

Corporate Management Committee

Thursday 22 July 2021 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors N Prescott (Chairman), T Gracey (Vice-Chairman), A Alderson, D Cotty, M Cressey, L Gillham, J Gracey, M Heath, C Howorth, M Maddox, D Whyte and M Willingale.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr J Gurmin, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425624). (Email: john.gurmin@runnymede.gov.uk)**.
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

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Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

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b) Confidential Information

(No reports to be considered under this heading)

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **MINUTES**

To confirm and sign the Minutes of the meeting of the Committee held on 24 June 2021 (at Appendix 'A').

(To resolve)

Background papers

None

Runnymede Borough Council

APPENDIX 'A'

CORPORATE MANAGEMENT COMMITTEE24 June 2021 at 7.30 p.m.

Members of the Committee present: Councillors N Prescott (Chairman), T Gracey (Vice-Chairman), A Alderson, D Cotty, M Cressey, L Gillham, J Gracey, M Heath, C Howorth, M Maddox, D Whyte and M Willingale.

Members of the Committee absent: None

Councillors D Clarke, R King, M Kusneraitis, P Snow, J Sohi and J Wilson also attended.

FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

MINUTES

The Minutes of the meeting held on 27 May 2021 were confirmed and signed as a correct record.

DECLARATION OF INTEREST

Councillor Cotty had an Other Registerable Interest in respect of the item on the Committee's agenda on the Southampton to London Pipeline (SLP) Project which arose from his appointment as a Runnymede Borough Councillor on the Chertsey Meads Management Liaison Group.

The Council's Monitoring Officer had granted Councillor Cotty a dispensation under paragraph 11.2 of the Code of Conduct for Members to remain in the room when the item on the Southampton to London Pipeline (SLP) Renewal Project was considered and to speak in relation to that item, if called by the Chairman to do so, and participate in the vote. This dispensation applied only for the duration of this Corporate Management Committee meeting.

AGILE WORKING EMPLOYMENT POLICY

The Committee considered a proposed Council employment policy on agile working. An officer project group had been considering the Council's approach to agile working. The group had considered a more flexible approach to work location and working style, the ICT implications, particularly telephony and the potential leasing out of part of the Civic Offices to bring in further income to assist the Council's financial position as well as enhancing joint working with public sector partners. The proposed Agile Working Policy had three categories of worker, namely agile, fixed and mobile and was a policy developed to provide the framework for the employment aspects of agile working. It had been considered by the Council's officer Senior leadership Team and Corporate Leadership Team and by the Human Resources (HR) Member Working Party. Consultation had begun with UNISON with the intention that the policy be introduced formally on 1 April 2022 and that an informal trial of agile working would commence from September 2021.

The layout of the Civic Offices would need to be re-organised to enable hot desking and maximise space utilisation and to take into account that post – Covid, many staff would expect to work partially at home and partially in the building. Agile working benefits included reduced time spent commuting and reduced pollution from travel.

UNISON had been positive about the policy in initial discussions and were seeking the zoning of hot desking so that staff engaged in a particular Council activity were located in the same zone. A Member suggested that not zoning staff according to their work area could have benefits in making staff aware of the work being done by other parts of the organisation. Another Member suggested that the policy should be person orientated and should make provision for those members of staff who might not be able to work from home.

The Committee approved the policy in principle subject to continuing consultation with UNISON and agreed to receive further reports on the outcome of the consultation, any further resource and/or legal implications, an Equality Screening/Impact Assessment and a Privacy Input Assessment

RESOLVED that -

- i) the Policy at Appendix 'B' to the agenda be approved in principle, subject to continuing consultation with UNISON; and**
- ii) the Committee receives further reports on the outcome of the consultation, any further resource and/or legal implications, an Equality Screening/Impact Assessment and a Privacy Impact Assessment.**

2023 REVIEW OF PARLIAMENTARY CONSTITUENCIES

The Committee considered whether a submission should be made on behalf of the Council to the Boundary Commission for England on the proposed revised Parliamentary Constituencies. The Boundary Commission for England (BCE) had published its proposals for the redrawing of the new parliamentary constituencies which would come into effect in 2023. As part of this process the Council had an opportunity to make a submission to the BCE.

The new proposals set out a new constituency containing the Runnymede wards apart from Egham Hythe and Egham Town which would be redistributed to form part of a new Windsor constituency and including four wards from Elmbridge Borough Council. The proposed name of this new constituency was Weybridge and Chertsey.

The Committee agreed that a submission would be made on behalf of the Council to the BCE on the proposed revised Parliamentary constituencies and that the Constitution Member Working Party would meet to define the scope and the framework of the submission. It was also agreed that the Council's Communications section should make the public aware of the review and seek their views through social media and any other appropriate means. Members were also asked to consult with residents in their wards to seek their views on the BCE's proposals. The Council could make representations on the geographical extent of the new constituency and also the proposed name for the new constituency.

The Committee indicated that the Council should oppose the loss of the word "Runnymede" in the proposed new name for the constituency and should oppose the loss of the two Egham wards proposed to be included as part of the new Windsor constituency. The Council would have to put forward proposals which would take into account the effect on neighbouring constituencies. Any proposals submitted would have to stay within the maximum and minimum population totals for each constituency set by the BCE.

RESOLVED that -

a submission be made on behalf of the Council to the Boundary Commission for England on the proposed revised Parliamentary Constituencies.

DISESTABLISHMENT OF PROPERTY ACQUISITIONS SUB-COMMITTEE

The Committee considered a report recommending the disestablishment of the Property Acquisitions Sub-Committee.

At the Annual Council meeting held on 19th May 2021, Council had noted that a report would be made to the 24 June 2021 Corporate Management Committee meeting seeking authority to disestablish the Property Acquisitions Sub-Committee. The function of the Property Acquisitions Sub -Committee, as set out on page 33 of the May 2021 Constitution of the Council, was to consider and approve property acquisitions up to a value of £10M. As any future property acquisitions with a value of less than £10M would be considered and approved by the Corporate Management Committee, the Property Acquisitions Sub-Committee no longer had a function and the Committee agreed that it be disestablished.

RESOLVED that –

the Property Acquisitions Sub-Committee be disestablished.

VOLUNTARY REDUNDANCY SCHEME PROGRAMME

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 report setting out the overall financial position and details of the Council's Voluntary Redundancy initiative with recommendations on how to proceed and details of new posts recommended for addition to the establishment to be funded from some of the savings identified.

As a result of the Covid pandemic, the Council had suffered financial losses which would not be reimbursed by central Government. Savings of £2m would have to be made, either in efficiencies or income generation, in order to maintain a safe and sustainable level of reserves going forward. £1m of savings needed to be made in the current financial year. One way of making a significant amount of the £1m needed was a voluntary redundancy programme.

The Committee noted the results from the recent voluntary redundancy exercise and a table at Exempt Appendix '1' to the report summarising the financial position if officers' recommendations were approved. The Committee agreed to approve the officers' recommendations.

