

Executive Agenda



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

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20 May 2019

To the Members of the EXECUTIVE

Membership to be confirmed after the Annual Council Meeting

For a meeting of the **EXECUTIVE** to be held on **THURSDAY, 30 MAY 2019** at **7.30 pm** in the New Council Chamber - Town Hall, Reigate.

John Jory
Chief Executive

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Notice is given of the Executive's intention to hold part of its meeting on Thursday, 30 May 2019 in private for consideration of reports containing "exempt" information

1. **MINUTES** (Pages 7 - 12)

To confirm as a correct record the Minutes of the Executive meeting held on 18 April 2019.

2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

3. **DECLARATIONS OF INTEREST**

To receive any declarations of interest.

4. **COMMERCIAL GOVERNANCE: CHANGES TO EXECUTIVE SUB-COMMITTEES** (Pages 13 - 36)

Executive Member: Leader of the Council

To consider proposed changes to Executive Sub-Committees.

5. **APPOINTMENT TO THE BOARD OF THE BANSTEAD COMMON CONSERVATORS** (Pages 37 - 40)

Executive Member: Portfolio Holder for Neighbourhood Services

To consider nominations to the Banstead Commons Conservators and to appoint representatives to fill positions.

6. **PROPERTY ACQUISITIONS**

Executive Member: Portfolio Holder for Property and Acquisitions

To consider any property acquisitions proposed.

A. **ACQUISITION OF FREEHOLD IN HORLEY** (To Follow)

To consider the acquisition of a freehold in Horley.

7. **STATEMENTS**

To receive any statements from the Leader of the Council, Members of the Executive or the Chief Executive.

8. **ANY OTHER URGENT BUSINESS**

To consider any item(s) which, in the opinion of the Chairman, should be considered as a matter of urgency – Local Government Act 1972, Section 100B(4)(b).

(Note: Urgent business must be submitted in writing but may be supplemented by an oral report).

9. **EXEMPT BUSINESS**

RECOMMENDED that members of the Press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. **APPOINTMENTS TO THE BOARD OF THE BANSTEAD COMMON CONSERVATORS (EXEMPT)** (Pages 41 - 48)

Executive Member: Portfolio Holder for Neighbourhood Services

To consider exempt information in relation to the appointments to the Board of the Banstead Commons Conservators.

11. **PROPERTY ACQUISITIONS (EXEMPT)**

Executive Member: Portfolio Holder for Property and Acquisitions

To consider exempt information in relation to these proposals.

A. ACQUISITION OF FREEHOLD IN HORLEY (EXEMPT) (To Follow)

To consider exempt information in relation to the acquisition of a freehold in Horley.

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BOROUGH OF REIGATE AND BANSTEAD

EXECUTIVE

Minutes of a meeting of the Executive held at the New Council Chamber - Town Hall, Reigate on 18 April 2019 at 7.30 pm.

Present: Councillors M. A. Brunt (Leader), G. J. Knight (Deputy Leader), R. H. Ashford, J. E. Durrant, K. Foreman, A. C. J. Horwood, E. Humphreys and T. Schofield.

Also present: Councillors M. S. Blacker and C. T. H. Whinney.

129. MINUTES

RESOLVED that the Minutes of the Executive meeting held on 18 March 2019 be approved as a correct record and signed.

130. APOLOGIES FOR ABSENCE

Executive Members: Councillor Mrs N.J. Bramhall.

Non-Executive Members: Councillor Mrs R. Absalom and Councillor N.D. Harrison.

131. DECLARATIONS OF INTEREST

None.

132. STREET NAMING AND NUMBERING POLICY

Councillor K. Foreman, Executive Member for Planning Policy, invited the Executive to consider replacing the Council's existing Street Naming and Numbering Policy. The Executive was informed that a revised policy, set out in Annex 1 to the report presented, would improve opportunities for naming tributes to the deceased, particularly fallen service personnel.

In response to questions it was acknowledged that the existing policy was not flexible enough. For example, it was silent on naming tributes for service personnel and required a period of 70 years to have elapsed before names based on any deceased individual could be used.

As set out in the report presented, Councillor Foreman explained that a recent tribute to Guardsman James Hill, who had been killed in the Afghanistan conflict in 2009, had required a 'Strong Leader' decision. It was agreed that this had illustrated the inflexibility of the existing policy and had raised concerns amongst Councillors.

The Executive was asked to note that the revised policy removed the time period before which a tribute could be made to fallen service personnel. In order to show appreciation to other notable local residents the revised policy also proposed to reduce the period after which anyone could be recognised for memorial naming

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from 70 to 40 years. In response to questions about the change to 40 years it was highlighted that this allowed time to monitor public sentiment and was based on national guidelines, good practice and peer-research. It was noted that it would always remain possible to take 'Strong Leader' decisions in the event that further flexibility was required for other unknown circumstances.

Councillor Foreman also informed the Executive that the revised policy had been improved to counteract operational issues that had been faced when registering new properties. It was noted that these changes would remove obstructions in Council Tax and Waste Collection which would help to improve operational efficiency in these areas and maintenance of the Council's central address database.

The Executive Member for Planning Policy concluded by noting that the revised policy provided a sound framework for the consideration of future Street Naming and Numbering applications.

RESOLVED that:

- (i) The existing Street Naming and Numbering Policy (dated October 2016) be revoked.
- (ii) The revised Street Naming and Numbering Policy, set out in Annex 1 to the report presented, be adopted.
- (iii) The delegation, set out in the Council's Constitution under Part 3b: Officer Scheme of Delegation (paragraphs 8.13, 8.14 and 8.15), with reference to street naming and numbering be reaffirmed to the relevant Head of Service.

Reason for decision: The existing Street Naming and Numbering Policy (dated October 2016) did not allow for naming tributes to recently-fallen service personnel. Neither did it clarify the Council's operational need to allocate addresses in certain circumstances. The 70 year rule for memorial naming had also exhausted the supply of locally historic and geographically appropriate names.

Alternative options: To retain the existing Street Naming and Numbering Policy.

133. STATEMENT OF COMMUNITY INVOLVEMENT

Councillor K. Foreman, Executive Member for Planning Policy, submitted a report seeking approval for a revised Statement of Community Involvement (SCI).

The Executive was informed that the SCI set out how and when the Council would engage with stakeholders and residents on issues relating to planning, including the determination of planning applications and the preparation of planning policy documents.

