

## **Minutes of Cabinet**

**12 December 2017**

### **Present:**

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination  
Councillor A.C. Harman, Deputy Leader and Communications  
Councillor M.M. Attewell, Community Wellbeing  
Councillor M.P.C. Francis, Housing  
Councillor N.J. Gething, Environment and Compliance  
Councillor A.J. Mitchell, Corporate Management  
Councillor O. Rybinski, Customer Service, Estates and Transport  
Councillor H.R.D. Williams, Finance

### **Apologies:**

Councillor C.B. Barnard, Planning and Economic Development

### **Councillors in attendance:**

Councillor S.J. Burkmar  
Councillor S.C. Mooney

### **2428 Minutes**

The minutes of the Cabinet meeting held on 22 November 2017 were agreed as a correct record.

### **2429 Disclosures of Interest**

There were none.

### **2430 Petition about train horn disturbance at Shortwood Common footpath crossing**

Cabinet received a petition signed by 88 residents seeking an alternative solution to trains using their horns as they approach the footpath at Shortwood Common, Staines-upon-Thames.

Mrs Sheila Davies spoke on behalf of the petitioners explaining the effect on both their physical and mental health of being disturbed by train horns throughout the day and late into the night.

Councillor Gething, Portfolio Holder for Environment acknowledged on behalf of the Council, that the noise from train horns was affecting residents who live close to the Shortwood Common pedestrian railway crossing during the day and until late at night. He expressed his sympathy for the residents and commented that although the decision to address the residents' concerns lay with Network Rail, the Council would assist as best it could to ensure the most suitable option was pursued.

Councillor Mooney, as County Councillor for Staines-upon-Thames, spoke in support of the residents' petition.

The Leader, Councillor Harvey, added his sympathies for the residents' situation and confirmed that the Council would do all it could to ensure Network Rail finds a mutually satisfactory solution.

**Resolved** to note the petition seeking an alternative solution to trains using their horns as they approach the footpath at Shortwood Common, Staines-upon-Thames and to keep the matter under review.

**Reason for Decision:**

On its own the Council cannot effect a change in the noise disturbance being caused by train horn soundings. Network Rail is considering alternative options but these will not be scheduled until 2022. They will consider the possibilities for interim measures until then.

**2431 Outline Budget - Key Decision**

Cabinet considered a report on the Outline Budget 2018-19 to 2021-22 which summarised the medium term financial strategy in place designed to generate offsetting income, deliver efficiencies and to mitigate the projected budget gaps.

There were no alternative options considered by Cabinet.

**Resolved** that:-

1. The net budgeted expenditure (before investment and use of reserves) for 2018-19 be set at a maximum level of £11.3m;
2. Cabinet support the overall strategy set out in the report for addressing efficiencies and achieving medium term financial sustainability; and
3. the financial health indicators set out in paragraph 3.21 be agreed.

**Reason for Decision.**

The recommended options set out in the Report will help to ensure the ongoing financial sustainability of the Council.

**2432 \*Supplementary Capital Programme Provision for Asset Acquisitions**

Cabinet considered a report seeking approval for a supplementary Capital Programme provision of £200m for asset acquisitions.

The proposal to increase the borrowing limits was on the basis that the additional borrowing would be prudentially affordable: any borrowing would be fixed long term and used to fund high quality assets generating net revenue surpluses which would more than cover the financing costs.

The proposal would give Cabinet the ability to consider additional investment opportunities above the current limits but in each case Cabinet would receive a detailed evaluation of the business case and risks in order to decide whether to agree to individual investment proposals.

**Alternative options considered and rejected by the Cabinet:**

- Not to agree the supplementary Capital Programme provision.

**Resolved** that Cabinet agrees to recommend that Council:-

1. Approves the supplementary capital estimate for property acquisitions within the Borough of £200m for 2017/18 to support the economic development and well-being of the Borough and investment purposes;
2. Agrees the revised set of prudential indicators which include increasing the operational boundary and authorised limit for external debt by £200m; and
3. Re-confirms the Council's Minimum Revenue Provision policy to ensure prudent provision is made to cover repayment of loans.