The savings generated by the voluntary redundancy programme would allow reinvestment in key posts and the Committee agreed that the posts set out in paragraph 4.2 of the report be added to the Council's establishment. As an alternative funding stream had been found for two Joint Enforcement Team officers, the resources set aside for those two posts for the next two years would be allocated instead to fund two Parking Enforcement Officers.

Arising out of the voluntary redundancy programme, the Committee authorised consultation to take place on the merger of the Community Development and Community Services Business Units and on a re-organisation of the Chief Executive's Office. A further report would be submitted to the Committee on the outcome of that consultation.

Reviews of the Council's Parking and Green Spaces Business Units were already taking place. The Committee also agreed that reviews be undertaken of key services over the next 6 to 9 months in the service areas as set out in paragraph 3.4 of the report. All of

these reviews would be overseen by the Service and Transformation Member Working Party and reported on to that Working Party and to the Corporate Management Committee.

RESOLVED that –

- i) the results of the recent Voluntary Redundancy initiative and the financial implications, be noted;**
- ii) the list of staff to be informed that their voluntary redundancy applications have been successful or refused on service grounds, be approved;**
- iii) the funding of the costs of the Voluntary Redundancy exercise in the sum reported to be met in 2021/22 from capital resources, be agreed;**
- iv) the full year revenue saving to the General Fund be noted in the sum reported and the net full year revenue saving resulting from the approval of the posts in paragraph 4.2 of the report, be noted; and**
- v) the posts set out in paragraph 4.2 of the report be added to the Council's establishment at a full year cost in the sum reported.**

ADDLESTONE ONE UPDATE

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 report was withdrawn under Standing order 27.7. A revised report would be considered by the Service Chairs Member Working Party and would be submitted to the Corporate Management Committee meeting on 22 July 2021.

BARBARA CLARK HOUSE

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 a report recommending the sale of the Barbara Clark House site to a provider of affordable housing units in accordance with the terms set out in the report.

In January 2020 permission had been given by the Committee enter into a construction contract in respect of the land formerly known as Ashdene House and now known as Barbara Clark House. However, the costs of the construction contract had increased for various reasons which were set out in the report and it was no longer financially viable. Accordingly, the Committee agreed that the construction contract documents should not be signed.

An offer had been received from a provider of affordable housing to buy the Barbara Clark House site and build out the scheme in accordance with the planning permission granted. The terms of the offer made were noted. It was noted that it would not be viable for the Council to build out the scheme. The legal and financial considerations relating to the method of disposal were noted and an external valuer recommendation would have to satisfy the criteria set out in the report in order for the sale to proceed. The Committee agreed that the offer be accepted along with a restriction on the title that any properties developed on the site were only to be used for affordable accommodation.

RESOLVED that –

- i) provided that the external valuer recommendation satisfies the criteria set out in the report, the freehold site of Barbara Clark House be sold for affordable housing to the provider specified for the sum reported along with a restriction on the title that any properties developed on the site are only to be used for affordable accommodation; and**
- ii) upon receipt of the external valuer recommendation, provided that the criteria set out in the report are satisfied, delegated authority be given to the Chief Executive, Corporate Head of Law and Governance and Corporate Head of Assets and Regeneration to sign off the transaction at resolution i) above in consultation with the Leader and Deputy Leader of the Council.**

LEASEHOLD SURRENDERS

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 a report proposing that two commercial leases be surrendered and took into account professional advice provided to Commercial Services regarding these surrenders.

One of the surrenders would allow the Council to achieve a new letting at a rent equivalent to or higher than the existing rental. For the other surrender, the offer by a new company (which had been allowed to trade by the Administrator following voluntary liquidation) to continue in occupation on the terms reported was acceptable, in view of the significant effect on sales resulting from the Covid crisis and the difficulty in letting the unit in the current market.

The revised budget for 2020/21 approved by Members in February 2021 included a provision for bad debt on commercial property allowing unrecovered rent to be offset, thus avoiding the need to draw on the General Fund for transactions such as lease surrenders and the writing-off of rents. The Medium Term Financial Strategy had made a small provision for lost future income on the assumption that any post Covid reletting would be at lower rental levels.

RESOLVED that –

- i) the surrender of the lease for the tenant as specified in the report be agreed in return for the tenant paying the Council a surrender premium in the sum reported and the rent that would have been payable to the end of the original lease term in respect of this tenant be written-off; and**
- ii) the surrender of the lease currently held by the Administrator for the tenant as specified in the report be agreed and all rent that cannot be recovered in respect of this tenant be written-off.**

RECRUITMENT FOR APPOINTMENT OF NEW ASSISTANT CHIEF EXECUTIVE (RESOURCES)

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 the arrangements for the appointment of a new Assistant Chief Executive (Resources). The Appointments Sub-Committee had been unable to make an appointment to this post which administered Runnymede's financial affairs under Section 151 of the Local Government Act 1972. The Committee considered various options for appointing a new Assistant Chief Executive (Resources) and agreed that recruitment should be undertaken on the basis of a more precise job description and person specification based on Finance and Section 151 functions rather than seeking a more generic manager. It was noted that this might result in a need to amend the functions of other senior managers in the Council.

The Council's current Personnel Policies and Standing Orders required, in the case of a Chief Officer appointment, that the Committee appoint an Appointments Sub-Committee. The establishment of the Appointments Sub-Committee approved by the Committee in February 2021 did not specify that it would continue to operate should an appointment not be made and it was agreed that the former Appointments Sub-Committee be disestablished and a new Appointments Sub-Committee be constituted from the newly appointed Members of the Corporate Management Committee following the recent elections. The Committee agreed that the Sub-Committee should consist of seven Members drawn from the membership of the Committee, consisting of 4 Conservative Group Members and one Member from each of the Runnymede Independent Residents' Group, the Liberal Democrat Group and the Independent Group Members of the Council. This satisfied the political balance requirements.

It was agreed that the Sub-Committee would make a recommendation as to the candidate to be offered the position which would be reported to the Corporate Management Committee. Following the assessment process and interviews, a meeting of the Council would consider the recommendation for appointment to the post of Assistant Chief Executive (Resources). The Committee approved the details of the appointment process to be followed as set out in the report. The sum set aside for a consultancy to assist the Council in recruitment could be recouped from the underspend on the full time salary of the existing Assistant Chief Executive (Resources) who had agreed to continue in post on a part time basis.

RESOLVED that –

- i) a sum as reported be set aside to employ an appropriate consultancy to assist the Council in the recruitment of a new Assistant Chief Executive (Resources);**
- ii) the Council appoints a new Assistant Chief Executive (Resources) on the basis of a more precise job description and person specification based on Finance and Section 151 functions rather than seeking a more generic manager;**
- iii) the process for recruitment be noted and approved;**
- iv) the former Appointments Sub-Committee be disestablished;**
- v) a new Appointments Sub-Committee be constituted comprising seven Members and**
 - a) the Appointments Sub-Committee will conduct interviews of suitable candidates after a shortlist has been prepared by appropriate senior**

staff, specialist recruitment and consultancy services and/or other appropriate persons who shall act as advisers to the Sub-Committee;

b) the Appointments Sub-Committee will make a recommendation as to the candidate to be offered the position;

c) the Sub-Committee's decision will be reported to the Corporate Management Committee; and

d) following the assessment process and interviews, a meeting of the Council will consider the recommendations for appointment to the post of new Assistant Chief Executive (Resources).