It was noted that although the structure of the document had been updated to improve readability, the revised SCI, set out in Annex 1 of the report presented, did not propose any substantive change to the Council's overall approach to, and principles for, consultation and engagement, both of which were considered to remain sound.

It was noted that:

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- The previous SCI had been adopted in October 2013.
- The Council was required to review and, where necessary update, the document every five years.
- Certain aspects of the SCI had been updated to reflect legislative changes. For example, the introduction of new types of planning approvals and new requirements around Neighbourhood Planning.
- The revised SCI reflected the general shift in relation to the Council's approach to customer contact, including an increased use of online services, digital information and social media in order to maximise engagement with residents.
- Planning Enforcement was dealt with briefly in the SCI because this was covered more fully in the Council's Local Enforcement Plan.

During the discussion both the Leader of the Council and the Executive Member for Planning Policy responded to various issues, including questions concerning who and how the Council would consult once a planning application had been submitted.

Councillor Foreman concluded by confirming that the revised SCI provided a clear, but flexible, framework for the Council to meet (and in many cases exceed) the minimum requirements for consultation on planning policies and applications. It was also highlighted that its adoption would ensure the Council met its statutory obligations.

RESOLVED that the revised Statement of Community Involvement (SCI), set out in Annex 1 of the report presented, be adopted and take effect immediately.

Reason for decision: The Council is required to prepare and maintain a Statement of Community Involvement setting out how it will engage the community on planning issues.

Alternative options: To not adopt the revised Statement of Community Involvement or to adopt the documents with specified amendments.

134. EMPTY HOMES POLICY

Councillor G.J. Knight, Deputy Leader and Executive Member for Housing and Benefits, introduced the report as set out.

The Executive was informed that in accordance with the Local Government Act 2012, local authorities had been able to charge a Council Tax premium in respect of properties that had been empty for more than two years. It was noted that the Council had implemented this policy from April 2013, along with other changes to local Council Tax discounts, and had been charging owners of long term empty properties an additional amount equivalent to 50% of their Council Tax liability. In other words, these owners had been paying 150% Council Tax.

Councillor Knight went on to explain that new proposals, permitted under the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, allowed local authorities to increase this additional charge, or premium, to an amount equivalent to 100% of the Council Tax liability. The Executive was also asked to note that where a domestic property had been empty for over five years, the premium could be increased to 200% of the Council Tax charge.

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The Deputy Leader and Executive Member for Housing and Benefits highlighted that the Council was committed to addressing the housing shortage across the borough and explained that the proposals set out in the report presented one way to do this. It was explained that increasing the Council Tax charge for empty properties would help to reduce the number of empty homes by incentivising owners to bring their properties back into use.

The following points were noted:

- As of 9 April 2019, the number of domestic properties that had been empty for over six months was 401. This included all properties that had been empty for at least 6 months, and included 60 which were classed as “long term empty” and were already paying the 50% additional Council Tax premium. It was noted that only long term empty properties would attract the 100% premium.
- As of 9 April 2019, there were 123 empty offices or business premises and 14 empty flats situated above retail outlets.
- The Council’s housing officers were committed to providing help and advice to home owners about letting their properties.
- There were already discretionary powers in place, to reduce the charges as appropriate, where an owner was likely to experience financial hardship as a result of the changes.

It was also noted that the additional Council Tax provided a secondary benefit by raising revenue which would be used to help borough residents.

RECOMMENDED that:

- (i) **The Council agree that from 1 April 2020 homes that have been empty and substantially unfurnished for more than two years and less than five years be charged a Council Tax long term empty premium equivalent to 100% of the Council Tax in addition to their current Council Tax.**
- (ii) **The Council agree that from 1 April 2020, homes that have been empty and substantially unfurnished for five years and more be charged a Council Tax long term empty premium equivalent to 200% of the Council Tax.**

Reason for decision: To help reduce the number of empty homes by incentivising owners to bring their properties back into use.

Alternative options: To not apply an increase or to only apply the increase of 100% to all long term empty properties from April 2020, and to further consider the additional increase in subsequent years in respect of properties empty for five years or more.

135. UPDATE - DEVELOPMENT OF LEE STREET HORLEY SITE

This item was withdrawn by the Chief Executive before the meeting.

136. PROPERTY ACQUISITIONS

There was no business to be considered under this agenda item.

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137. STATEMENTS

The Leader of the Council, Councillor M.A. Brunt indicated that this was the last meeting of the Executive in the Municipal Year and thanked all Members and Officers for their support during the year.

138. ANY OTHER URGENT BUSINESS

None.

139. EXEMPT BUSINESS

There was no exempt business to be considered.

140. UPDATE - DEVELOPMENT OF LEE STREET HORLEY SITE (EXEMPT)

This item was withdrawn by the Chief Executive before the meeting.

141. PROPERTY ACQUISITIONS (EXEMPT)

There was no exempt business to be considered under this agenda item.

The Meeting closed at 7.57 pm

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SIGNED OFF BY	Chief Executive
AUTHORS	Tom Borer, Democratic Services Officer
TELEPHONE	01737 276114
EMAIL	tom.borer@reigate-banstead.gov.uk,
TO	Executive
DATE	Thursday, 30 May 2019
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	Y
WARDS AFFECTED	(All Wards);

SUBJECT	Commercial Governance: Changes to Executive Sub-Committees
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RECOMMENDATIONS
<p>Dissolution of Existing Executive Sub-Committees</p> <ol style="list-style-type: none"> 1. The Property Executive Sub-Committee be dissolved. 2. The Health and Wellbeing Executive Sub-Committee be dissolved. 3. To note that powers previously delegated to the Property Executive Sub-Committee and Health and Wellbeing Executive Sub-Committee revert to the Executive, unless otherwise specified in the following recommendations. <p>Establishment of the Commercial Ventures Executive Sub-Committee</p> <ol style="list-style-type: none"> 4. A Commercial Ventures Executive Sub-Committee be established, with the remit and terms of reference as set out at Annex 1. 5. The shareholder function of the Council with regard to Greensand Holdings Ltd be delegated to the Commercial Ventures Executive Sub-Committee. 6. The shareholder function of the Council with regard to Pathway for Care Ltd be delegated to the Commercial Ventures Executive Sub-Committee. 7. The shareholder function of the Council with regard to RBBC Ltd be delegated to the Commercial Ventures Executive Sub-Committee.