**Reason for Decision**

In order to ensure the ongoing financial sustainability of the Council and its ability to provide services to residents in the face of funding reductions and pressures, the Council needs to be able to continue to generate additional ongoing income through making further income generating asset acquisitions.

**2433 Property Investment Strategic Parameters**

Cabinet considered a report seeking approval of Property Investment Strategic Parameters.

The proposed Property Investment Strategic Parameters outlined:

- a. The purposes for which the Council invests in property acquisitions, and
- b. The conditions which must be met for investing for revenue generation and/or social investment purposes.

**Alternative options considered and rejected by the Cabinet:**

- to continue to make investment decisions without any specified parameters

**Resolved:** Cabinet approved the Property Investment Strategic Parameters.

**Reason for Decision**

This document enables the Council to be transparent about the reasons why the Council invests in property acquisitions, and the conditions which must be met for investing for revenue generation and/or social investment purposes.

**2434 Spelthorne's response to DfT's 'Consultation on Revised Draft Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England'**

Cabinet considered a report on Spelthorne Borough Council's response to the revised draft 'Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England'.

The purpose of the draft Airports National Policy Statement was to provide the basis against which a formal proposal for the provision of a new northwest runway at Heathrow would be assessed.

**Alternative options considered and rejected by the Cabinet:**

- The only other option was 'no response' which would not be in the best interests of Spelthorne's residents and businesses.

**Resolved** that Cabinet agrees Spelthorne Borough Council's response to the revised draft Airports National Policy Statement.

**Reason for Decision**

The Council supports the expansion of Heathrow subject to noise, air quality and transport issues being resolved. It is therefore important to respond to these consultation documents as they will influence the way in which detailed proposals for expansion are assessed.

**2435 \*Calendar of meetings 2018-2019**

The Cabinet considered a report on a calendar of meetings for the period from May 2018 to May 2019.

The meetings had been programmed to ensure that the Council makes decisions in a timely way to help with the implementation of its priorities and strategies, as well as fulfilling its constitutional and legal obligations.

**Resolved** to recommend the calendar of meetings for 2018-2019 to Council for approval.

**Reason for Decision**

The calendar of meetings provides a framework for the democratic and decision-making procedures that will underpin the delivery of the Council key priorities.

**2436 Leader's announcements**

The following are the latest service updates from various Council departments.

The Benwell Centre in Sunbury-on-Thames has received £1,300 from Tesco's Bags of Help community grant scheme which raises money from the sale of carrier bags. The Centre applied for funding to help it create a gardening club for its members and residents of Mitchison Court. The money will be used for

all the essential items needed to get the garden up and running, such as tools, plants, seeds, bulbs and a greenhouse.

Following an upgrade, the council's website and intranet forms are being rebuilt. All forms will be recreated by 31 December and comply with the new data protection regulations coming into effect in May.

A number of councillors have donated money from their Better Neighbourhood Grants to buy Christmas gifts for the council's Meals on Wheels clients. London Irish Rugby Club is also donating gifts for these residents and will be delivering them to the Fordbridge Centre on 21 December.

Spelthorne Council has now published its Green Belt Assessment which sets out how areas of the borough are performing against Green Belt criteria. The assessment will form part of the council's evidence for the Local Plan which identifies the needs of the borough in relation to housing, the economy, community facilities and infrastructure.

Council Tax payers who claim the single person discount are being asked to confirm whether they still qualify.

Three local secondary schools were invited to the council offices to learn about parliament and take part in a Commons-style debate, chaired by Kwasi Kwarteng MP. This follows on from October's Junior Democracy Event and quiz which was hotly contested by 11 junior school teams.

ICT is progressing with a network refresh and improving the wi-fi coverage across the council offices. This work is being done at the weekends to minimise disruption.

Procurement and Contract Management have presented a report to the Overview and Scrutiny Committee with recommendations on how the council can increase the amount of goods and services sourced from local businesses.