SOUTHAMPTON TO LONDON PIPELINE (SLP) RENEWAL PROJECT

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A (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 whether to accept the proposal from Esso regarding mitigation of the impact of the Southampton to London Pipeline (SLP) project by way of a series of agreements and noted a report which set out the terms of the agreements in detail.

Esso were renewing a pipeline containing aviation fuel which ran underground from Southampton to London. This renewal was known as the Southampton to London (SLP) project. The pipeline crossed over land that was owned and managed by the Council and in particular, Chertsey Meads. As a landowner, the Council was entitled to be compensated by Esso for laying a new pipeline beneath Council land. The Council had instructed a firm of specialist surveyors to act on behalf of the Council in this matter in order to obtain an appropriate settlement. Officers had negotiated with Esso and had now obtained a final proposal from Esso which was recommended for acceptance. The firm of specialist surveyors instructed by the Council had advised that, in their professional opinion, the terms were the best that could reasonably be negotiated in the market and represented best value.

The Committee agreed to accept the proposal from Esso set out in detail in the report and authorised officers to finalise and approve a Deed of Easement, an Options Agreement and an Environmental Investment Payment Side Letter (EIP) Side Letter. It was also agreed that the Chertsey Meads Management Liaison Group would be provided with a copy of the Minute on this item at the earliest opportunity.

Officers agreed to check on the arrangements for signage associated with the project on Chertsey Meads and advise the Committee. It was agreed that the Leader and Deputy Leader of the Council and the Ward Councillors for Chertsey Meads would receive a communications plan for the project. Officers would advise Members whether a leisure facility on the plan at page 118 of the agenda would still be available during the project and it was agreed that local residents would be advised of a contact person at Esso if they wished to report any concerns in connection with the project.

It was noted that the payment to be received by the Council that was set out in the EIP Side Letter had to be expended on environmental projects for Chertsey Meads. It was suggested by a Member that the Council might consider whether all payments received by the Council arising out of these agreements should be ringfenced for environmental projects.

RESOLVED that –

- i) the proposal from Esso regarding the Southampton to London Pipeline (SLP) as set out in the report, be agreed;**
- ii) the Chief Executive, Assistant Chief Executive and Corporate Head of Law and Governance be authorised to finalise and approve the following documents:
 - a. Deed of Easement**
 - b. Options Agreement**
 - c. Environmental Investment Payment Side Letter (EIP) Letter; and****
- iii) the Membership of the Chertsey Meads Management Liaison Group be provided with a copy of the Minute on this item at the earliest opportunity.**

(The meeting ended at 9.13. p.m.)

Chairman

4. **APOLOGIES FOR ABSENCE**

5. **DECLARATIONS OF INTEREST**

If Members have an interest in an item, please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members are reminded that a registrable interest includes their appointment by the Council as the Council's representative to an outside body. Membership of an outside body in their private capacity as a trustee, committee member or in another position of influence thereon should also be declared. Any directorship whether paid or unpaid should be regarded as a disclosable pecuniary interest, and declared.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or other registrable interest and/or the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. **ADDLESTONE ONE – CLADDING
(STRATEGIC LAND AND PROPERTY ASSETS – ALEX WILLIAMS)**

Synopsis of report:

The purpose of this report is to inform Members of issues which have come to the Council's attention concerning external wall cladding used on the residential blocks which form part of the Addlestone One development, to set out the actions the Council proposes to take to address those issues, to secure approval for the funding necessary to resolve the issues and provide information on the legal background to the issue of cladding on tall buildings.

Recommendations:

- 1. A capital estimate of up to the sum outlined in Exempt Appendix '1' (circulated only to Council Members) be approved to carry out the remedial works highlighted in this report which will be subject to formal procurement process to resolve safety issues and to enable the issue of the EWS1 (External Wall Cladding) certification throughout the Addlestone One scheme to be addressed.**
- 2. Delegated authority be given to the Chief Executive, the Corporate Head of Law and Governance and the Corporate Head of Assets and Regeneration to agree the Action Plan and programme a way forward in consultation with the Leader and Deputy Leader of the Council as outlined in the report which will deliver the desired result to ensure that the safety of our residents is put first and foremost and the scheme is remediated to ensure compliance with legislation.**
- 3. The remedial works will be done on a phased approach to rectify each block in the Addlestone One site with occupied blocks being undertaken first.**
- 4. The Committee agree to waive Contract Standing Orders to maintain the**

current professional team in respect of these works.

5. In accordance with paragraph 1.3 of Committee Responsibilities and the Scheme of Delegation, the decision at 1. above be a delegated function as it cannot be delayed until the next meeting of Full Council in view of the urgent need for remedial works to be undertaken.
6. In accordance with Standing Order 27.8 (b) and with the agreement of the Chairman of the Overview and Scrutiny Select Committee, the Committee is also recommended to resolve that no call-in of the decisions at 1 to 5 above will be effective as the interests of the Council and the Borough would be prejudiced by delay in implementing those decisions in view of the urgent need for remedial works to be undertaken. (The Chairman of the Overview and Scrutiny Select Committee has been contacted to seek his agreement that decisions 1 to 5 above be not called-in).

1. Background

- 1.1 Construction of the mixed use Addlestone One development was completed in two phases during 2017 and 2018 and provides 130,000 sq. ft of commercial space including a 101-bedroom Premier Inn, a Waitrose Supermarket and a 6 screen Cinema (The Light) as well as 213 residential apartments.
- 1.2 The Addlestone One scheme has six residential blocks known as Newchapel House, Witley House, New Wisley House, Warlingham House, Brooklands House and Dunsfold House. All the blocks have a mixture of 1, 2 and 3 bedroom apartments. All the units have generous balconies or an extensive outside terracing set within this high-quality development.
- 1.3 The use of materials to clad the exterior of buildings is a practice which has been in existence for hundreds of years. Buildings are clad for practical and decorative reasons. The types of material used for such purposes has evolved from planks of wood placed on the front of buildings to the use of modern metal and plastic products.
- 1.4 The residential blocks of the Addlestone One development were designed to use cladding for decorative and practical purposes. The cladding which is seen when one looks at the buildings covers insulation material which contributes to the heat efficiency of the buildings.
- 1.5 It should be noted that the Addlestone One development was conceived in the early part of the last decade. Planning Permission was granted in December 2014 and construction started shortly thereafter.
- 1.6 Since the mid-1980s, English building regulations have been based on what is known as a 'performance-based' system. This means that rather than setting out prescriptive rules or lists of banned materials, the regulations outline broad outcomes which buildings must achieve. It is then, theoretically, up to the industry to decide how to meet these standards.
- 1.7 The actual requirement in relation to external surfaces is contained in Regulation B4(1) of the Buildings Regulations 2010, which states that "the external walls of a building shall adequately resist the spread of the fire over the walls and from one building to another having regard to the height, use and position of the building". Performance-based regulations create uncertainty. While the construction industry likes the freedom to innovate what it provides, it also wants to know what it needs to do to comply.