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8. **The partnership function of the Council with regard to Horley Business Park Development LLP be delegated to the Commercial Ventures Executive Sub-Committee.**
9. **The Commercial Ventures Executive Sub-Committee be authorised to agree the incorporation and the proposal of winding up of companies, subject to relevant shareholder agreements, by the Council, to be conducted in accordance with the requirements of the Commercial Governance Framework, as set out in the terms of references of the Executive Sub-Committee.**
10. **The Commercial Ventures Executive Sub-Committee be authorised to agree the following arrangements as part of the establishment of companies by the Council, and in relation to companies, other commercial entities and partnerships thus established to the Council:**
 - **The Articles of Association for the entity.**
 - **The Shareholder Agreement between the entity and the Council, including the initial Business Plan.**
 - **The appointment of Directors of the company, including Non-Executive Directors.**
 - **Any Director Service Agreements**
 - **The appointment of a Company Secretary and Auditor.**
11. **The Commercial Ventures Executive Sub-Committee be authorised to undertake the shareholder function of the Council with regard to future companies established by the Council.**
12. **The Commercial Ventures Executive Sub-Committee be authorised to agree write-off of debts owed by Companies established by the Council to the Council, in consultation with all Executive Members.**
13. **The Commercial Ventures Executive Sub-Committee be authorised to agree Resourcing Agreements for commercial ventures established by, and being established by, the Council to use Council staff and facilities in furtherance of their business.**
14. **The Commercial Ventures Executive Sub-Committee be authorised to agree all matters in relation to the following, in line with the priorities in the Council's Capital Investment Strategy:**
 - **Loan, Grant, and Draw Down agreements with regard to commercial ventures established by, and being established by, the Council.**
 - **Investment in properties.**
 - **Other capital investments.**
 - **Performance of investments.**

These matters to be agreed within a total limit of £25.0m for 2019/20, as allocated in the approved Capital Programme for 2019/2024 for investment in new capital schemes to support delivery of the Corporate Plan, Housing Strategy and Investment Strategy, and henceforth in subsequent financial years within limits to be set and reviewed each year during the service and

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financial planning process, as subject to approval by Executive and Full Council.

Other Decisions and Delegations

15. It be recommended that a Property and Investment Contingency Fund be established, with a value of £1.0m, funded within the £25m that has been allocated in the approved Capital Programme 2019/2024 for investment in new capital schemes to support delivery of the Corporate Plan, Housing Strategy and Investment Strategy, and that principle (vii) should be added to Article 14.3.3 of the Constitution, with the following wording:
 - (vii) decisions on the use of resources from the Property and Investment Contingency Fund of a value of more than £500,000 should be regarded as significant, superseding principles (i) and (iii) for such decisions.
16. It be recommended that the Director of Finance and Organisation be authorised to approve the use of resources from the Property and Investment Contingency Fund for commercial investments in cases where this is judged to be necessary to mitigate the risk of the Council incurring significant financial or reputational costs, in consultation with the Leader, the Chair of the Commercial Ventures Executive Sub-Committee and Executive Member(s) with responsibility for investments and property matters, and that the Officer Scheme of Delegation be updated accordingly.
17. It be recommended that the Director of Finance and Organisation be authorised to approve the use of resources from the Property and Investment Contingency Fund for other capital investments in cases where this is judged to be necessary to mitigate the risk of the Council incurring significant financial or reputational costs, in consultation with the Leader, the Chair of the Commercial Ventures Executive Sub-Committee and Executive Member(s) with responsibility for investments and property matters, and that the Officer Scheme of Delegation be updated accordingly.
18. The Director of Finance and Organisation be authorised to agree, in consultation with members of the Commercial Ventures Executive Sub-Committee, spending on feasibility studies of potential commercial and investment opportunities, having regard to the Commercial Governance Framework which forms appendix 1 to the terms of reference of the Executive Sub-Committee. These matters to be agreed within a total limit of £250k for 2019/20, funded within the approved 2019/20 revenue budget, and henceforth within subsequent financial years within limits to be set and reviewed each year during the service and financial planning process, as subject to approval by Executive and Full Council.
19. All decisions of the Director of Finance and Organisation making determination on the use of resources from the Property and Investment Contingency Fund shall be reported to the Commercial Ventures Executive Sub-Committee at the next meeting where it is practical to do so.
20. To note that the Constitution will be updated by the Monitoring Officer to reflect the dissolution of the Property Executive Sub-Committee and the

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Health and Wellbeing Executive Sub-Committee, as an administrative update.

- 21. To note that the Constitution will be updated by the Monitoring Officer to reflect the establishment of the Commercial Ventures Executive Sub-Committee and its agreed terms of reference as an administrative update.**

REASONS FOR RECOMMENDATIONS

The establishment of a Commercial Ventures Executive Sub-Committee will support the effective and efficient administration of the Council's commercial ventures and investments, in accordance with the Commercial Governance Framework adopted by the Council, following the Executive meeting of 18 March 2019 and following the recommendations of the Commercial Governance Review Member Task Group.

The Commercial Ventures Executive Sub-Committee will conduct all business which would previously have been conducted by the Property Executive Sub-Committee and the Health and Wellbeing Executive Sub-Committee. These Executive Sub-Committees are therefore no longer required.

The accompanying recommendations will support the effective decision making of the Executive Sub-Committee and implementation of decisions made, by allowing for supporting actions to be taken, within clearly defined limits to be set out each year.

EXECUTIVE SUMMARY

In 2016, the Council established a property company (Greensand Holdings Ltd) and a wellbeing and integrated support services company (Pathway for Care Ltd), and a corresponding Property Executive Sub-Committee and Health and Wellbeing Executive Sub-Committee respectively. Subsequent events lead Pathway for Care Ltd to split into the current Pathway for Care Ltd, in which the Council is a minority shareholder, and RBBC Ltd, which is wholly owned by the Council. The Council also entered into Horley Business Park Development LLP.

In 2018, a Member Task Group was commissioned by the Overview and Scrutiny Committee and Executive to undertake a review of the commercial arrangements the Council has established in recent years, particularly in relation to the companies described above.

The findings and recommendations of the task group were considered by the Executive on 18 March 2019, which noted the findings of the task group and agreed the adoption and implementation of the Commercial Governance Framework developed by the task group. The Executive agreed the recommendations of the Overview and Scrutiny Committee, and agreed that the comments of the internal auditors be considered by the Executive Sub-Committee once established.

