

Runnymede Borough Council

CORPORATE MANAGEMENT COMMITTEE

27 November 2008 at 7.30 pm

Members of the Committee present: Councillors J R Furey (Chairman), D R Hamilton (Vice-Chairman), A Alderson, M J Brown, D A Cotty, Mrs L M Gillham, C J Norman, P I Roberts, P J Waddell and G B Woodger

Councillors Mrs E Gill, Mrs Y P Lay and J J Wilson also attended.

348. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Conservative Group had notified the Chief Executive Officer of its wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be re-appointed.

<b>Remove from Membership</b>	<b>Appoint Instead</b>
Councillor J M Edwards	Councillor M J Brown
Councillor H W V Meares	Councillor D A Cotty

The Chief Executive Officer had given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

349. MINUTES

The Minutes of the meeting of the Committee held on 30 October 2008 were confirmed and signed as a correct record.

350. DECLARATION OF INTEREST

Councillor D R Hamilton declared a personal interest in item 7, References From Other Committees – Economic Development Committee – Lease of Maisonettes At Station Road, Addlestone, as his employer had business connections with A2 Dominion Housing Group.

351. REVENUE REDUCTIONS – PHASE 3

The Committee considered a further phase of revenue reductions, (set out at Appendix 'A'), which consisted of a series of twenty-nine items with a proposed timescale for implementation for each of them. These proposals had been drawn up in consultation with Committee Chairmen, Directors and UNISON.

Revenue and other efficiency savings, together with "create save" initiatives had been both a feature and a discipline in the authority for many years. Over the last three years, specific revenue savings had needed to be identified as a result of cumulative grant loss and "capping" from the Government which had imposed a limit on increases in Council Tax levels. In 2005, the Committee had approved a range of measures to reduce net budgets by £2.6 million. As reported in the five year Financial Forecast considered by the Committee at its last meeting, this was expected to achieve a total of £2.415 million. A further sum of not less than £600,000 was required to achieve some medium term stability. In March 2005, Council had approved Policy Guidance for Revenue Reductions, which was noted by the Committee (attached at Appendix 'B') . This again formed the basis of the approach to the current exercise.

The net revenue reductions were anticipated to total approximately £350,000 in year one (2009/10), rising to £712,000 by 2013/14, the last year of the Financial Forecast. Some of these proposals (e.g. strategic maintenance, all-weather pitches at Egham Leisure Centre and Queen Elizabeth House disposal) had or would be reported to the appropriate Committee. A report on progress on implementing the reductions would be made in February/March 2009. As services and functions were reviewed and opportunities arose, posts would, where appropriate, be deleted from the staffing establishment over the next five years. This would be achieved through retirements and staff

turnover, thus avoiding redundancies and the associated costs. Appropriate and timely consultations would take place with the Trade Union and sections concerned on any staff-related matters. Where necessary, detailed proposals and their service consequences would be included in the reports on the Annual Pay and Workforce Plan which was considered by the Committee in the early months of each year. These proposals would have an impact on Runnymede's responsiveness and general service resilience, but the measures were considered to be the best available to the Council and were sensitive to the needs of residents and service users. The Council would seek to achieve the reductions without a perceptible diminution of service.

The total size and content of the General Fund Capital Programme needed to be settled for 2009/10. Over recent years a classification priority had been applied to potential schemes. The Committee noted the ten lowest priority schemes underlined on the second page of the full programme, attached at Appendix 'C'. The Committee did not wish to recommend that any schemes be deferred or discontinued at this stage, but agreed that Committee Chairmen should discuss this further and that the matter be reconsidered again, if any proposals emerged.

In order to work towards target number 5, on reductions in volume and impact of private search companies in relation to the Land Charges service, Officers would need authority to vary the approved fees for the Local Land Charge service, where lawful, to optimise income and provide incentives for users. Achieving target number 22, on web based publication of public notices, would be dependent on a change in legislation by the Government. There were unlikely to be equality implications in service or staffing terms relating to most of the proposed reductions. The Council would need to be satisfied that above inflation increases for allotment charges were affordable and did not disadvantage older allotment users relative to others. Any equality implications would be considered by service Committees at the appropriate time. Other service related proposals were only likely to emerge over the five year programme.

Regarding Target number 24, on reduction in the response for the out of hours noise service, it was noted that the proposal was to cease the use of the outside contractor for complaints received outside normal office hours, thereby making a saving of £10,000. This service had been previously removed and then reinstated and the proposal was now to remove it again. In the first seven months of the service since its reinstatement, twenty-nine calls had been received and one statutory nuisance had been witnessed. This was therefore a costly service which was not being used by many residents. Safer Runnymede would continue to take any calls from the public on noise nuisance outside office hours, staff might be available for callout on a voluntary basis, and complaints would be reviewed by staff in the office on the following day.

UNISON had been made aware of the proposals and had discussed them with the Chief Executive Officer and Personnel Officer and was content, at this stage, with the reassurances given that full consultation with staff and UNISON would take place as staff related issues arose, but reserved the right to make more detailed representations as necessary.

**RECOMMEND that -**

- i) subject to satisfactorily concluding any consultations that may be necessary, the revenue reductions detailed at Appendix 'A' be approved;**
- ii) service Committees be advised accordingly;**
- iii) Officers be authorised to prepare future budgets based on these proposals;**
- iv) any variations to the staffing establishment, where appropriate, be reported in the Annual Pay And Workforce Plan; and**
- v) the Director of Administration & Leisure be authorised to approve amended fees for replies to enquiries and other local search services from time to time, either generally or for specific users or classes of users, with the intention of optimising search income and use of the service.**

i) Economic Development Committee – 6 November 2008

a) Corporate Property Strategic Maintenance Programme

The Committee received a reference from the Economic Development Committee which had recommended that the capital works element of the corporate property maintenance budget be rephased.