- 1.8 This is where 'Approved Documents' come in. They are the Government's official explanation of how to meet the requirements of the Building Regulations. It is established as a legal principle that no one can be held liable for breaching Building Regulations if they meet the standards in the Approved Documents. For fire safety, the relevant document is Fire Safety Approved Document B. This divided in two volumes, one dealing with dwelling houses (Volume 1) and one dealing other buildings (Volume 2). Blocks of flats are covered by Volume 2.
- 1.9 There are three paragraphs in Section 12 of Approved Document B Volume 2, which deal with the construction of external walls. Essentially, these set out two routes for checking whether materials used on high rises are acceptable. The first of these is known in the industry as 'the linear route' and says effectively that the materials used must meet certain standards. If these standards are met they are acceptable for use. The second route is for materials which do not meet these standards. These, the document says, must undergo large-scale fire safety tests. In summary if materials meet certain standards they can be used to clad buildings.
- 1.10 In paragraphs 12.6 and 12.7 Approved Document B sets standards for external walls and insulation. One paragraph sets the standard for external surfaces and the other for insulation material. These two standards are totally different. Both are set out in a document published by the British Standards Institution titled British Standard (BS) 476.
- 1.11 When the scheme was completed in June 2018 by BYUK it was deemed to have been both compliant with the Building Regulations and had satisfied the guidance in Approved Document B 2006 Edition incorporating amendments which were made in 2010 and 2013.. Although the development received Building Regulations Compliance sign off from independent Building Control inspectors employed by the construction contractor, there is now a question mark arising from a recent façade fire assessment carried out as to whether Regulation B4(1) was in fact satisfied.
- 1.12 It must be noted that the rules applying to external cladding vary depending on whether a building is over or under 18 metres in height and the proximity of that building to another building. The residential blocks located on Addlesone One are under 18 metres in height. For Building Regulations purposes the height of a building is not measured from ground level to roof top but from ground level to the finished floor surface of the highest storey.
- 1.13 In the case of the residential blocks at Addlestone One the product used to clad the exterior of the building is called High Pressure Laminate. High Pressure Laminate (HPL) panels are a form of cladding typically manufactured by layering sheets of wood or paper fibre with a resin and bonding them under heat and pressure. They sometimes include additional chemicals to provide fire retardant properties and are available in a wide range of colours and finishes.
- 1.14 As explained above, when considering the safety of material used on the external surface of a building it is also necessary to consider the insulation material which is used. When determining if the materials are safe it is necessary to consider the performance standards of both products and their interaction. It has been established that the insulation product which was used is a brand product called Kingspan Kooltherm K15 rigid foam board.
- 1.15 After the Grenfell Tower fire, the focus was on removing aluminium composite material (ACM) from buildings over 18 metres. Attention then broadened to take in other types of combustible cladding. The Government's Advice Note 14 (December 2018) contained guidance for building owners on steps to take to tackle non-ACM materials on the external walls of high-rise buildings. Owners

were advised to check “general fire precautions” and ensure that external wall systems were “safe”.

- 1.16 In 2019, lenders began to seek assurance on the safety of external wall systems as a condition of approving mortgage applications. There was concern that flats in high-rise blocks wouldn't represent good security and that owners could be liable for remediation costs. In some cases, surveyors acting for lenders gave flats a value of £0, or significantly less than the asking price if the block did not have a certificate showing compliance with Advice Note 14. An increasing number of mortgage applications were rejected; sales started to fall through.
- 1.17 In response, the Royal Institution of Chartered Surveyors (RICS) led a cross-industry working group to consider best practice in the reporting and valuation of tall buildings within the secured lending arena with a view to agreeing a new standardised process.
- 1.18 The EWS1 process was agreed by the industry in December 2019 –it is described as an “industry-wide valuation process which will help people buy and sell homes and re-mortgage in buildings above 18 metres (six storeys).”
- 1.19 The Grenfell disaster prompted extensive Government and institutional review, including a public inquiry which is still on-going. In January 2020 the Government produced “Advice for Building Owners of Multi Storey, Multi occupied Residential Buildings 2020 (MHCLG (Ministry of Housing, Communities & Local Government) Consolidated Guidance). This document has consolidated several MHCLG Advice Notes, and it sets out the requirements vis-à-vis fire safety for all residential buildings of multi-occupancy, irrespective of the height of the building. It should be noted that previously the focus had been on buildings over 18 metres in height.
- 1.20 It should be noted that following the Grenfell fire there has been no legal requirement imposed on building owners to remove cladding which is unsafe. Rather building owners have been required to review the fire safety of buildings and ensure that they have in place measures to manage the fire safety of their buildings. If building owners establish that unsafe material is present then they should consider actions to address that issue, such as the replacement of unsafe materials. The Council had put in place a fire risk strategy when the buildings were first occupied and have reviewed this in light of developments following Grenfell and information which has come to light following an inspection of the cladding materials used on the buildings.
- 1.21 It is worth highlighting once more that when the scheme was developed, the new legislative requirements were not in place and the current situation did not exist.

2. **Report**

- 2.1 As mentioned above the MCHLG advice in early January 2020 advised that all building owners should seek to review their buildings, with an onus on identifying Aluminium Composite Material, the material used at Grenfell, but other cladding systems as well. Building owners have always had a duty to assess their buildings, identify the potential risks of external fire spread and take appropriate action. External walls of residential buildings should not assist the spread of fire, irrespective of height and it is important to understand both the material used in the external wall constructed and whether the entire system has been designed, installed, and maintained appropriately.
- 2.2 A review of the cladding system in the scheme was undertaken in November 2019, prior to the issuing of revised MCHLG advice and the report was released in January 2020 confirming that the cladding fulfilled the requirements of the

Building Regulations 2010 by following the fire safety guidance given within the Approved Document on Fire Safety mentioned in paragraph 1.8 above. This report was to done to assess the materials in light of revised guidance contained in Fire Safety Approved Document B Volume 2 2019 Edition.

- 2.3 The report concluded that the building works began before December 2018, the previous provisions outlined in Section 12 still applied and that the external surface wall class is sufficient to comply with Building Regulations as the building is not classed as a “relevant building” and is below 18 m so no provisions apply.
- 2.4 The RICS guidance pertaining to the requirement to have an EWS1 for a property was updated in March 2021 for blocks that are five or six storeys where it states that a valuer/lender request an EWS1 where there is known to be ACM, MCM or HPL cladding the facades. When undertaking a EWS1 review it is important to note that an EWS1 is not a safety certificate, it is done on a building-by-building basis taking account of guidance and recent experience from fires both in the UK and overseas. When assessing external wall system, owners should consider height, use and positioning of the building as well as the design and fire protection strategy in situ.