This report seeks to implement new commercial governance arrangements, in accordance with the adopted framework. As set out in the framework, this report recommends the establishment of a Commercial Ventures Executive Sub-Committee, to exercise the shareholder function for all commercial ventures, to oversee the establishment of, and allocation of Council resources to, any such commercial ventures, in line with the requirements of the framework, and to oversee and decide upon the Council's wider

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investment activities. The report also recommends supporting delegations be established to support the decisions of the Executive Sub-Committee and the Council's commercial ventures.

As identified in the reasons for recommendations, the recommended governance arrangements and establishment of a Commercial Ventures Executive Sub-Committee are thus intended to support the effective and efficient administration of the Council's commercial ventures and general investment activities, in accordance with the Commercial Governance Framework

Executive has authority to approve recommendations 1-14, and 18-21.

Council has the authority to approve recommendations 15-17.

STATUTORY POWERS

1. The Council has the power to set up alternative delivery vehicles to exercise its powers and duties, in keeping with Chapter 1 of the Localism Act 2011.
2. In keeping with Part 2 of the Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Localism Act 2011, the power to set up alternative delivery vehicles is not restricted from the Executive, and is thus an Executive function.
3. As per Procedure Rule 3.1.1.(ii) of the Council's Constitution, the Leader of the Council has responsibility for the discharge of all Executive functions and may delegate these functions to a formally constituted Sub-Committee of the Executive.
4. As per Procedure Rule 4.2 of the Council's Constitution, the allocation of capital is a function of the full Council.
5. Companies and the rights of shareholders are governed by the Companies Act 2006.

BACKGROUND

6. At its meeting of 15 October 2015, the Executive authorised the formation of a Joint Venture Limited Liability Partnership (Horley Business Park Development LLP).
7. At its meeting of 30 June 2016, the Executive authorised the creation of a local authority trading company (Greensand Holdings Ltd) and delegated the shareholder function of the Council with regard to this company to the Property Executive Sub-Committee, which was established for this purpose.
8. At its meeting of 14 July 2016, the Executive authorised the creation of a local authority trading company (Pathway for Care Ltd) and delegated the shareholder function of the Council with regard to this company to the Health and Wellbeing Executive Sub-Committee, which was established for this purpose.
9. At its meeting of 29 March 2018, the Executive authorised changes to the structure of Pathway for Care Ltd, leading to the Council becoming a minority shareholder in Pathway for Care Ltd, and the formation of a new digital monitoring company (RBBC Ltd) which was split from Pathway for Care Ltd. It was intended for the Council to also become a minority shareholder in RBBC Ltd, but in the absence of external

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investment, the company became wholly owned by the Council.

KEY INFORMATION

Commercial Governance Review

10. In accordance with an Executive Resolution on 29 March 2018 (and following a similar request from the Overview and Scrutiny Committee on 7 December 2017), a Member Task Group was set up to undertake a review of governance of the commercial arrangements the Council has established in recent years.
11. The review was led by the Interim Monitoring Officer assisted by an external consultant. The purpose of the review was to examine the experience of the Council's commercial activities to date, to identify lessons learnt to be applied to future commercial activities. The scope of the review was agreed to include Pathway for Care Ltd, RBBC Ltd, Greensand Holdings Ltd and Horley Business Park Development LLP.
12. The task group conducted an evidence led review, focussed on future learning and based on a documentary review of Council/Committee reports, supported by consultation with officers and Members. The findings of the review identified a number of areas of improvement for the Council's commercial governance arrangements, and informed the design of a Commercial Governance Framework. Consultation on the findings and recommendations of the task group was undertaken with the Overview and Scrutiny Committee and the Council's internal auditors.
13. The Executive considered the findings and recommendations of the task group on 18 March 2019, with regard to the comments of the Overview and Scrutiny Committee and the Council's internal auditors. The Executive noted the findings of the task group and the related comments, and agreed the adoption and implementation of the proposed Commercial Governance Framework. The Executive agreed the recommendations of the Overview and Scrutiny Committee, and agreed that the comments of the internal auditors be considered by the Executive Sub-Committee once established.

Changes to Executive Sub-Committees

14. This report therefore sets out recommendations for governance changes to support the Commercial Governance Framework. These include the establishment of a Commercial Ventures Executive Sub-Committee, delegation of powers to the Commercial Ventures Executive Sub-Committee to support its role in managing the Council's commercial ventures and investments, dissolution of the Property Executive Sub-Committee and Health and Wellbeing Executive Sub-Committee, whose roles will be superseded by the Commercial Ventures Executive Sub-Committee, and recording of these changes in the Council's Constitution.
15. The remit and terms of reference for the Commercial Ventures Executive Sub-Committee are set out at Annex 1 of this report. These terms of reference include the incorporation of the Commercial Governance Framework into the decision making process for the establishment of commercial ventures, and the monitoring of their performance, including the Initiation and Planning Checklist, and Execution and

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Closure Checklist, along with the Executive Sub-Committee's role in agreeing the Council's wider investment activities.

16. The terms of reference for the Commercial Ventures Executive Sub-Committee also include information on the expected scheduling of its meetings, its membership, and the information to be reported to it.
17. The Council's shareholder function with regard to Companies owned by the Council, along with the Council's powers to establish companies as alternative delivery vehicles to exercise its powers and duties, fall within the Council's Executive functions. As such, these powers may be delegated by the Executive to a formally constituted Executive Sub-Committee.
18. In addition to the identified shareholder functions, additional powers are delegated to the Commercial Ventures Executive Sub-Committee to support the establishment of commercial ventures. These include the approval of Loan and Draw Down Agreements and Resourcing Agreements between the Council and any companies established, subject to the limitations identified in the recommendations.
19. To support the Executive Sub-Committee's role in managing the Council's investments, powers are also delegated to it to manage these investments in line with the Council's Capital Investment Strategy.
20. As identified above, the roles of the Property Executive Sub-Committee and Health and Wellbeing Executive Sub-Committee would be superseded by the new Commercial Ventures Executive Sub-Committee, and it is thus recommended that these be dissolved. Any powers previously delegated to these Executive Sub-Committees will thereby revert to the Leader and Executive, except where otherwise specified in the recommendations.