At its meeting on 6 November 2008, the Economic Development Committee had approved in principle, a joint partnering project with Spelthorne Borough Council, in relation to a planned and reactive maintenance joint partnering agreement. In order for a specification of works to be compiled it was necessary to carry out a condition survey of all corporate properties. As a consequence of allocating resources to the surveys of the properties, planned maintenance works could be deferred until the following year, which would reduce the planned and reactive maintenance budget. The original estimate for 2008/09 for the strategic maintenance programme was £450,600. The expected outturn for 2008/09 was now expected to be £511,000, an increase of £59,400. The split between capital and revenue expenditure was noted as follows:-

	Original Estimate £	Revised Estimate £
Revenue Budgets	165,600	165,600
Capital	<u>285,000</u>	<u>345,400</u>
Total	<u>450,600</u>	<u>511,000</u>

The Economic Development Committee now proposed that the capital element of the programme for the 2009/10 financial year be substantially reduced, with only essential planned maintenance work to be carried out. The proposed budget for 2009/10 was noted as follows:-

	Proposed budget for 2009/10 £
Revenue Budgets	169,700
Capital	<u>143,100</u>
	<u>312,800</u>

Therefore, the projected overspend of £59,400 in 2008/09 would be more than recovered in 2009/10. This was because the proposed budget for 2009/10 of £312,800 was £137,800 lower in cash terms compared to the 2008/09 original budget. The net saving of £78,400 was in the capital budget only and revenue works were not affected.

The overall budget for 2010/11 would inevitably rise to accommodate the new planned maintenance programme arising from the new condition survey. The extent of any medium-term potential financial savings would be included in a further report once agreement had been reached with Spelthorne.

**RESOLVED that -**

**the capital works element of the corporate property maintenance budget, be rephased, as set out above.**

b) Car Parking Machines – Replacement Reserve

At the same meeting, the Economic Development Committee had recommended the re-instatement of the annual transfer of £10,000 to the car parking machine replacement reserve and had agreed that a tender be sought for replacement car parking machines.

The car park machine replacement reserve had £92,100 available for the purchase of new equipment and was made up from transfers from revenue budgets. These transfers had stopped in 2003/4 when the fund had reached a level capable of funding the replacement of every machine in operation. The cost of purchasing the machines was approximately £80,000 and the cost of the annual maintenance contract for these machines would be about £9,500 per year. These costs were expected to be contained within the replacement reserve. From the next financial year, the Economic Development Committee wished to reinstate the annual transfer to the car park machine replacement revenue on the purchase of the new machines in order to provide funds for future replacement and a sum of £10,000 per annum was considered prudent, based on an estimated 10 year life of the equipment.

The Corporate Management Committee considered that in the light of the Council's financial position and the general economic conditions, and given the fact that the current machines were still working well, it would be appropriate to delay the machine replacement for a further two years, to 2011/12. At that time, it would then be appropriate to reinstate the annual transfer of £10,000 to the car parking machine replacement reserve.

**RESOLVED that -**

**the annual transfer of £10,000 to the car parking machine replacement reserve, be reinstated, commencing in 2011/12, to provide funds for future replacement.**

- c) Lease of Maisonettes – Nos. 42a, 46a, 50 And 42a And 58a Station Road, Addlestone

At the same meeting, the Economic Development Committee had authorised the Director of Administration and Leisure to grant a ten year lease of the maisonettes above to A2 Dominion Housing Group in order to effect the improved management of these properties.

Modernisation of these five properties to comply with all prevailing health and safety and housing legislation had been estimated to cost in the region of £10,000 per maisonette.

The Economic Development Committee had therefore requested approval of a supplementary capital estimate of £50,000 to cover the cost of the works.

**RESOLVED that –**

**a supplementary capital estimate in the sum of £50,000 be approved.**

- ii) Leisure And Environment Committee – 13 November 2008

Purchase of Additional Kerbside Recycling Boxes and Recycling Banks for Plastic Bottles and Cans

At its meeting on 13 November 2008, the Leisure and Environment Committee had approved the purchase of an additional 3,400 blue recycling boxes for the kerbside collection scheme, to replace lost boxes, meet new demand and to supply boxes to new properties which had been built since the scheme had been introduced in February 2003.

That Committee had also approved the purchase of 18 new 'bring site' banks, 7 for the collection of plastic bottles and 5 for cans, to address the problem of overfilled banks at the existing sites and in response to requests from the public to improve provision. Officers intended to keep 6 of the new banks in reserve for use at peak periods like Christmas and the New Year. The cost of purchasing the blue recycling boxes was £8,500, including labelling and delivery, and for the banks, £7,000, including delivery. The blue recycling boxes had already been purchased, because the matter was urgent. The capital programme currently had provision of £24,000 for waste recycling initiatives.

The Corporate Management Committee gave retrospective approval for this capital expenditure, noting that it would assist in increasing the Council's recycling totals.