3. **EWS1 Inspection**

- 3.1 As Members are aware the Council agreed Heads of Terms for the sale of Witley House. P A Housing in December 2020, the prospective purchaser insisted upon an EWS1 form. It is assumed that this was because they are borrowing money for the purchase and their lender has imposed this requirement. Due to this issue being replicated across the UK and the demand for this area of expertise it was necessary to waive public procurement rules to appoint industry experts who could undertake the façade assessment and to provide an EWS1 form which indicates the rating achieved.
- 3.2 The EWS1 ratings are classified as A1, A2, A3 and B1 and B2. An “A” rating indicates that the façade comprises of external wall materials that are unlikely to support combustion. The ratings “A1” and “A2” will dictate that there are no remediation works necessary. An “A3” rating indicates that there are balconies present and remediation is required.
- 3.3 A “B” rating applies where combustible materials are present within the external wall. A “B1” rating indicates that although combustible materials are present the fire risk is considered low, and no remediation work is necessary. A “B2” rating indicates that combustible materials are present, and the fire risk is sufficiently high that remediation is required.
- 3.4 The Corporate Head of Assets and Regeneration engaged the services of Harris Associates and Tri-Fire who are experts in External Wall Fire Review. The Committee should note that due to this serious issue and with so many buildings in the country being built with combustible cladding materials there is a considerable shortage of professional expertise in this key area and this could prove challenging moving forward.
- 3.5 In March 2021 both Tri Fire and Harris Associates carried out inspections of the premises known as Witley House. It should be noted that they have so far only undertaken an EWS1 survey for that block and not any of the others but as the scheme was built at the same time with the same material it would be correct to state that the issues that have been identified are present throughout the whole of the scheme and will therefore need to be rectified.
- 3.6 The situation at the Witley House Building / Addlestone One is that the EWS1 rating is B2 and remediation work to the HPL / insulation is required.

- 3.7 The inspection which involved intrusive investigation which included the removal of some panels, has disclosed that HPL cladding along with a Kingspan Kooltherm K15 rigid foam board was used. The HPL product, which is known as a Trespa Meteon cladding product, when combined with the combustible insulation, is immediately considered as not fit for purpose. It is therefore essential that remediation works are undertaken to replace the external wall system with materials that achieved a Euroclass A2 or better fire rating along with fire barrier provision and cavity closures around the openings of the windows. This remediation work will improve the fire rating and reduce the fire risk throughout the scheme and give a compliant EWS1 rating.
- 3.8 The Council's independent Surveyor and Fire Engineer will specifically advise as to whether in their view the Building Regulation was satisfied which would inform the consideration of a claim against those parties who had the responsibility to ensure Building Regulation compliance.
- 3.9 The Corporate Head of Assets and Regeneration obtained validation from the fire engineers on 23rd June 2021 that the architects on scheme had installed the standard Trespa Meteon Cladding which now needs wholesale replacement along with the insulation and cavity closures around the façade openings. Now the Council is aware of the issues it is essential that it puts in place an action plan for the remedial works. The Council will now complete a survey of the whole of the development to ensure that it creates an action plan for the whole of the estate.

4. **Cost of Remediation for Addlestone One**

Recommendation of Way Forward

- 4.1 A survey of the whole of the scheme will need to be undertaken as we have only surveyed part of Witley Block. These surveys will deliver an Action Plan for the Council to put in place for the safety of the residents and thereafter undertake the necessary remediation works to ensure that the scheme is compliant. An essential component is to waive public procurement Standing Orders to bring in the existing external fire consultant and engineers who will guide us through this whole process and advise what the best approach is for the scheme moving forward.
- 4.2 **Estimated Programme**
 July – September - Full surveys done of scheme
 October – November - Detailed specification to be written for remediation
 December – January 2022 - Tender Period
 February – March Tender Evaluation
 April - Award Contract
 May – June – Lead in period for Contractor
 July – Commence on site
- 4.3 The above is an estimated programme which officers will try and adhere to but there are many external factors beyond the Council's control that could accelerate or delay this process. A revised programme will be issued at regular stages as part of the project reporting and be reported to Committee via the Project Status report on monthly basis.
- 4.4 The costs shown in Exempt Appendix '1' (exempt under paragraph 3 of Schedule 12A to Part 1 of the Local Government Act 1972 and circulated only to Council Members) (**Exempt Appendix '1' is at page 71 of the Confidential Part II agenda for this meeting**) are provided as budget estimates only and would be subject to a fully measured and designed solution. Therefore a maximum budget

is being asked for to cover any unforeseen problems and prevent further delays due to the need for further Committee approvals.

- 4.5 Due to specialism of these works, the limited professional firms available and the need to remedy this issue quickly, officers propose to retain the professional team of Harris Associates and Tri Fire currently in place, thereby ensuring the Council deliver these works to an appropriate standard to provide a safe environment for residents. It is also requested that a waiver of Contract Standing Orders be approved to facilitate procurement for the consultancy service for continuity and speed of undertaking the works and achieving a compliant development.
- 4.6 The Committee is requested to approve delegated authority to pursue the appropriate option as we need to move swiftly with these works (please see recommendation 2 above).

5. **Proposal**

- 5.1 The construction works highlighted here will need to be procured either through an appropriate framework or through the OJEU process as the costs of the works meet the threshold requiring the use of such procurement routes.
- 5.2 The works once a contractor has been appointed will be project managed by the newly formed Strategic Land and Property Assets Team and an external project manager to ensure that all the necessary documentation is in place and that the project remains on time and within budget.
- 5.3 The proposal is to follow a phased approach and the Council will be guided by our professional experts as to the best approach. However, the ensuring of occupant safety will be the main driver behind planning works.
- 5.4 Prior to any works commencing, stakeholder engagement will be carried out advising all the tenants and residents whether they are private rented sector or residents who have bought flats what is happening, how long the works will take, and they will be kept up to date throughout the whole process and a communication strategy will be put in place. It is envisaged that this will be done by way of tenants and residents forums and the Council will also have drop-in sessions on a regular basis. The commercial tenants will also be informed.
- 5.5 There will of course be disruption to the area, but the Council will endeavour to mitigate this throughout the works. Occupied blocks will be prioritised in the works programme.
- 5.6 At present the whole of the residential scheme is subject to the fire safety strategy. This is a requirement which applies to residential building owners regardless of whether there are concerns in respect of cladding. It states that a “stay put” policy is adopted for all of the blocks. This means that in the event of a fire in a flat that the occupants of that dwelling will evacuate and request fire service attendance. All other occupants will remain in their flat unless they are threatened by fire and smoke or are advised to evacuate by the fire services.
- 5.7 The “stay put” evacuation policy relies heavily on adequate compartmentation being provided; fire should not spread from one dwelling to another, including by means of the external fabric of the building. Good fire service access is available throughout the blocks and the Fire Brigade is located in Chertsey only 1.4 miles away.
- 5.8 Taking account of the above, the current fire strategy in situ is deemed appropriate by the Council’s appointed fire engineer. In this regard **the fire engineer Tri-Fire have advised that the situation currently is not severe and**

robust measures are in place and there is no need for any additional interim measures such as a waking watch. The fire strategy will remain under review throughout the forthcoming work and if necessary will be altered in light of professional advice received from the Council's appointed fire engineer.