Other Delegations and Decisions

21. There are occasions where, in order to operate effectively in a commercial environment, the Council will need to act swiftly to secure or support its investments. As such, the recommended Property and Investment Contingency Fund, will allocate a level of contingency funding which may be used in such circumstances.
22. Power is therefore proposed to be delegated to the Director of Finance and Organisation to approve the use of this assigned funding, in consultation with the identified Members, in such circumstances where a clear expected benefit to the Council can be demonstrated.
23. It is also recommended that the Director of Finance and Organisation be authorised to approve the use of resources, within limits set out on an annual basis, to support the undertaking of feasibility studies on potential commercial and investment opportunities, to in turn support effective decision making with regard to such potential opportunities.

Authority to approve Recommendations

24. Changes to the Executive Sub-Committee arrangements, as detailed within Recommendations 1-14 are within the remit of the Executive as identified in procedure rule 3.1.1. of the Council's constitution.
25. Changes to the delegation of Executive Functions, and recording of these changes in the Constitution, as detailed within Recommendations 18-21, are within the remit of

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the Executive as identified in article 4.2.1 of the Council's constitution.

26. The supporting updates to the Officer Scheme of Delegation and allocation of capital regarding the establishment and use of a Property and Investment Contingency Fund, as detailed with Recommendations 15-17, are subject to the approval of Council.

OPTIONS

27. Option 1 – Dissolve the Property Executive Sub-Committee and Health and Wellbeing Executive Sub-Committee, and establish the Commercial Ventures Executive Sub-Committee, with the identified terms of reference and associated delegations, so as to support the implementation of the Commercial Governance Framework, as adopted by the Executive on 18 March 2019. This is the recommended option as it will support the adopted framework.
28. Option 2 – Make no changes to Executive Sub-Committees and the Council's commercial governance arrangements. This is not the recommended option as it will not support the Commercial Governance Framework adopted by the Executive on 18 March 2019.
29. Options 3 – Request that alternative changes to the Council's commercial governance arrangements and/or Executive Sub-Committees and associated delegations be investigated. This is not the recommended option as these changes would not have received the degree of consultation and consideration as those recommended, and would be unlikely to support the Commercial Governance Framework adopted by the Executive on 18 March 2019.

LEGAL IMPLICATIONS

30. Section 1 of the Localism Act 2011 provides local authorities with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the 'general power of competence'. A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others; i.e. this includes the setting up of companies as alternative delivery vehicles to exercise its powers and duties. In exercising this power, a local authority is still subject to its general duties (such as the fiduciary duty it owes to its rate and local tax payers and to the public law requirements to exercise the general power of competence for a proper purpose).
31. The recommendation of the Commercial Governance Review Member Task Group, including the Commercial Governance Framework, provides a robust process to follow in making decisions as to whether the Council should in the future enter into commercial arrangements, and an effective means for assessing ongoing good governance of Council ventures.
32. Where future commercial ventures are established, the legal implications of these decisions will be considered as part of the decision making process in each case.

FINANCIAL IMPLICATIONS

33. The approved Capital Programme for 2019/20 to 2023/24 includes an allocation of £25M for investment in new capital schemes to support delivery of the Corporate

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Plan, Housing Strategy and Investment Strategy. This report sets out proposals for use of those funds.

34. Where the proposed Commercial Ventures Executive Sub-Committee would make decisions regarding management of existing commercial ventures, establishment of new commercial ventures, Loan, Grant and Draw-Down Agreements, Resourcing Agreements, or management of investments, there would be financial implications which would be considered in each case, and funding decisions made within the limits of delegated authority as set out in this report.
35. Where decisions with financial implications are made, these will be made in accordance with the Council's policies and strategies. These will include the Council's Corporate Plan, Medium Term Financial Plan, Approved Budget and Capital Programme, Outline Capital Investment Strategy, and such updates to these policies and strategies as may be agreed by the Council.
36. For decisions taken with the 2019/20 financial year, the recommended spending limits are with regard to the money allocated in the Capital Programme for investment in new capital schemes to support delivery of the Corporate Plan, Housing Strategy and Investment Strategy, as identified in paragraph 33. In the case that resources are utilised for this purpose during this period, the remaining funding available for these purposes may therefore be reduced, and this will be reflected in the decision making process for any such decisions.

EQUALITIES IMPLICATIONS

37. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
38. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civil partnership status applies to the first part of the duty.
39. The proposed Commercial Ventures Executive Sub-Committee should therefore ensure that it has regard for these duties by considering them through the course of its work.

COMMUNICATION IMPLICATIONS

40. There are no direct communication implications as a result of this report. However, as identified in the Commercial Governance Framework, the proposed Commercial Ventures Executive Sub-Committee should have regard for the Local Authorities (Companies) Order 1995, which sets out the rights for authorities and individual Members to receive company specific information.
41. The Commercial Governance Framework identifies that in applying the

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reasonableness test the Council will apply a presumption in favour of sharing relevant information with individual Members. The presumption (to be confirmed as part of the initial business case/approval should be that companies file full accounts to the Council and publicly (on a voluntary basis if other criteria require a lesser form of reporting).

42. In dealing with any future commercial partners, they should be made aware of the openness requirements of the Council as a Local Authority organisation, in advance of binding agreements being reached.

HUMAN RESOURCES IMPLICATIONS

43. There are no direct human resources implications as a result of this report. However, in making any future decisions, particularly regarding Resourcing Agreements, the proposed Commercial Ventures Executive Sub-Committee should have regard for any human resources implications and should consider these in each case.

RISK MANAGEMENT CONSIDERATIONS

44. All commercial ventures and investment activities contain an element of risk, and the proposed Commercial Ventures Executive Sub-Committee should consider these as part of the decision making process for any future decisions relating to commercial ventures and investment activities.
45. The Commercial Governance Framework requires risk to the Council to be assessed before agreeing to proceed with the setting up of a commercial organisation. The Commercial Governance Framework would form part of the terms of reference of the proposed Commercial Ventures Executive Sub-Committee, and this requirement should therefore limit risk to the authority.

OTHER IMPLICATIONS

46. It is expected that the Council's developing Corporate Plan will have regard to environmental considerations. Where the Council's policies and strategies identify the regard that should be given to the environment, this should be considered by the proposed Commercial Ventures Executive Sub-Committee as part of any decision making it undertakes.

CONSULTATION

47. The report results from the review of the Council's commercial governance arrangements, as conducted by the Commercial Governance Review Member Task Group. As part of this review process, the task group circulated information to and invited input from all Members.
48. The report of the task group was considered by the Overview and Scrutiny Committee on 14 February 2019, and the recommendations of the Committee were considered and supported by the Executive on 18 March 2019.
49. The report of the task group was considered the Council's internal auditors, who provided suggestions to the Executive. The Executive agreed that the comments of the internal auditors would be considered by the Executive Sub-Committee, subject to it being established.

