report at Appendix A;2. Establish the Councillor membership of the Review Group;3. In consultation with the Review Group, to authorise the Chief Executive to finalise the terms of reference for the inquiry which are to be based upon the terms of reference set out in the report at Appendix B;4. In consultation with the Review Group, to authorise the Chief Executive to amend the terms of reference as considered appropriate as the inquiry develops or as recommended by the investigator;5. In consultation with the review group, to authorise the Chief Executive to appoint the investigator; and6. In consultation with the Review Group, to authorise the Chief Executive to appoint any replacement investigator if the original investigator appointed can no longer act.
Reason for Recommendation	Councillors require an inquiry into the Waterfront development project to take place as soon as possible. A task group – the Review Group is to be set up to over see this process. The delegations to the Chief Executive in consultation with the Review Group are to ensure the timely progression without having to wait for the full cycle of committee meetings.

1. Key issues

- 1.1 On the 4 May 2020 Spelthorne Borough Council announced that following a competitive tender process and the unanimous agreement of the Council's Cabinet, the Arora Group had been awarded the contract to develop Bridge Street Car Park and Hanover House in Staines-upon-Thames for a hotel-led mixed-use development.
- 1.2 There has been a call to seek verifications of the project process that due diligence was followed in the decision-making process.
- 1.3 In response to this Councillors have indicated that they want to ensure an in-depth and exhaustive investigations into the legality and reasonableness of the process and procedures takes place.
- 1.4 In order to progress this inquiry comprehensive terms of the reference have been drafted for consideration. These are written to ensure that 'no stone is left unturned' and that all aspects of the transaction are considered. These terms of reference are attached at Appendix B.
- 1.5 To ensure councillor oversight of the inquiry it is proposed that a Review Group is established as a task and finish group under the Corporate Policy and Resources Committee. A task and finish group act as an advisory body to their parent committee, such a group cannot have decision making powers. The proposed terms of reference for this Review Group are attached at Appendix A.
- 1.6 It is the desire of both Councillors and officers to ensure that this inquiry is commenced as soon as possible. To achieve this, recommendations are included to delegate the finalisation of the terms of reference for the inquiry (and any amendments) and the appointment the of investigator (and any replacement) to the Chief Executive in consultation with the Review Group. Under the committee system of governance decisions can only be taken by committee or an officer (as delegated). Delegations to officers can, however, be in consultation with Councillors. It is proposed that these delegations are in consultation with the Review Group to ensure councillor direction in the decisions.
- 1.7 The delegation for the finalising of the terms of reference is specifically stated to be based on the terms of reference set out at Appendix B so that this committee have considered these terms.
- 1.8 The Local Government Association (LGA) have been approached for the CV's of suitable investigators. It is proposed that the appointment will be from one of those put forward by the LGA as having the suitable skills. The delegation again is in consultation with the Review Group and therefore the full details of their CV's will be provided to them as part of that consultation.

2. Options analysis and proposal

- 2.1 The recommendation is that the Review Group is set up with the proposed terms of reference as these allow for the breadth and scope of oversight

required together with being permissible in terms of where decision making needs to rest under the committee system of governance.

- 2.2 It is recommended that the delegations are put in place to ensure the timely progression of this inquiry. The consultation with the Review Group provides councillor guidance on the process.
- 2.3 If this Review Group is not established, officers would progress the inquiry reporting to the Corporate Policy and Resources Committee in line with the committee cycle. Therefore, input from councillors would only be at those committee dates and this would impact on the timelines for the investigation.
- 2.4 Similarly, if the delegations are not in place the appointment of the investigator and the finalisation of the terms of reference would need to come back to the next scheduled meeting of the Corporate Policy and Resources Committee in October, thus delaying this considerably.

3. Financial implications

- 3.1 There will be the costs of the investigator. Until the decision is made on his/her appointment these costs are unknown. The expenditure will be within officer delegation levels and will not have to come back to this committee for authorisation. Full details will be provided to the Review Group when known and will be reported to the Corporate Policy and Resources Committee.

4. Other considerations

- 4.1 There are no other considerations to highlight.

5. Equality and Diversity

- 5.1 This does not have any direct equality and diversity impacts.

6. Sustainability/Climate Change Implications

- 6.1 This does not have any direct sustainability/climate change implications.

7. Timetable for implementation

- 7.1 The consultation for the delegations will take place as soon as possible after the committee decision to ensure that this inquiry is commenced quickly.

Background papers:

There are none.

Appendices:

Appendix A – Terms of reference for the Waterfront Review Group

Appendix B – proposed terms of reference for inquiry

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