6. Financial Implications

- 6.1 The additional costs of the remedial works, as set out in Exempt Appendix '1', are not currently in the capital programme and will need Committee approval via a capital estimate before it can be included and works can proceed. A sum of the proposed amount would normally require the approval of Full Council. However, given the urgent need for remedial action in this case, the Committee is requested to approve this sum under delegated authority. The Council's estimate for the costs of the works are contained in Exempt Appendix '1', because the Council would wish to ensure openness and transparency in respect of tenders it will receive for these works. There is always concern that if a figure is quoted tenders may reflect this figure and not provide best value for the Council.
- 6.2 This obviously adds an unwelcome, but necessary, additional cost pressure to the capital programme, the funding of which will ultimately come from the sale of the remaining units in the scheme once all the remedial works have been undertaken. In the interim period, internal borrowing using the Council's cashflows will be used (essentially running down the level of investments to compensate) along with the balance of the money set aside in the earmarked reserve set aside for property repairs and renewals. The existing capital programme will also be reviewed and other schemes phased to ensure that the programme remains affordable in the next two years.
- 6.3 Furthermore, the Committee is requested to resolve that the decisions that it takes at this meeting be not called-in and the Chairman of the Overview and Scrutiny Select Committee has been asked for his agreement to this course of action on the basis that the interests of the Council and the Borough would be prejudiced by delay in implementing these decisions (please see recommendation 6).

7. Policy framework implications

- 7.1 The Council at its meeting on 9 February 2017 approved the Property Investment Strategy 2017-2021. The proposed actions in relation to the acquisition of the Development align with the aims and objectives of the Property Investment Strategy.
- 7.2 It is unfortunate that the Addlestone One development does not adhere to current Government advice and it is essential that we put in place an action plan to remedy these aspects with the faulty cladding.

8. Legal implications

- 8.1 As explained in the body of the report the Building Regulations regime for governing such matters was a performance based system. There still remains confusion over what standards materials should have met when Addlestone One was designed and constructed.
- 8.2 Commentators have stated that there was a flaw in people's thinking about how materials will behave when exposed to flame. It was not within the imagination of the industry that a panel could come away and expose the flammable materials behind. The guidance was loose enough that it relied on the industry to see this.
- 8.3 In May 2018, following Grenfell a report authored by Dame Judith Hackitt ("the Hackitt Report") looked at current Building Regulations and fire safety, with a particular focus on high-rise residential buildings. Following the Hackitt Report

the Government announced that it would consult on banning the use of flammable material for cladding on high rise buildings in England; this eventually resulted in the Building (Amendment) Regulations 2018 (SI 2018/1230) (“the Cladding Regulations”) which came into effect on 21 December 2018.

- 8.4 The Cladding Regulations amended the Building Regulations and banned the use of combustible materials in the external walls of high-rise residential buildings. However, the Cladding Regulations, for seemingly arbitrary reasons, only apply to:
- All new residential buildings above 18 metres in height;
 - New dormitories in boarding schools, student accommodation, registered care homes and hospitals above 18 metres; and
 - Buildings where there is ‘material change of use’ that brings an existing building within one of these categories (e.g. conversion from commercial high-rise to residential).
- 8.5 Importantly, the Cladding Regulations did not force building owners to deal with problems with existing residential buildings, or with new residential buildings below 18 metres in height.
- 8.6 The Government has issued what is called the ‘Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings’ (“the 2020 Guidance”). The 2020 Guidance makes it clear that there is “the need to assess and manage the risk of external fire spread applies to buildings of any height”, ignoring the 18 metre limit imposed by the Cladding Regulations.
- 8.7 The 2020 Guidance reminds building owners that “it is also a requirement of the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order) that any purpose-built block of flats – regardless of height – should have an up to date fire risk assessment and appropriate fire precautions in place”. Such requirements are detailed at article 9 of the Fire Safety Order).
- 8.8 Briefly, the Fire Safety Order requires the ‘responsible person’ (often the building management company) to:
- “Take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe” (article 8(2));
 - Undertake “a suitable and sufficient assessment” of fire safety risks (article 9(1)), which should be reviewed regularly and especially if “there has been a significant change in the matters to which it relates including when the premises, special, technical and organisational measures, or organisation of the work undergo significant changes, extensions, or conversions” (article 9(3));
 - Having a fire safety plan and strategy, by ensuring there are arrangements “for the effective planning, organisation, control, monitoring and review of the preventive and protective measures” (article 11(1));
 - Eliminate or reduce risks from dangerous substance (article 12);
 - Ensure there is sufficient fire safety equipment, including extinguishers and alarms (article 13);
 - Ensure there are sufficient and suitable emergency exits, clearly marked (article 14); and
 - Have regular fire safety tests and trained fire marshals, to allow for safe evacuation in the event of a fire (article 15).
 - Failing to comply with any of the safety articles in the Fire Safety Order is a criminal offence and might be punished by a fine and/or a prison sentence.
- 8.9 The Addlestone One project commenced in the early part of the last decade. The Council had in place contracts with the developer of the scheme governing

- construction. That contract would impose a requirement that the buildings be constructed in accordance with legal standards in place at that time. The onus would be on the contractor to ensure that materials met relevant legal standards.
- 8.10 As has been highlighted above there was a lack of clarity prior to Grenfell in the area of cladding materials used on buildings. It is very possible that it could be argued that the materials used in the Addlestone One project met the relevant standards which existed at the time of design and construction. Commentators have stated that there may well be extensive litigation on this subject as the costs associated with replacing cladding are substantial.
- 8.11 The Council is not in a position at this time to determine whether there was a breach of the contractual obligations. Clearly the most important issue at present is to remedy the safety issues which have been identified through the testing which has been carried out. The Council will review the legal position in due course.
- 8.12 Clearly of major concern is the safety of occupants of the residential blocks. As explained above the Fire Safety Order imposes an obligation on the Council to safeguard the well being of residents. The Council has undertaken an assessment of fire safety risks and produced a fire safety strategy. That fire strategy has been reviewed following the tests undertaken by the Council's external consultants and has been stated to be appropriate given the risks which exist at present. It should be borne in mind that due to the design of the residential blocks there are no internal sources of naked flames i.e. no gas appliances.
- 8.13 Given the value of works which will have to be undertaken the Council will have to comply with current procurement legislation. This will require an appropriate specification for the works to be prepared, a suitable contract to be drafted, the works tendered, evaluation of tenders, contract award, mobilisation of the contractor and then commencement of works.
- 8.14 Commentators have indicated that there are hundreds of buildings across the country which are faced with the same problem and therefore there will be pressure in securing a suitable contractor to undertake the work.
- 8.15 The procurement route will be either through a standalone invitation or via the use of a compliant Framework agreement. Officers will select the route which is quickest to secure a contractor.
- 8.16 As Members will be aware this issue is not something which is faced solely by the Council as a building owner. There has been a great deal of publicity around the financial impact that the removal/replacement of cladding will have on occupiers of properties affected by such matters. There has been talk of occupants of flats having to meet the costs via the Service Charges they pay, if such works are deemed to fall within that regime.
- 8.17 In February 2021, the Government announced a series of measures to assist with the costs faced by property owners. It was announced that they will fully fund the cost of replacing unsafe cladding for all leaseholders in residential buildings 18 metres (6 storeys) and over in England.
- 8.18 In the case of buildings below 18 metres high, which the Addlestone One blocks are, there is a scheme which will pay for cladding removal – where it is needed – through a long-term, low interest, Government-backed financing arrangement. Under the scheme, no leaseholder will ever pay more than £50 a month towards the removal of unsafe cladding. This will provide reassurance and security to leaseholders, and mortgage providers can be confident that where cladding removal is needed, properties will be worth lending against.
- 8.19 In addition to the scheme which has been announced by the Government the Council can consider alternative options. Given that the buildings are assets

which belong to the Council and it is obliged to take steps to protect the value of its assets it may consider meeting that cost itself and not recovering it from occupants.