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POLICY FRAMEWORK
<p>50. The recommendations of this report are not in conflict with the Council's Policy Framework.</p> <p>51. All actions undertaken by the Council shall have regard to the objectives of the Council's Corporate Plan and supporting policy framework, unless otherwise specified by statute.</p>
BACKGROUND PAPERS
<p>52. None.</p>

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Commercial Ventures Executive Sub-Committee

Terms of Reference

Background

The Council has established a Commercial Ventures Executive Sub-Committee, which is a Sub-Committee of the Executive established to monitor the performance of, and take decisions on, the Council's existing and potential commercial ventures and other investments. This includes undertaking all functions of the Council as a shareholder under the Companies Act 2006 in relation to those companies or partnerships owned, or part owned, by the Council, except as otherwise specified.

The Sub-Committee will meet quarterly to consider performance information and take decisions regarding commercial ventures and investments, with scope to call additional meetings on as required to deal with emerging business.

The Commercial Ventures Executive Sub-Committee is established with regard to the findings of the Commercial Governance Review of 2018/19, and it shall have regard to the findings of the review in undertaking its functions. In undertaking all matters relating to commercial ventures, it shall conduct these in accordance with the Commercial Governance Framework, which was adopted by the Executive on 18 March 2019. This Commercial Governance Framework forms Appendix 1 to these terms of reference.

Purpose

To consider and take decisions with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council.

To exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.

To monitor and review the performance of commercial ventures undertaken by the Council, and to take decisions on the management of those commercial ventures.

To monitor and review the performance of investment activities undertaken by the Council, and to take decisions on the management of those investments.

Remit

1. To agree the incorporation and the proposal of winding up of companies, subject to relevant shareholder agreements, by the Council, to be conducted in accordance with the requirements of the Commercial Governance Framework, as set out in the terms of references of the Executive Sub-Committee. As identified in the framework, in consideration of these matters, the Executive Sub-

Annex 1 - Executive Sub-Committee Terms of Reference

Committee shall have regard to the 'Golden Rules' of the framework, and shall consider the requirements of the Initiation and Planning checklist on a comply or explain basis.

2. To undertake all functions of the Council as a shareholder under the Companies Act 2006 in relation to companies owned and part owned by the Council, which may include without limitation:
 - To determine Shareholder Agreements between the Council and the companies, including Business Plans.
 - To appoint and dismiss directors of the companies (where power is reserved to the shareholder), including appointment and dismissal of non-executive directors.
 - To agree any Directors Service Agreements and associated remuneration.
 - Appointment and removal of Company Secretaries and Auditors.
 - To agree any resourcing agreements between the Council and the companies for the use of Council staff and facilities and reimbursement for the same.
 - To agree any loan agreements or draw-down of Council financing (subject to funds being made available by Council).
 - To agree any reserved matters required by the Articles of Association or Shareholder Agreement.
 - To agree the Articles of Association or any amendment thereof.

All shareholder functions are to be undertaken in accordance with the Council's Commercial Governance Framework.

3. To agree on behalf of the Council resourcing agreements for companies established by, and being established by, the Council to use Council staff and facilities in furtherance of their business.
4. To agree write-off of debts owed by Companies established by the Council to the Council, in consultation with all Executive Members .
5. To agree all matters in relation to the following, in line with the priorities in the Council's Capital Investment Strategy:
 - Loan, Grant, and Draw Down agreements with regard to commercial ventures established by, and being established by, the Council.
 - Investment in properties.
 - Other capital investments.
 - Performance of investments.

These matters to be agreed within limits approved by the Executive and Full Council as appropriate.

6. To monitor and review the performance of commercial ventures and other investments undertaken by the Council, and to manage those commercial ventures and investments in accordance with the Council's Commercial Governance Framework. As identified in the framework, performance of commercial ventures shall consider the requirements of the Execution and Closure checklist on a comply or explain basis.

Membership

Membership will comprise a minimum of 3 Members, appointed by the Leader of the Council, including the Leader, Deputy Leader and Executive Members with responsibility for finance and investments. As a sub-committee of the Executive, there are no political balance requirements.

Membership will be reviewed from time to time and any changes or further appointments required will be determined by the Leader of the Council.

Only members of the Executive may sit and vote on the Sub-Committee. Substitutes may be permitted at the discretion of the Leader, and must also be members of the Executive.

Additional Members may be invited to attend and speak at meetings of the Sub-Committee, where they can offer expertise and advice to support the work of the Sub-Committee.

Chair

A Chair shall be elected at the first meeting of the Working Group in any Municipal Year.

Quorum

The quorum of the Executive Sub-Committee will be not less than 3 (three) of the appointed members of the Executive Sub-Committee.

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Commercial Governance Framework

Background

1. This Framework is the distillation of lessons learnt from a review of commercial governance arrangements undertaken by a Member Task Group in 2018-19. The objective of this Framework is to set out a best practice template for the set up and delivery of commercial ventures and companies by the Council in future.

Approach

2. The Framework is structured to follow the lifecycle stages of a commercial venture, with elements applying to each stage – initiation: planning: execution: closure.
3. The Framework provides a structured approach against which individual proposals can be assessed on a “**comply or explain**” basis – ie each element must be followed, unless there is a sound and well explained justification for doing otherwise.

Figure 1: Framework overview



Scope

4. This Framework applies to any commercial venture (eg limited company or LLP in which the Council is a shareholder), or another internal or external structure whose impact on the Council is potentially similar to a commercial entity, where the Council’s actual cumulative exposure (by combination of nominal value of ordinary

or preference share capital, loan commitments, payments/remuneration to partners and other exposures) exceeds £100,000 (net of projected income).

5. For as long as the venture is of smaller scale than this threshold (which may be a result of the Council being a minority shareholder) or in a trial phase, discretion can be applied in how the Framework is applied.