**RESOLVED that-**

**a capital estimate in the sum of £15,500 be approved for the purchase of 3,400 blue recycling boxes and 18 bring banks, to be financed from capital receipts in hand.**

iii) Housing And Community Services Committee – 20 November 2008  
Concessionary Bus Passes

The Committee noted that at its meeting on 20 November 2008, the Housing and Community Services Committee had considered the Surrey Local Government Association proposal to review the costings of the Surrey concessionary bus pass scheme at year-end, to establish 'floors' to ensure that no single district would suffer major financial disadvantage arising from the distribution of funds. The Housing and Community Services Committee had decided to await further financial details. Discussions were taking place amongst the Surrey district Councils, with a view to reaching a reasonable settlement.

353. AIRTRACK - IMPROVED PUBLIC TRANSPORT ACCESS TO HEATHROW

The Committee considered its response to BAA plc's proposal to submit an application to the Secretary of State for Transport to obtain permission to build and operate Airtrack, which was a scheme to improve public transport access to Heathrow Airport by creating additional rail services from Waterloo, Reading and Guildford. The deadline for comments was 15 December 2008. The scheme was being promoted by BAA and was to be the subject of a Transport and Works Act Order (TWA) to facilitate the construction of the new service. It was expected that the application to the Secretary of State for Transport for the TWA would be made early in 2009. It was anticipated that it would be subject to a Public Inquiry in late 2009 and that, if Airtrack proceeded, it would be in operation by late 2014. The Airtrack scheme consisted of rail links from Guildford-Heathrow (stopping at Chertsey), Reading-Heathrow and Waterloo-Heathrow providing normally a half hour service from each origin, a new rail link from Staines to Heathrow across Staines Moor, a new elevated rail chord through Staines town Centre and a new train service area at Feltham.

The Council had previously considered the Airtrack scheme at its meeting on 13 December 2007 and had reaffirmed its support for Airtrack and the benefits it would bring to residents of Runnymede through reducing road traffic, to airport employees travelling to and from work and to air travellers accessing Heathrow. The Council had also urged the Minister for Transport to facilitate improvements to the road and rail infrastructure in respect of level crossings in Addlestone, Egham and Staines, which would be closed to road traffic more often as a result of the increased number of trains and rail usage.

The Council had been a conditional supporter of the Airtrack concept for some time and was one of the founder members of the Airtrack Forum that had provided the focus for the promotion of the initiative. The basis of the support had been that the provision of a good quality public transport link from the South-West of Heathrow would be a key element for sustaining the future prosperity of the Airport.

In 2006 BAA had decided it would take the Airtrack scheme forward and had been preparing for the submission of the Transport and Works Act Order to obtain permission to build and operate the service. During that time it had prepared detailed technical assessment and options. These were first exposed to public consultation (a requirement of the TWA) in Spring 2008. However, this consultation focused on the Staines area (Spelthorne Borough Council) and dealt with Staines Moor (new section of track) and Staines Town Centre (new section of track and station). Runnymede Borough Council had been given an outline of the scheme at a presentation on 3 March 2008. Following the consultation exercise the comments received had been assessed, together with further technical information, and the current and final round of consultation set out the preferred scheme. The key changes to the scheme were the identification of three options providing the rail route across Staines Moor, the decision to have only one station in Staines (retaining the current station) and the provision of a service area in Feltham.

Airtrack had a considerable impact on the level crossings in Runnymede. The Committee noted that the consultation document had concluded that it was not feasible or justifiable to construct a road

over or under the level crossings at Thorpe Road, Vicarage Road or Station Road. The consultation document stated that all of these locations would need additional land and possibly the demolition of properties. Even if a bridge or underpass were built, traffic could still queue at peak times because of existing road congestion.

A number of comments from members of the public had been sent to the Council about the scheme. These comments had referred to a lack of consultation in the Egham/Runnymede area (now resolved following the request by Officers to BAA to hold a consultation event). The public had also stated that the increased crossing down time on the level crossings in the Egham/Runnymede area would have a significant adverse impact on local businesses, the viability of the town centres, and general local daily travel patterns and lead to decreased house prices. There was also concern that the emergency services would experience significant delays in responding to calls, and that the promise of a bridge had not materialised.

There were substantial benefits that would result from Airtrack. A superior public transport system would be established that would provide not only quality links to Heathrow from all local stations (with changes) in the Borough, but the opportunity for interlinking with the enhanced rail services that served the Airport would bring added benefits. The Airtrack Forum had published a study on the wider economic impacts of Airtrack in December 2007. This had suggested that productivity gains of £757m could be realised through time savings of businesses, productivity gain from agglomeration and benefits to the labour market. In addition to the relative ease of accessing a direct train to the Airport by changing at Chertsey or Staines, a direct Chertsey-Heathrow service (with stops) would be of direct benefit to both the town and the surrounding area. The business and local community benefits had not been fully assessed but they would be significant. If the service was to stop at Chertsey it would require significant station improvements, extended platforms and associated parking. Another clear potential advantage would be the trip diversion from road to rail, reducing traffic, congestion and pollution on the motorway network running through the borough. This would be particularly noticeable when congestion or incidents drove large numbers of vehicles off the motorway onto the local road network.

It had been anticipated that improved signalling would have overcome the impact on level crossing downtime and not made the situation worse. However, it now appeared that improvements in signalling to reduce level crossing downtimes were not technically possible. Clearly, alternative infrastructure provision to enable road traffic to by-pass level crossings would be very expensive, but seemed to have been too readily dismissed as an option by Airtrack.

Should the Council conclude that it was unable to support Airtrack and wished to formally oppose the TWA, then it might be necessary to identify the resources to attend the Public Inquiry into the Scheme.