- 8.20 As highlighted in paragraph 8.10 and 8.11 above there is a debate going on as to whether contractors may have breached the terms of construction contracts with regard to the materials which were used. The Council will obviously explore this issue. If, and it must be stressed that at this time there is no evidence to suggest such a breach did occur, it were established a breach did occur the Council would seek to recover the costs of remedial works from any party who was shown to have breached their contractual obligations.
- 8.21 The emphasis at the present time is on ensuring the safety of occupants and undertaking appropriate work as speedily as reasonably possible. The issue of addressing what if any costs may be sought from residents will have to be undertaken in parallel to the remediation works and will be the subject of future reports to this Committee.
- 8.22 Furthermore, the Committee is requested to resolve that the decisions that it takes at this meeting be not called-in and the Chairman of the Overview and Scrutiny Select Committee has been asked for his agreement to this course of action on the basis that the interests of the Council and the Borough would be prejudiced by delay in implementing these decisions (please see recommendation 6).

9. **Conclusion**

- 9.1 In light of the outcome of the testing undertaken by the Council an appropriate remedial action plan will be put in place in line with the cost highlighted in this report and works will be procured and commenced as soon as possible thereby ensuring that the Addlestone One scheme is compliant with Government guidance on EWS1 and our residents can live in a safe environment.

(To resolve)

Background Papers

None stated

7. **CONSIDERATION OF MATTERS RAISED BY OVERVIEW AND SCRUTINY SELECT COMMITTEE CONCERNING CALL- IN OF DECISION – APPOINTMENTS TO OUTSIDE BODIES (MARIO LEO – LAW AND GOVERNANCE)**

Synopsis of report:

At its meeting on 8 July 2021 the Overview and Scrutiny Select Committee considered a call-in of decisions made by this Committee at its meeting on 27 May 2021. The recommendations of the Overview and Scrutiny Select Committee are set out below. The Officers' recommendations are also set out below.

Overview And Scrutiny Select Committee's Recommendations:

- 1. The contested outside body appointments set out in Appendix 'C' be determined in accordance with the Standing Order 39.6 on pages 161 and 162 of the May 2021 Constitution of the Council.**
- 2. For future outside body appointments an External Appointments Sub-Group be convened which will make recommendations on the appointments to the Corporate Management Committee for decision.**

- 3. For future outside body appointments Council representatives on outside bodies be required to report back to the Council on their attendance and on the activity of the outside bodies to which they were appointed by the Council.**

Officers' Recommendation:

If the Corporate Management Committee approves recommendation 3 above, the Constitution Member Working Party makes recommendations on the arrangements to be put in place for Council representatives on outside bodies to report back to the Council.

1. Context of Report

- 1.1 Call-in of a decision is a procedure available to the Overview and Scrutiny Select Committee which prevents implementation of a decision of a policy Committee until it has been considered further.
- 1.2 A call-in has been received on 1 June 2021 from two Members of the Runnymede Independent Residents' Group, namely Councillor A Alderson and Councillor S Williams. This call-in is set out in Appendix 'B' attached.
- 1.3 After the call-in was received, in order to prevent any delay in appointments being notified to those bodies for which appointments were uncontested at the Corporate Management Committee, the Leader of the Runnymede Independent Residents' Group agreed that the call-in would only apply to those outside body appointments that were contested.
- 1.4 The call-in, as revised at paragraph 1.3 above, has been considered by the Overview and Scrutiny Select Committee at its meeting on 8 July 2021 and the recommendations of the Overview and Scrutiny Select Committee and the officers' recommendation are set out above.

2. Report

- 2.1 The Overview and Scrutiny Select Committee noted the response of Officers to the issues raised in the call-in and at the Corporate Management Committee meeting on 27 May 2021.
- 2.2 The Committee discussed the way in which contested appointments (i.e. those appointments where more than one nomination was received) had been considered at the Corporate Management Committee meeting on 27 May 2021. It was confirmed that advice had been given at the meeting on 27 May 2021 that if a Member who had been nominated for an external appointment wished to speak in support of their own nomination for an appointment to an outside body they could not do so.
- 2.3 Members at the meeting on 27 May 2021 had interpreted the advice given at paragraph 2.2 above to mean that no speech could be made in support of a nomination to an outside body. The Overview and Scrutiny Select Committee noted that a speech could be made by another Member who was proposing the nomination, but not by the Member who was nominated.
- 2.4 Some Members at the Overview and Scrutiny Select Committee meeting considered that the arrangements for speaking described at paragraph 2.3 were satisfactory. Other Members at the Overview and Scrutiny Select Committee meeting considered that the Member nominated should be able to speak in support of their nomination – those Members who were of this view were advised that they should seek support of other Members for that matter to be considered by the Constitution Member Working Party.

- 2.5 Some Members at the Overview and Scrutiny Select Committee considered that a nomination for a person to represent the Council should be able to be made by a Member who was not a Member of the Corporate Management Committee. The Committee was advised that the legal position on this was not clear and the Corporate Head of Law and Governance was requested to investigate and report back by email.
- 2.6 The opinion of the Overview and Scrutiny Select Committee was that as Members at the meeting of the Corporate Management Committee on 27 May 2021 had not been clear about the procedure to be followed in respect of contested appointments to outside bodies, the contested outside body appointments listed in Appendix 'C' should be considered again at this meeting and be determined in accordance with Standing Order 39.6 (see recommendation 1 above). An Addendum to this report will be circulated to all Members which will set out in detail the procedure to be followed, if the Corporate Management Committee approves this recommendation.
- 2.7 If, however, the Corporate Management Committee does not approve recommendation 1, it will then confirm the appointments which were made on 27 May 2021 which are set out at Appendix 'D'.
- 2.8 The Overview and Scrutiny Select Committee also recommends (see recommendation 2 above) that for future outside body appointments an External Appointments Sub-Group be convened (this could meet remotely as it would not be making decisions) which will make recommendations on the appointments to the Corporate Management Committee for decision. This recommendation is made as the Corporate Management Committee has a large volume of business to consider and more time is needed to consider this item in future in view of the greater number of nominations being made by the different groups on the Council.
- 2.9 The Overview and Scrutiny Select Committee also recommends (see recommendation 3 above) that for future outside body appointments Council representatives on outside bodies be required to report back to the Council on their attendance and on the activity of the outside bodies to which they were appointed by the Council. If the Corporate Management Committee approves this recommendation, then it is also recommended that it approves the officer recommendation set out above, so that this matter will be considered by the Constitution Member Working Party.