Framework: Golden Rules

6. A number of key principles inform the Council's approach to the set up and delivery of commercial ventures. These principles (known as Golden Rules) should be applied before any such ventures are approved on a "comply or explain" basis. Explanations for any non-compliance should be recorded and scrutinised before the venture is approved.
 - (i) The shareholder function for all ventures will be exercised by a single, properly constituted Commercial Ventures Executive Sub-Committee. This may be supported by Member/Officer advisory group(s) where appropriate, for specific ventures, but the Sub-Committee will be the route for all formal reporting and decision making (except where items are taken directly to the Executive or to Full Council).
 - (ii) The structure chosen and related elements (eg shareholdings, employment contracts, other incentives, lines of accountability) must be considered as a whole by the Executive to ensure that there is alignment between incentives of the commercial venture /company and the Council's objectives.
 - (iii) The allocation of Council resources to a venture by the Executive will only occur on the basis of a report containing a completed version of the Initiation and Planning Checklist (Figure 2), with supporting documents as appropriate. Such resources will then only be transferred following execution of appropriate agreements (eg loan agreements).
 - (iv) The Sub-Committee will receive updates from ventures, based on the Execution and Closure Checklist (Figure 3) on a quarterly basis (the level of detail of such updates being proportionate to the scale of each venture). Reporting should capture reasons for decisions and the underlying supporting evidence relied upon.
 - (v) Internal financial reporting (ie to the Council's finance function) will be undertaken monthly, with reconciliation of cross charges and intragroup balances.
 - (vi) Any material changes to the business plan for any venture will be reported to and agreed by the Executive Sub-Committee.

- (vii) There will be strong controls over, and transparency relating to, potential conflicts of interest and related party transactions – covering officers, members, other shareholders, customers and suppliers. The highest risk applies to s151 Officer, Monitoring Officer, Head of Paid Service and Executive members and therefore there is a presumption against the appointment of any of these postholders to a Director role.
- (viii) Business plans will require the early appointment of a Non-Executive Director (or equivalent independent member).
- (ix) Appointment to all roles will be skills led, informed by a documented skills audit.
- (x) The Local Authorities (Companies) Order 1995 sets out the rights for an authority and individual member to receive company specific information. In applying the reasonableness test the Council will apply a presumption in favour of sharing relevant information with individual members. The presumption (to be confirmed as part of the initial business case/approval) should be that companies should file full accounts to the Council and publicly (on a voluntary basis if other criteria require a lesser form of reporting).

Commercial Governance Checklist

7. A practical checklist is set out below, which is based on the suite of Key Lines of Enquiry (KLOE) which were used in the Task Group's review of past commercial ventures, and is therefore grounded in the Council's practical experience. For each line of enquiry it records evidence of compliance (or the rationale for non-compliance).
8. The Checklist has two parts, covering different stages of the lifecycle and therefore to be used at different stages and, most likely, to different governance bodies:
 - **Initiation and Planning:** to be presented to the Executive when a request is made to approve the venture, and hence provides a reference point against which the operation of the venture can be measured.
 - **Execution and Closure:** to be presented to the Executive Sub-Committee on a regular (at least annual) basis, to enable it to discharge its role in monitoring delivery of the venture against the business plan.

Figure 2: Checklist - Initiation and Planning

Requirement	Evidence of compliance (or explanation for non-compliance)
Initiation	
a. How does the project fit with the Council's vision?	
b. What are the objectives of the venture?	
c. What is the Council's appetite for each of the risks involved with the venture? Do we understand the risks?	
d. What are the pros and cons of potential delivery vehicles? Why do we need a corporate entity (if that is what is recommended)?	
e. Why is this the preferred delivery vehicle?	
f. What is the structure of the proposed corporate entity? <ul style="list-style-type: none"> i. Structure (limited company, LLP, other). ii. Other shareholders/partners involved. iii. Capital structure (equity, debt, other). 	
g. What actions have been taken to obtain Member buy in?"	
h. What actions have been taken to obtain officer buy in?"	
i. Is the Council's role in commercial decision making clear?	
Planning	
a. Does the assessment cover relevant criteria including costs, complexity, risks, return on investment?	
b. Is there a robust business case (to a comparable standard to that which an external investor would require)? Does the business case adequately cover?: <ul style="list-style-type: none"> i. Projected income and expenditure, over a reasonable time horizon. ii. A clear view of the amount of financing required from the Council, and other parties, over the same time horizon. iii. A range of scenarios covering both optimistic and pessimistic outcomes, showing the financial impact on the Council in each. iv. Success/outcome measures, translated into KPIs which 	

Requirement	Evidence of compliance (or explanation for non-compliance)
<p>will be reported regularly to the Executive Sub-Committee.</p> <ul style="list-style-type: none"> v. Any other requirements on the Council, eg staff time, office space, or use of other Council assets. vi. Potential tax (corporation tax, VAT, other) and other liabilities arising. vii. How any unexpected losses would be absorbed. viii. Market and other research on which the financial forecasts are based. ix. Any Intellectual Property already possessed or expected to be developed as part of the venture, and clarity over its ownership. x. Resolution/shutdown plans/exit strategy in the event of a significant adverse event. 	
<p>c. What is the proposed governance model?</p> <ul style="list-style-type: none"> i. Role of Chairman of the Board (or equivalent). ii. Composition of the Board (or equivalent), including Non-Executive Director(s). iii. The proposed measures for training and evaluation of performance of the Board. iv. Arrangements for reporting back to the Council: <ul style="list-style-type: none"> i. To officers. ii. To the Commercial Ventures Executive Sub-Committee. iii. To the Overview & Scrutiny Committee. v. Potential constraints on sharing of information with the Council, and ways of addressing them (eg if there is to be a minority shareholder, ensuring that the Articles of Association and/or other documentation allow for full information flow to the Council). vi. Any other governance mechanisms proposed, eg advisory board, stakeholder committee. 	

Requirement	Evidence of compliance (or explanation for non-compliance)
<p>d. Who are the key people involved and how have we satisfied ourselves that their skills and experience are relevant and sufficient?</p> <ul style="list-style-type: none"> i. Identities, skills and experience of key personnel (covering people management, leadership, financial and commercial skillsets). ii. Results of due diligence on key personnel. iii. Assessment of potential conflicts of interest – including any current or expected involvement of related parties/companies. 	
<p>e. What controls will be in place to minimise/mitigate risk?</p> <ul style="list-style-type: none"> i. Procurement and fraud controls. ii. Financial controls (within the Council) to ensure funds advanced are in line with approved limits. iii. Financial controls (within the company/venture) including authorisation of expenditure. iv. Controls relating to other risks arising from the venture. 	