The Committee agreed that Airtrack should be informed that Council support for the scheme had to be subject to the problems relating to level crossing downtimes and Chertsey Station being properly addressed, as set out at Appendix 'D'. Reference was made in the consultation document to the level crossing in Addlestone being down for a further 20 to 25 per cent and to an estimated 40 minutes of closure every hour in Egham. The Committee also agreed that Network Rail and Her Majesty's Rail Inspectorate (HMRI) be urged to provide a full analysis of the available signalling data and implement measures to reduce barrier downtimes at Egham and Pooley Green level crossings and that Surrey County Council be urged to undertake an area – wide transport study and implement improvements to highway infrastructure to improve traffic flows around Egham and Pooley Green.

**RESOLVED that -**

- i) Airtrack be informed that Council support for the scheme is subject to satisfactory resolution of the issues referred to at Appendix 'D';**
- ii) Airtrack be urged to reconsider the conclusion that no action be taken to reduce the anticipated increase in level crossing downtime in the Egham, Addlestone and Staines areas;**
- iii) clarification be sought from Airtrack on the arrangements for suitable infrastructure for Chertsey Station as it will become a stopping point for the new service;**

- iv) **Network Rail and Her Majesty's Rail Inspectorate (HMRI) be urged to provide a full analysis of the available signalling data and implement measures to reduce barrier downtimes at Egham and Pooley Green level crossings; and**
- v) **Surrey County Council be urged to undertake an area-wide transport study and implement improvements to highway infrastructure to improve traffic flows around Egham and Pooley Green.**

354. ENGLEFIELD GREEN VILLAGE PLAN

The Committee noted a Village Plan for Englefield Green that had been compiled by the Englefield Green Village Residents' Association and considered what further action should be taken.

The Government were encouraging local authorities to work closely with local communities and develop plans for their areas. The Plan highlighted an opportunity to work with the community in Englefield Green on issues that local people had identified. The Association had obviously given a great deal of thought to the needs, aspirations and concerns of the community.

Some of the concerns raised in the report were already being addressed. The Council had recognised that the charges in the local pay and display car parks in Englefield Green (St. Jude's Road and Victoria Street) were not appropriate for such a local centre and the Economic Development Committee had resolved to implement a new, lower charging regime from January 2009.

Many of the concerns related to street cleansing and either lack of, or overflowing litter bins. The Council was presently in the process of rolling out a Borough-wide programme of street orderlies who would each be responsible for their own areas, covering all the main town and village areas. The main centres would be cleaned on a daily basis, with adjoining roads cleaned once a week. The orderlies would also be responsible for reporting damage, vandalism or graffiti, which could then be dealt with by the Council or other appropriate agency.

Officers were also liaising with County Council Officers who were responsible for a number of issues identified in the report such as maintenance and improvement of the highway, pavements and street lighting as well as traffic signs, highway trees and vegetation which overhung footpaths. It was considered that a joint response to the issues raised would have greater impact.

Officers would establish the full extent of support for some of the proposals and seek to create opportunities to deliver as many of the priorities as possible in liaison with Ward Councillors, the Association and other agencies. Some elements would require commitment and input from residents themselves and from the Council's statutory partners.

**RESOLVED that –**

**Officers liaise with Ward Councillors, the Englefield Green Village Residents' Association and other agencies to clarify issues raised in the Village Plan and seek to identify delivery mechanisms and appropriate resources.**

355. NATIONAL INDICATORS 2008/09 – SECOND QUARTER PROGRESS REPORT

The Committee noted progress on National Indicators, (NI)s, for the period July to September 2008.

As this was the first year of a new framework there were few comparable figures from the previous year and only some targets had been set for the current year. There were only a few quarterly figures to report, which were noted by the Committee, as a large number of the indicators were collected annually. The overall results were positive. On NI 180 and 181, which were Housing Benefit indicators, figures had been taken from the data supplied to the Department of Work and Pensions (DWP), but the accuracy of the data could not be guaranteed because of difficulties with the scan data. This was a national problem which the DWP were working with software companies to resolve. On NI 192, the amount of kerbside household recyclables had reduced in July, as a number of residents of the borough had been away on holiday.

**RESOLVED that –**

- i) **it be recorded that the Committee is content with the progress on the National Indicators; and**
- ii) **it be noted that targets are to be set once baseline figures are available.**

356. PRIORITY INDICATORS OF PERFORMANCE 2008/09 – SECOND QUARTER PROGRESS REPORT

The Committee noted the second quarter position for 2008/09 in the ten priority indicators of service delivery performance that formed the basis of more detailed scrutiny.

Ten National Indicators (NI)'s had been chosen by the Committee at its meeting on 29 May 2008 as priority indicators. As this was the first year of a new framework, there were only some comparable figures from the previous year and not all targets had been set for the current year. Data for a number of the indicators was collected annually and therefore some figures could not be reported on a quarterly basis.

On NI 155, on the number of affordable homes delivered, difficulties in the housing market were affecting schemes that had been expected to be delivered in 2009/10 and 2010/11. Registered social landlords were reluctant to make commitments, particularly on private sites and some Section 106 Agreements had therefore not been completed. The Government had announced an initiative on affordable housing schemes but had not supplied details of how this would be carried out. Nevertheless, the Council was still on track to achieve its medium term target. The Committee was pleased to note the excellent sustained performance on processing planning applications (NI 157) and the downward trend for serious acquisitive crime (NI 16).