(To resolve)

Background papers

None

Runnymede Borough Council – Call-In Request Form

1. Decision to be called in: (Required)

Item 9, Corporate Management Committee, Thursday 27th May 2021 - Appointments to Outside Bodies (Law and Governance)

2. Which of the principles of decision making in Article 12 of the constitution has not been applied? (Required)

Required by Standing Order 27.8 (a) and Section 12(a) of the Overview and Scrutiny Procedure Rules within the constitution – Tick all that applies:

(a) Proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) Due consultation and taking of professional advice from Officers;	X
(c) Respect for human rights;	
(d) A presumption in favour of openness;	X
(e) Clarity of aims and desired outcomes;	X

3. Desired outcome

(a) The Overview and Scrutiny Committee to refer the decision back to the decision making Committee or Sub-Committee for reconsideration, setting out in writing the nature of its concerns.	
(b) The Overview and Scrutiny Select Committee refer the matter to full Council with any comments and recommendations it wishes to make.	X

4. Evidence which demonstrates the decision in question was not made in accordance with Article 12 or that Council Policy or legal requirements have been disregarded when the decision was made:

Required by Standing Order 27.8 (a) and Section 12(a) of the Overview and Scrutiny Procedure Rules within the constitution

There was no advance indication before this CMC stating what the process for this item would be. Due procedure was not followed as not every person selected was proposed and seconded. At least one name was proposed on the night and was not contained in the original agenda papers which also omitted the name of Cllr Robert King. No information was given on any nominated candidates and candidates from opposition political parties who asked to speak were not allowed to. The presumption of openness and the others above were therefore breached and the most appropriate candidates were not chosen due to the majority party voting on party lines. (voting going 7 to 4 on all occasions). It therefore follows that this item was decided without full informed consideration and as such the results should not stand and instead be debated properly at full council.

5. Signed: (not required if sent by email)

Cllr Alan Alderson

Cllr Sian Williams

6. Dated: 01/06/2021

- (1) **Air Training Corps (No 398 Squadron) Management Committee – Representative**

Nominations received: Councillor Adams
Councillor R King.
- (2) **Ashford and St Peters NHS Trust (Three Year Term of Office) – Representative**

Nominations received: Councillor Adams
Councillor S Whyte
- (3) **Basingstoke Canal JMC – Member Representative**

Nominations received: Councillor Harnden
Councillor Lewis
- (4) **Egham Chamber of Commerce – Member Representative**

Nominations received: Councillor Balkan
Councillor Williams
- (5) **Egham Chamber of Commerce - Deputy Representative**

Nominations received: Councillor R King
Councillor Prescott
- (6) **Fairoaks Airfield Joint Consultative Committee – Deputy Representative**

Nominations received: Councillor Edis
Councillor Olorenshaw
- (7) **Heathrow Community Noise Forum – Deputy Representative**

Nominations received: Councillor R King
Councillor Sohi
- (8) **Voluntary Support North Surrey (Three Year Term of Office) – Two Representatives**

Nominations received: Councillor Burton
Councillor Clarke
Councillor Prescott

At the meeting of the Corporate Management Committee on 27 May 2021, appointments were contested for seven outside bodies as follows:-

(1) **Air Training Corps (No 398 Squadron) Management Committee**

Representative: Councillor M Adams

(Councillor R King was also nominated as the Council's representative on this Committee. The nominations of Councillors Adams and R King were put to the vote and Councillor Adams received the greater number of votes and was duly appointed)

(2) **Ashford and St Peters NHS Trust (Three Year Term of Office)**

Representative: Councillor M Adams

(Councillor S Whyte was also nominated as the Council's representative on this Trust. The nominations of Councillors Adams and S Whyte were put to the vote and Councillor Adams received the greater number of votes and was duly appointed)

(3) **Basingstoke Canal JMC**

Member Representative: Councillor S Lewis

(Councillor M Harnden was also nominated as the Council's Member representative on this JMC. The nominations of Councillors Harnden and Lewis were put to the vote and Councillor Lewis received the greater number of votes and was duly appointed)

Deputy Representative: Councillor J Gracey

(4) **Egham Chamber of Commerce**

Member Representative: Councillor A Balkan

(Councillor S Williams was also nominated as the Council's representative on this outside body. The nominations of Councillors Balkan and Williams were put to the vote and Councillor Balkan received the greater number of votes and was duly appointed)

Deputy Representative: Councillor N Prescott

(Councillor R King was also nominated as the Deputy representative on this outside body. The nominations of Councillors Prescott and R King were put to the vote and Councillor Prescott received the greater number of votes and was duly appointed).

(5) **Fairoaks Airfield Joint Consultative Committee**

Member Representative: Councillor J Broadhead

Deputy Representative: Councillor R Edis

(Councillor J Olorenshaw was also nominated as the Deputy representative on this Committee. The nominations of Councillors Edis and Olorenshaw were put to the vote and Councillor Edis received the greater number of votes and was duly appointed)

(6) **Heathrow Community Noise Forum**

Member Representative: Councillor C Howorth

Deputy Representative: Councillor Sohi

(Councillor R King was also nominated as the Council's Deputy representative on this Forum. The nominations of Councillors R King and Sohi were put to the vote and Councillor Sohi received the greater number of votes and was duly appointed)

Community Representative: Mr P Conway

(7) **Voluntary Support North Surrey (Three Year Term of Office)**

Representatives: Councillors D Clarke and N Prescott

(Councillor Burton was also nominated as a Council representative on this outside body. The nominations of Councillors Burton, Clarke and Prescott were put to the vote and Councillors Clarke and Prescott received the greater number of votes and were duly appointed)

8. **EXCLUSION OF PRESS AND PUBLIC**

OFFICERS' RECOMMENDATION that –

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection

	<u>Exempt Information</u>	<u>Paras</u>
9.	QUARTER 1 2021-22 PROJECT PORTFOLIO REPORTING	3
10.	PROPOSED REVIEW OF PARKING SERVICES	1 and 3
11.	ENFORCEMENT AGENT COMPANIES – PROPOSED EXTENSION OF CONTRACTS	3
12.	MAGNA SQUARE DEVELOPMENT – COMMERCIAL LETTINGS	3
13.	ADDLESTONE ONE LETTING	3
14.	COMMERCIAL PROPERTY LETTING	3
15.	PAYMENT OF MARKET FACTOR SUPPLEMENT - LAW AND GOVERNANCE POST	1 and 3
16.	CORPORATE FRAUD AND FINANCIAL INVESTIGATIONS	3

Confidential Information

(No reports to be considered under this heading)