Figure 3: Checklist – Execution and Closure

Requirement	Evidence of compliance (or explanation for non-compliance)
Execution	
a. Is performance, resource and financial information being adequately tracked?	
b. Is the delivery of the project being tracked and monitored and early action being taken to address risks?	
c. What business management reporting processes are in place?	
d. What processes are in place to manage income/sales and to confirm compliance with the agreed business case?	
e. Is financial forecasting reviewed and managed to ensure adequate funding and cashflow available to confirm compliance with the business case? Is there a clear separation between the reports from the company/venture and	

Requirement	Evidence of compliance (or explanation for non-compliance)
the covering analysis by the Council's officers?	
f. What financial controls are in place to ensure expenditure complied with the agreed business case? Have the directors attested that these controls have been complied with during the previous reporting period?	
g. Are processes in place for agreeing changes to the business case (services delivered/sold/finances and resources required)?	
h. Is there assurance that no project creep is occurring? What change control processes are in place?	
i. Have all contracts entered into (since the previous review) been checked for any conflicts of interest, and if any such conflicts arise, have these been resolved and/or made transparent?	
j. What corporate actions/filings have been reported to Companies House since the previous report?	
k. What are the results of the most recent evaluation of Board performance?	
Closure	
a. Was the agreed exit strategy (as set out in the Planning stage) followed? If not, why not?	
b. Has there been a review of the venture, appropriate to the scale of the venture and involving all relevant stakeholders?	
c. Are lessons learnt being captured and implemented?	

Review

9. The Framework and its implementation shall be reviewed regularly and initially no later than 12 months after its adoption to ensure that it is meeting its objective and that lessons learnt drive improvement.

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SIGNED OFF BY	Director of People
AUTHOR	Mari Roberts-Wood, Director of People
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TO	Executive
DATE	Thursday, 30 May 2019
EXECUTIVE MEMBER	Portfolio Holder for Neighbourhood Services

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Appointment to the Board of the Banstead Common Conservators (2019)
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RECOMMENDATIONS
(i) To consider each of the nominations to the Banstead Commons Conservators and appoint two representatives to fill positions that have come to the end of their term and one vacancy.
REASONS FOR RECOMMENDATIONS
To ensure that positions on the Board of the Banstead Commons Conservators are suitably filled.
EXECUTIVE SUMMARY
This report covers the annual appointment of representatives to serve on the Banstead Commons Conservators. Officers have delegated authority to accept those nominations (paragraph 1.12 of Officer Scheme of Delegation). In the event that the number of nominations received exceed the number of vacancies, or where nominations come from non-members the matter is passed to the Executive for determination.
Executive has authority to approve the above recommendations

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STATUTORY POWERS

Representation on outside bodies is made in accordance with Local Government Acts 1972 and 2000.

The appointment of Banstead Commons Conservators is laid down by the Scheme set out in the Schedule to the Metropolitan Commons (Banstead) Supplemental Act 1893.

BACKGROUND

The Council works with several bodies to ensure high standards of care and ensuring effective access to public open space owned by the Council. The Banstead Commons Conservators (BCC) carries out an important role in one of the largest areas being 1350 acres of Metropolitan Common land in the Borough (Banstead Heath, Banstead Downs and Park Downs).

The board consists of eight conservators appointed on a rolling basis and each serving a three year term of office. Historically two have been elected representatives (councillors); one nominated by the London Borough of Sutton, which adjoins the Commons along its northern boundary, and the remainder nominated representatives from the local community. The posts are voluntary and unpaid.

Whilst the bodies nominating conservators has changed over the 125 years since the Commons areas were defined, the position has now settled so that all appointments are made by the Council. The provisions of the Act make it clear that the Council may appoint such persons as it sees fit. There is no stipulation restricting who may be appointed except that someone who is bankrupt or has compounded with his creditors is not eligible.

In January 2015 the Council reviewed the process by which it makes appointments to all outside bodies and the Executive agreed responsibility for the determination of appointments should fall to the Head of Health and Wellbeing in consultation with the relevant Executive Member and respective Group Leaders.

In 2016 in view of the fact that appointments to Banstead Commons Conservators include the nomination of non-members the Executive agreed that the Council should return to the previous approach with regard this particular body, where by, in the event that the number of nominations received exceeds the number of vacancies, or where nominations come from non-members, the matter of appointments should be determined by the Executive.

The Conservators receive grant funding, subject to a Service Level Agreement to help them achieve their objectives.

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KEY INFORMATION

Nominations

Two of the Conservators terms have concluded at the end of March 2019 and one vacancy has come about as an elected representative has stood down. The Executive are asked to determine the three appointments.

The current representatives and the nominations received are set out below. Additional information, including biographical details for each non-elected representative nominee, is set out in the Exempt part 2 section of the Executive's agenda.

Current Conservators and dates their terms expire	Representatives coming to the end of their term in 2019	Nominations	Term
Dr J.H. Peacock (31.03.2019) Mr J. McCrea (31.03.2019) Mr N. Cull (London Borough Sutton) (31.03.2020) Mr R.S. Mantle (31.03.2020) Mr D. Atkins (31.03.2020) Mr V.W. Broad (31.03.2021) Cllr - Vacant (31.03.2021) Mr J.C. Mill (31.03.2021)	Cllr G Curry (standing down from the Board) Dr J.H. Peacock (31.03.2019) Mr J. McCrea (31.03.2019)	Cllr Nadean Moses Dr J.H. Peacock Dr W.S. Bellenger	Three Years

OPTIONS

The Executive have the discretion to decide which nominees to appoint. Alternatively the Executive may ask officers to seek new nominations.

LEGAL IMPLICATIONS

The legal requirements involved in the appointment or election of Conservators have been followed.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the appointments.

EQUALITIES IMPLICATIONS

It is important that appointments to outside bodies are made by the Council in a fair and representative way best suiting the interests and diversity of Borough residents.

COMMUNICATION IMPLICATIONS

The positions have been notified to all Members through Group Leaders. In addition, a

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public notice inviting applications was posted on notice boards across the Commons. The appointments will be publicised on noticeboards across the Banstead Commons and nominees notified of the outcome of the Executive decision.
RISK MANAGEMENT CONSIDERATIONS
None
OTHER IMPLICATIONS
None
CONSULTATION
Details of non-elected representative nominees and accompanying biographical details are set out in the Exempt part 2 section of the Executive's agenda.
POLICY FRAMEWORK
There are no policy implications
BACKGROUND PAPERS
None