**RESOLVED that –**

**it be recorded that the Committee is content with the progress on the new Priority Indicators.**

357. CAPITAL STRATEGY

The Committee considered a proposed revised Capital Strategy (set out at Appendix 'E') which showed the changes to the current Strategy. The current strategy had been approved by Council on 19 October 2006. The Capital Strategy set out how the Council evaluated and managed its capital programme and was periodically reviewed to ensure that it was still consistent with Council policies and reflected current developments. Officers had made some minor changes to ensure that the document remained up to date, mainly relating to updated references to other strategy documents. Latest performance indicator data had also been included. At Appendix 1 of the strategy on Statistical and Financial Information, the figures regarding the maintenance backlog for non-housing stock were not available, because the analysis of the new programme had not yet been completed. However, all Category 1 works had been completed and Officers were satisfied that the stock was in good condition. While the information relating to the former Best Value system of performance measurement had been deleted from the strategy, this did not mean that services and the ways in which those services were delivered, would not be regularly reviewed. The Committee noted that details of all Council assets were broken down individually in the Asset Register. The Council's Asset Management Plan would be presented to a future meeting of the Economic Development Committee.

**RECOMMEND that –**

**the Capital Strategy as set out at Appendix 'E' be approved.**

358. MODEL CODE OF CONDUCT FOR MEMBERS

The Committee considered a response to a Government consultation on revisions to the Code of Conduct for Members.

The Code of Conduct for Members had been revised in May 2007 and the Government believed that the time was now right to consider how well the Code had functioned in practice and whether any further revisions were required. The Government had drawn up proposals following discussion with the Standards Board for England and these were contained in the Consultation Paper 'Communities

in Control: Real People, Real Power - Codes of Conduct for Local Authority Members and Employees'. Response was requested by 24 December 2008.

Issues covered in the Consultation Paper included whether the Code should apply to Members when they were not acting in their capacity as Members, criminal offences and the Code, and registration of gifts. Breach of the Member Code would not necessarily constitute a breach of a professional Code of Conduct.

The Committee considered whether it should always be the case that investigations of alleged breaches of the Code should have to be delayed until after criminal proceedings had been concluded, in the event that a Member was the subject of both Code and criminal misconduct investigations. It was noted that there may be circumstances in which an alleged breach of the Code should be investigated before criminal proceedings, as the criminal legal process could often take years. Equally, there may be circumstances where it would be appropriate for the Code related investigation to take place after the criminal proceedings. It was agreed that there should be no rigid rule preventing proceedings under the Code, provided that the police agreed that it would not prejudice their own investigation and that a finding that the Member had breached the Code of Conduct was not taken as proof that a criminal offence had been committed.

Currently, a Member was required to register an interest in a person or body (which included private and public limited companies) where they had shareholdings with a nominal value of £25,000. This did not reflect the Member's real level of financial interest, as the market value of the shares could be substantially higher or lower. If the registration was based on the market value it would be difficult for the Member to establish whether they needed to declare an interest, as the market value was continually changing. It was therefore agreed that establishing a suitable percentage of total issued capital was a more appropriate threshold for declaring an interest than a nominal share value figure.

The Member's register of interests was available to the public for inspection, but was not published on the Council's website, as this was considered to be excessive publication.

**RESOLVED that -**

**the comments set out at Appendix 'F' be forwarded to the Department for Communities and Local Government as the Council's response to the Consultation Paper, in respect of proposed changes to the Model Code of Conduct for Members.**

359. MODEL CODES OF CONDUCT FOR EMPLOYEES

(Ref: Minutes of Corporate Management Committee 30 September 2004, page 342, para. 249).

The Committee considered a response to a Government consultation on two proposed statutory Codes of Conduct for local government employees.

Under Section 82 of the Local Government Act 2000, the Secretary of State was given the power to issue a mandatory Code of Conduct for local government employees. If a mandatory Code was issued, the terms of appointment or conditions of employment of relevant local government employees would be deemed to include it. Breach of its terms would then be enforced through the local authority's normal disciplinary procedures.

In August 2004 the Secretary of State had issued a draft Code for consultation, which had been reported to the Committee in September 2004. A number of comments had been made by Runnymede and other authorities. However, in the event the Secretary of State had not introduced a Code. The Department for Communities and Local Government had now embarked on a new consultation which was contained within the same Consultation Paper which included proposals for revisions to the Member Code of Conduct as referred to above and considered in the previous Agenda item. The Council had for many years had its own Code of Conduct for its staff, which was more extensive than the Government's proposals. The underlying principles were, however, similar in many respects.

The Government now proposed to introduce two Codes of Officer Conduct, one for all local government employees, (the first tier code), and one which would only apply to more senior employees, with a qualifying threshold (the second tier code). The two tier code principle was not supported by the Committee, which considered that the same ethical standards should apply to all employees. The first tier code, as currently drafted, duplicated statutory requirements, which was

unnecessary. The Government also proposed to include in the first tier code a provision requiring Officers to report breaches of the Code by other Officers (known as "whistleblowing"). The Committee considered this to be excessive as a similar provision had been removed from the Member Code and employees should be subject to no higher standard than that required by law or the code of their professional body. It was agreed that if two tiers were to be introduced, politically restricted posts should be subject to the second tier code, rather than using any other means of qualifying threshold.

It was agreed that authorities should not have to incorporate the exact words of the employees code into contracts of employment. It was noted that civil servants did not have to register their interests and the Committee did not support the Government's proposals for a register of interests for particular categories of local government employees, as it could see no reason why Officers in local government should be treated differently to civil servants.