The Project team is continuing to support a range of projects including a piece of work being carried out with Housing in readiness for the Homelessness Reduction Act which comes into force next April. Work to ensure the council complies with the new data protection regulations being introduced next May is also ongoing.

The Asset team has moved to Room 101 and is helping to set up the 'business incubator', a work space in the council offices for local start-ups. The national waste performance statistics for 2016/17 were published by Defra this week and show that Surrey now has the joint highest recycling rate out of the 32 two-tier areas in England, at 57.7%.

Changes to the Christmas rubbish and recycling collections have been kept to a minimum this year to reduce disruption to residents. Details have been published on the website and in the winter Bulletin.

Neighbourhood Services is reminding residents that there is still time to order a food caddy to arrive before Christmas. Food waste is collected every week and turned into fertiliser and energy. Unwanted textiles and small electrical items are also now collected weekly.

Nine Spelthorne residents have received a day's training in hearing aid maintenance to enable them to provide a basic service for elderly people in their local area. The borough already has three Hearing Champions at the Fordbridge Centre in Ashford and All Saints Church in Laleham.

Meetings have been held to investigate the possibility of introducing Good Neighbour schemes in Laleham Village and Staines, providing help for people who need assistance with transport and day-to-day tasks.

The multi-agency approach to providing 'early help' for families through local hubs has developed and staff have been liaising with the local churches and community groups to progress the project which aims to give support for a range of problems before they escalate.

Shepperton became the first Dementia Friendly Community in the borough earlier in the year and discussions are now underway to use the same model in Sunbury-on-Thames.

Around 200 residents came along to Stanwell's first lantern parade on Saturday 2 December. The parade started at St Mary the Virgin Church and ended outside the Sir John Gibson pub with Christmas carols and the lighting of the Christmas tree. The lanterns came courtesy of workshops held at Town Farm School and Stanwell Youth Centre.

#### **2437 Urgent items**

The Chairman agreed to take an urgent confidential item on the acquisition of property I at the end of the agenda.

The matter was urgent as the Council had only received confirmation of the opportunity to bid after the agenda had been published.

#### **2438 Exempt Business**

**Resolved** to move the exclusion of the Press and Public for the following items in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**2439 Acquisition of Property H - Key Decision**

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

Cabinet considered a confidential report on the acquisition of a site as an investment asset.

Alternative options considered and rejected by the Cabinet:

- Formally agree not to submit a bid

**Resolved** that Cabinet:

1. Approves the acquisition of the investment asset identified in this report;
2. Formally agrees the offer submitted, and authorise the Chief Executive to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);
3. Authorises the Chief Finance Officer to decide:-
  - (i) the most financially advantageous funding arrangements for the purchase,
  - (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable;
4. Authorises the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset; and
5. Agrees to exempt Contract Standing Orders in respect of our advisors.

**Reason for Decision**

It is anticipated that the acquisition of this property will:-

1. bring in a steady income stream for the term of the multiple leases with different durations, and
2. provide an income stream which shall assist in the future ongoing financial stability of the Council.

**2440 Urgent Item - Acquisition of Property I - Key Decision**

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

Cabinet considered a confidential report on the acquisition of a site as an investment asset.

Alternative options considered and rejected by the Cabinet:

- Formally agree not to submit a bid

**Resolved** that Cabinet:

1. Approves the acquisition of the investment asset identified in this report;
2. Formally agrees the offer submitted, and authorise the Chief Executive to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);
3. Authorises the Chief Finance Officer to decide:-
  - (i) the most financially advantageous funding arrangements for the purchase,
  - (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable;
4. Authorises the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset; and

**Reason for Decision**

It is anticipated that the acquisition of this property will:-

1. bring in a steady income stream for the term of the lease and
2. provide an income stream which will assist in the future ongoing financial stability of the Council.

**NOTES:-**

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the “call-in” procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [\*] in the above Minutes.***
- (2) ***Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) ***Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***



- (4) ***To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) ***When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-***
- ***Outline their reasons for requiring a review;***
  - ***Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
  - ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
  - ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 20 December 2017.***