**RESOLVED that -**

**the comments set out at Appendix 'G' be forwarded to the Department for Communities and Local Government as the Council's response to the Consultation Paper, in respect of the proposed Model Code of Conduct for Local Authority Employees, subject to the paragraph relating to a proposed register of interests for qualifying employees being revised by Officers to reflect the fact that such a register is not supported by the Council.**

360. LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2007

The Committee considered its policy in relation to local discretionary powers relating to the Local Government Pension Scheme Regulations 2007.

The Local Government Pension Scheme regulations required each local authority to publish and keep under review a written policy statement on how it would apply its discretionary powers in relation to certain provisions of the scheme. Four policy statements relating to Regulations 12, 13, 18 and 30 required review as a result of the implementation of the new scheme from 1 April 2008. The introduction of the new scheme did not require the Council's existing policy statements to be reviewed, but it seemed an opportune time to do so.

UNISON had noted with concern that the Council was not considering any changes to its policies with regard to Regulations 12, 13 and 30 and considered that more flexibility might benefit a number of staff reaching the end of their careers and for a comparatively modest outlay, also assist the Council with succession planning.

Regulation 12 – Power of employing authority to increase total membership of active members.

This provision enabled a local authority to award up to 10 years of additional pension scheme membership.

Under Regulation 52 of the previous scheme the Council had decided in October 2006, that the discretion to augment scheme membership would not be generally exercised by the authority, but that, in exceptional circumstances, particular cases may be determined by the Corporate Management Committee on their merits, taking into account the particular relevant circumstances and the outcome reported to the relevant policy Committee for information. This discretion had never been exercised and it was difficult to envisage circumstances that would warrant utilisation of this provision. It was agreed that it would be useful, however, to retain this discretion in the unlikely event that it was ever needed to be exercised and that there should be no change to the Council's existing policy.

Regulation 13 – Power of employing authority to award additional pension

This was a new provision that required a policy statement. This provision enabled a local authority to award an additional pension of up to £5,000 a year to a scheme member, payable from the same date as the normal pension.

The cost of awarding additional pension was substantial and varied according to the age and service of the individual and actuarial calculations. However, as a broad guide, for a 45 year old man, the cost of purchasing an additional £250 pension would cost the employer £2,370 as a lump sum payment. It had been suggested that this Regulation could be applied, at the request of an employee, so that a one off merit or performance payment was traded to purchase an additional pension. However, in order to enjoy the tax benefits of this proposal, it would be necessary to create a salary sacrifice scheme and this would require arrangements to be made that were acceptable to Her Majesty's Revenue and Customs (HMRC). An important condition was that it had to be a true salary sacrifice and not just a temporary reduction in pay that could be revoked at any time. It was important that the timing and paperwork for the arrangements were in order. Best practice advice recommended that it would be prudent to set up a pilot scheme and then seek HMRC approval before a scheme was rolled out to the workforce. No other Surrey authority had yet developed such a scheme. Finance staff did not have the resources to give this matter priority at the present time. It was agreed that the matter be kept under review.

It was difficult to anticipate under what circumstances this discretion would be utilised. It would be useful, however, to retain this discretion in the unlikely event that it was ever needed to be exercised. It was therefore agreed that the discretion to award additional pension be not generally exercised by the authority, but in exceptional circumstances, particular cases may be determined by the Corporate Management Committee on their merits, taking into account the particular relevant circumstances and the outcome reported to the relevant policy Committee for information. The matter would be kept under review.

#### Regulation 18 – Flexible Retirement

This provision enabled scheme members, with the permission of their employer, to draw their pension benefits and continue working on a reduced hours or pay grade basis. Three cases had been considered and approved. The policy was a valued facility for both the employer and employee and it was agreed that the current policy be retained.

#### Regulation 30 – Early payment of pension benefits at the request of the member.

This provision gave employers the discretion to allow scheme members to retire voluntarily between the ages of 55-59 with immediate payment of pension benefits. Those in membership of the Local Government Pension Scheme on 31 March 2008 might apply for early retirement from age 50 up to 31 March 2010.

Under previous regulation 31, the former Policy and Resources Committee had decided on 4 June 1998 not to apply a general policy to permit employees to retire voluntarily between the ages of 50 to 59 but delegated to the Chief Executive Officer in consultation with the appropriate Director the power to decide individual cases on their merits and allow voluntary early retirement where this was in the mutual interests of the employer and employee and no net costs fell on the employer. The cost of paying accrued pension benefits early could be substantial and consequently the discretionary provision had rarely been applied. The provision had been used in two cases where the Chief Executive Officer had authorised early payment of pension benefits where the employee fully met the cost and their early retirements were in the mutual interests of the employer and employee. It was agreed that there should be no change to the Council's existing policy.

The Committee noted that similar provisions in respect of these Regulations were in place in other Surrey districts.

#### **RESOLVED that –**

- i) the Council's existing pension policies on power to increase total membership of active members, flexible retirement and early payment of pension benefits at the request of the member, remain unchanged;**
- ii) the discretion to award additional pension be not generally exercised by the authority, but in exceptional circumstances, particular cases may be determined by the Corporate Management Committee on their merits, taking into account the particular relevant circumstances and the outcome reported to the relevant policy Committee for information; and**

**iii) the policy on these discretions be kept under review.**

361. CALENDAR OF MEETINGS 2009/2010

The Committee considered the Calendar of Meetings for the Municipal Year May 2009 - 2010. For ease of reference, a diary schedule of the Committee dates was also submitted. It was now proposed that the Housing and Community Services Committee be moved from 4 June to 16 June 2009 to avoid a clash with the European Parliament and County Council Election date, and that, as a consequence, the provisional Planning Committee meeting be held on 1 July 2009, rather than 16 June 2009. Regarding the Standards and Audit Committee, it was considered appropriate to hold an extra meeting on 9 June 2009 to consider the Statement of Accounts and Governance Statement. At the request of the Chairman of that Committee, it was now proposed that the Standards and Audit Committee meeting in September 2009 be moved from the 8<sup>th</sup> to 30<sup>th</sup> day of that month. An electronic version of the final Calendar, when agreed, would be made available to Members in a format which could be loaded into Outlook.

**RECOMMEND that –**

**the Calendar of Meetings for the Municipal Year 2009/2010 be approved, as attached at Appendix ‘H’ and as set out in diary form at Appendix ‘I’, subject to the meeting of the Standards and Audit Committee scheduled for 8 September 2009, being rescheduled to take place on 30 September 2009.**

362. TEMPORARY APPOINTMENT OF ENVIRONMENTAL HEALTH TECHNICIAN (AIR QUALITY)

The Committee considered a proposed new temporary part-time post to enable the Council to proceed with implementing Runnymede’s Draft Air Quality Action Plan.

Runnymede had statutory duties under the Environment Act 1995. The work carried out in discharging those duties had led to a draft Air Quality Action Plan (AQAP) being developed. Enhanced monitoring was now required, further assessments needed to be carried out and the AQAP implemented. The new postholder would liaise with residents and Ward councillors over the siting of diffusion tubes and the content of the AQAP, implement the AQAP and undertake additional monitoring and further assessment of pollutants with the overall aim of working to improve air quality in Runnymede. A job description was noted by the Committee. There were no resource implications as the Council had successfully obtained funding for this work from DEFRA.

It was agreed that the hours of the post should be for a maximum of 18.5 hours a week or for a minimum of 2 days a week, on Scale 8 (salary range of £14,000 to £16,000 per annum inclusive of employer costs). A casual user car allowance would also be required. The contract of employment would be for a fixed term not exceeding a 23 month period. If the employment period were to be extended beyond 23 months, then the necessary Committee authority would be required. In order to ensure that no redundancy costs would be incurred by the Council, if an extension were to be authorised, there would be a break in employment, followed by a new contract for a further fixed term.

**RESOLVED that-**

**the Director of Technical Services be authorised to appoint a temporary part-time Officer, to assist in the development and implementation of the Air Quality Action Plan, on Scale 8, with a casual user car allowance, for a period not exceeding 23 months, to be funded from the monies granted by DEFRA mentioned in the report.**

363. NOMINATION FOR MEMBERSHIP OF SOUTH EAST ENGLAND ARTS COUNCIL’S REGIONAL COUNCIL

The Committee considered whether to nominate a Member to apply for membership of the South East England Arts Council’s Regional Council.

The Arts Council England South East had a number of immediate vacancies on their Regional Council and several of their Council members were also approaching the end of their term. The South East England Arts Council had accordingly asked all local authorities in the South East whether they would wish to nominate one Member to apply to serve as a member of the South East England Arts

Council's Regional Council. Runnymede fell within the Surrey and Sussex sub-region, and if the Council decided to nominate a Member, that Member would be required to complete an Arts Council application form by 19 December 2008 and would then be contacted shortly afterwards by the Arts Council to confirm the next stage of the selection process. The Arts Council stated that the Regional Council played an important role developing and supporting the already very strong arts sector in the region. The Regional Council decided the allocation of resources in the region, set and agreed priorities, plans and policies for the arts in the South East and championed and raised the profile of the arts in the region and beyond.

**RESOLVED that –**

**Councillor Mrs P I Broadhead be nominated to apply for membership of the Arts Council South East England's Regional Council, subject to clarification of numbers of meetings and arrangements for expenses.**

364. FINANCIAL MONITORING STATEMENT

The Committee considered the latest financial projections for the 2008/09 financial year for corporate and business services. It was noted that there might be an increase in the potential shortfall for Local Land Charges income. Regulations to be made by the Government would increase the charge that could be made for Personal Searches, but the date of this change was unknown.

365. APPLICATION FOR DISCRETIONARY RATE RELIEF

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

The Committee considered an application for discretionary rate relief submitted by a local organisation. The Committee considered the circumstances pertaining to the application and the criteria for the award of discretionary relief.

Having noted the exceptional circumstances of the case, it was agreed that discretionary rate relief should be awarded in full for 2008/09 and at a rate of 50% for 2009/10. The organisation received 80% mandatory relief each year.

**RESOLVED that –**

- i) discretionary rate relief of 20% be granted for 2008/09 (making a total of 100% relief for 2008/09);**
- ii) discretionary rate relief of 10% be granted for 2009/10 (making a total of 90% relief for 2009/10); and**
- iii) no discretionary rate relief be granted for 2010/11.**

366. ORCHARD DAY CENTRE, CHERTSEY - CARE ASSISTANT POST

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraphs 1 and 3 of Schedule 12A to Part 1 of the Act.

The Committee considered a response received from the Surrey PCT to further representations made by Officers regarding funding for the Care Assistant post at the Orchard Day Centre, Chertsey, and approval for a supplementary estimate in respect of the post for 2008/09, in view of the response received.

At its meeting on 1 October 2008, the Committee had considered a reference from the Housing and Community Services Committee which, at its meeting on 10 September 2008, had requested approval for the additional funding required to ensure the continuation of the Care Assistant post at the Orchard Day Centre, Chertsey.

At the 1 October meeting, the Corporate Management Committee had noted that the Surrey Primary Care Trust (PCT) had advised the Council that they were no longer prepared to part fund the Care Assistant post at the Orchard Day Centre. Officers had made representations to SCC to request them to meet the cost of the post. However, this funding source was unlikely as, due to budget cuts of their own, SCC only paid a proportion of the costs of the posts at the other Day Centres and had not included inflation uplifts in recent years. Consequently, Runnymede had now to consider if it wished to meet all the costs associated with the post itself, which would be met from the General Fund. The Committee had considered the consequences of withdrawing the service and noted the resource implications of continuing to fund the post at the Orchard Day Centre. The Housing and Community Services Committee had strongly supported the funding of this post in the event that monies were not forthcoming from either the Health Authority or SCC. The Corporate Management Committee had agreed that Officers should continue to make representations to the Surrey PCT and SCC seeking funding from these organisations for the post and that the approval of a supplementary estimate and provision for subsequent years should be reconsidered by the Committee at this meeting. It was also agreed that the Council would meet the cost of the post in the intervening period.

Officers had undertaken further negotiations with the Surrey PCT and SCC as agreed at the Committee on 1 October 2008. SCC had not been prepared to make any funding available for the post. However, the Surrey PCT were now prepared to fund a proportion of the costs of the post for 2008/09, leaving a shortfall to be met by the Council. However, the Surrey PCT had given no guarantees regarding funding in future years, but had stated that they would be contacting the Council on their plans in this regard.

The Committee agreed that a supplementary estimate be approved for the shortfall, to enable the post to continue for 2008/09, and that Officers report further when the PCT had advised the Council of their proposals for future years. As the Care Assistant's post related to the statutory functions of SCC, it was also agreed that Officers should continue to seek funding for the post from SCC in the future.

**RESOLVED that -**

- i) a supplementary estimate be approved in the sum reported for 2008/09, to be met from the General Fund, to ensure the continuation of the post for 2008/09;**
- ii) a further report be submitted to this Committee and to the Housing and Community Services Committee, when the Surrey PCT proposals in respect of the post for future years are known; and**
- iii) Officers undertake discussions with SCC with the aim of obtaining future funding of the post from SCC.**

367. REVIEW OF MAJOR TRANSACTIONS

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

The Committee noted the up to date position regarding disposal of the former Council Offices and Police Station in Addlestone and considered various options for the former Council Offices site. At its meeting on 8 November 2007, the Economic Development Committee had resolved following a full marketing exercise, shortlisting of developers, and clarification of details, that the Director of Administration and Leisure be authorised to conclude negotiations with George Wimpey Homes (West London) Ltd (a subsidiary of Taylor Wimpey) in agreement with the Chairman of the Economic Development Committee and to enter into contracts to complete the sale of the former Council Offices and Police Station. An outline consent had been obtained for 153 residential units on the two sites.

In the light of the downturn in the property market, it had been necessary, shortly after that Economic Development Committee meeting, to seek terms with developers which were substantially different to those agreed at the Economic Development Committee. Officers had, with the agreement of the Police, secured provisional revised terms which represented excellent value, particularly in the

current market. A form of contract based on these revised terms had been settled to a state suitable for exchange in late September 2008. Taylor Wimpey had, however, decided not to exchange, had not accepted these revised terms, and had put forward a further offer. This further proposal had been discussed between Officers and agents acting for the Police Authority and both were agreed that it was unacceptable. Taylor Wimpey had been invited to revise their proposal to offer a guaranteed minimum price but had not done so. Accordingly, the Council was now seeking another purchaser.

The Committee considered a number of options available in respect of the former Civic Offices site. The site could be mothballed and the Council could wait for a substantial recovery in the market. However, there was no certainty of a substantial improvement at any particular point. Empty property rates would have to continue to be paid and the site would have to continue to be protected from vandalism or unauthorised occupation. The Council could carry out a limited marketing exercise amongst the small number of companies that might still be interested in a site of this size, for a substantial flat development, in the current market. However, with the market and general economic uncertainty at a high level, it was agreed that this was unlikely to bring new or better offers. The Committee agreed that the best option, if achievable, would be to obtain a sale at an acceptable value as soon as possible with a developer which had already expressed interest and it was noted that Officers would report further. Further options might also emerge in the changing market and economic circumstances.

The Police Authority did not object to this course of action, provided that the price from any sale was sufficient to give the Police Authority an acceptable return over and above the consideration it would have to pay over to Runnymede as part of the agreement for its new headquarters.

The Committee also agreed that, when appropriate, the former Civic Offices should be demolished. The estimated costs of full demolition and clearance and the costs of more limited clearance, were noted. Demolition costs would normally be able to be obtained from a future developer. The costs of demolition could be met from capital expenditure which, while diminishing capital receipts, would have no impact on revenue spending. Officers would look at ways of utilising the former Civic Offices site in the period between demolition and development. It would be for the Police to determine over the course of a further year, whether they wished to continue to mothball the former Addlestone Police Station, or to demolish it. After a further year, the freehold of the Police Station site would pass to the Council.

**RESOLVED that -**

- i) Officers continue to explore all the options for realising the value of the former Civic Offices site and report back further to Members; and**
- ii) the Director of Technical Services arrange, when appropriate, for the demolition of the former Civic Offices, subject to the agreement of the Chairmen of the Corporate Management and Economic Development Committees.**

Chairman

(The meeting ended at 10.30pm)