



**Spelthorne
Borough Council**

Council Meeting
Thursday, 25 April 2019



15 April 2019

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held in the **Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames** on **Thursday, 25 April 2019** commencing at **7.30 pm** for the transaction of the following business.

A handwritten signature in black ink, appearing to read 'Daniel Mouawad'. The signature is written in a cursive style and is positioned above the printed name and title.

Daniel Mouawad
Chief Executive

Councillors are encouraged to wear their badge of past office at the Council meeting.

For those Councillors wishing to participate, prayers will be said in the Leader's office starting at 7pm.

AGENDA

| Description | Page nos. |
|--|-----------|
| <p>1. Apologies for absence To receive any apologies for non-attendance.</p> | |
| <p>2. Minutes To confirm as a correct record the minutes of the Council meeting held on 21 February 2019.</p> | 7 - 20 |
| <p>3. Disclosures of Interest To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.</p> | |
| <p>4. Announcements from the Mayor To receive any announcements from the Mayor.</p> | |
| <p>5. Announcements from the Leader To receive any announcements from the Leader.</p> | |
| <p>6. Announcements from the Chief Executive To receive any announcements from the Chief Executive.</p> | |
| <p>7. Questions from members of the public The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 14.</p> <p><i>Note: the deadline for questions to be considered at this meeting is 12 noon on Tuesday 16 April 2019.</i></p> | |
| <p>8. Petitions To receive any petitions from members of the public.</p> | |
| <p>9. Recommendations of the Cabinet To consider the recommendations of the Cabinet from its meeting held on 24 April 2019 on the following item.</p> <p>a) Anti-Fraud, Bribery & Corruption Strategy</p> | To Follow |
| <p>10. Appointment of Independent Persons To consider the report of the Monitoring Officer on the appointment of Independent Persons for four years from May 2019 until May 2023.</p> | 21 - 30 |

- 11. Report from the Leader of the Council**
To receive the reports from the Leader of the Council on the work of the Cabinet at its meetings held on 27 March 2019 (attached) and 24 April 2019 (to follow). 31 - 32
- 12. Report from the Chairman of the Audit Committee**
To receive the report from the Chairman of the Audit Committee on the work of her Committee. 33 - 34
- 13. Report from the Chairman of the Licensing Committee**
To receive the report from the Chairman of the Licensing Committee on the work of his Committee. 35 - 36
- 14. Report from the Chairman of the Members' Code of Conduct Committee**
To receive the report from the Chairman of the Members' Code of Conduct Committee on the work of his Committee. 37 - 38
- 15. Report from the Chairman of the Overview and Scrutiny Committee**
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee. 39 - 40
- 16. Report from the Chairman of the Planning Committee**
To receive the report from the Chairman of the Planning Committee on the work of his Committee. 41 - 42
- 17. Motions**
To receive any motions from Councillors in accordance with Standing Order 19.
- Note: The deadline for motions to be considered at this meeting was Thursday 11 April 2019 **and none were received.***
- 18. Questions on Ward Issues**
The Leader, or his nominee, to answer questions from Councillors on issues in their Wards, in accordance with Standing Order 15.
- Note: the deadline for questions to be considered at this meeting is 12 noon on Tuesday 16 April 2019.*

19. General questions

The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 15.

Note: the deadline for questions to be considered at this meeting is 12 noon on Tuesday 16 April 2019.

One question has been received to date from Councillor R.W. Sider BEM.

““Is the Leader and members of this council aware that Surrey County Council has withdrawn the free travel bus pass for people with a range of disabilities, for travel before 9.30am with effect from 1 April 2019, as a cost cutting exercise. And are members aware that the government is actively encouraging people with disabilities to go to work? Some of these people, for example those with a learning disability, may be unable to manage money because of their disability and thus will be confused when requested for the relevant fare they will be asked to pay. And will the Leader and members agree with me that the foregoing imposition has been made by persons of sound mind and body against people with disabilities who may not have the clout to defend themselves, and in doing so condemn this action.”

20. Appointment of representative Trustees

To consider the appointment of representative Trustees to the Sunbury Fuel Allotment Trust.

The Sunbury Fuel Allotment Trust has recently been resurrected following some years of being effectively dormant. It makes grants to assist with the costs of fuel (gas and electricity) to individuals who are in receipt of state retirement pension and/or people with disabilities, within the parish of St Mary's Sunbury-on-Thames as existing on 16th September 1921.

The governing document for the Charity requires the Council to appoint four representative trustees. The ex-officio trustee is the vicar of the Parish of St Mary's, currently Father Andrew Downes.

It is proposed that:

- Michael Graham
- Alfred Friday
- Kaye Friday
- Paul Thompson

be appointed representative Trustees to the Sunbury Fuel Allotment Trust for a period of four years ending in April 2023.

MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 21 February 2019 at 7.30 pm

Present:

Councillors:

| | | |
|-------------------|-----------------------------|--------------------|
| M.M. Attewell | A.E. Friday | D. Patel |
| C. Barnard | N.J. Gething | O. Rybinski |
| R.O. Barratt | A.C. Harman (Deputy Leader) | D. Saliagopoulos |
| I.J. Beardsmore | I.T.E. Harvey (Leader) | J.R. Sexton |
| J.R. Boughtflower | N. Islam | R.W. Sider BEM |
| S. Capes | A.T. Jones | R.A. Smith-Ainsley |
| S.A. Dunn | J.G. Kavanagh | B.B. Spoor |
| Q.R. Edgington | A.J. Mitchell | H.A. Thomson |
| M.P.C. Francis | S.C. Mooney | H.R.D. Williams |

Councillor J.M. Pinkerton OBE, The Mayor, in the Chair

Apologies: Apologies were received from the Deputy Mayor, Councillor M.J. Madams and Councillors S.J. Burkmar, R. Chandler, S.M. Doran, P.C. Edgington, T.J.M. Evans and V.J. Leighton. Also from Mr Murray Litvak, Chairman of the Members' Code of Conduct Committee.

41/19 Minutes

The minutes of the Council meeting held on 13 December 2018 were agreed as a correct record.

42/19 Disclosures of Interest

There were no disclosures of interest.

43/19 Announcements from the Mayor

The Mayor had circulated leaflets for her upcoming events which included:
Wednesday, 13 March - Race Night at Kempton Park
Friday, 22 March - Spelthorne's Got Talent
Tuesday, 23 April - St George's Day Lunch
Saturday, 27 April - Mayor's Charity Ball

44/19 Announcements from the Leader

The Leader made the following announcements:

“Firstly, I am pleased to announce that on Wednesday 30th January HRH Princess Alexandra paid a private visit to the Sunbury Walled Garden to view the Embroidery collection.

The new combined reception is now fully reopened and most of the work to relocate staff into renovated offices in the East and South Wings are complete. Congratulations to Siraj and his team for delivering this.

The redevelopment of the Bugle is to all intents and purposes complete and we will be welcoming our first tenants in the next couple of weeks.

Despite the efforts of a few we are now receiving very positive Press coverage, a very fair and balanced article appeared in this Monday’s Financial Times and I was able to explain our rationale on BBC5Live This is Money programme this morning. We are anticipating further positive exposure shortly.

As mentioned at our December Council meeting, we are continuing to work with Staines Park Residents Association towards a “Fields in Trust” commitment for Staines Park.

Our Capital Strategy has been published and property investment FAQs have been added to the website and social media accounts to explain the reasons behind our ambitious, yet prudent, strategy and what is enabling us to achieve.

We have responded to Heathrow’s latest consultation on proposed changes to airspace and future operations. These changes will have an impact on the whole Borough, not just those towns and villages closest to the airport, and don’t just relate to a third runway: they include changes to existing airport operations including the potential for an additional 25,000 flights.

Our response to the consultation includes the following points:

- We oppose an increase in flights before the third runway is operational and interim measures that will result in newly overflowed areas
- The Compton departure route, which results in low flying planes across our Borough, should be removed as soon as possible.
- A night-time ban should mean just that, except for emergencies; and fines for breaches of the ban should be used to compensate affected communities.

The consultation closes on 4 March 2019.

Comprehensive responses were also sent in respect of Surrey County Council’s recent consultations which proposed changes to five County Council service areas. Whilst we understand the financial pressure that the County Council is under, we will continue to look carefully at the changes to these services and make representations, where appropriate, to minimise adverse impacts.

Our Council has been working with partners to improve the CCTV coverage in Sunbury with new cameras being installed at Spelthorne Grove and Sunbury Cross roundabout. There are further plans to improve CCTV coverage in other parts of the Borough.

Clare Road shopping parade is the latest area to benefit from improvements following works to the shopping parades in Edinburgh Drive and Groveley Road. Works to improve Woodlands Parade, Ashford are expected to start soon.

As Members will recall we have been working on an initiative called “Every Ward at its best”; a project to deal with problem sites across the borough which could be an annoyance or an eyesore to residents and which would benefit from a fresh approach. The aim of the project was to help tackle these low level issues in a way that could lead to small but noticeable improvements to the Borough.

A Spelthorne restaurant owner was convicted of food hygiene offences and ordered to pay a total of £3,970 including fines, a victim surcharge and prosecution costs. We seek a high standard of food hygiene to protect our residents and will work to maintain this.

During the recent cold snap, the Council helped four street homeless clients into emergency accommodation, with an opportunity to explore ways to help them in the longer term.

The Council’s website has been refreshed to make it easier for people to find information that’s relevant to them and easier to view on mobile devices.

Spelthorne MP Kwasi Kwarteng took the Speaker’s chair for a lively common’s style schools’ debate supported by the Parliament Education Service.

We held a very well attended Budget Business Briefing at BP last Friday morning.”

45/19 Announcements from the Chief Executive

The Chief Executive made the following announcement:

“I should like to put on record my appreciation to all colleagues at Knowle Green for their sterling support and cooperation throughout the consolidation of our operational footprint into two wings of our Civic offices – codenamed Project Lima. As members will have registered, the reoccupation of the ground floor and the commissioning of a new integrated reception marks the final stage of the project that will pave the way for the west wing to be converted into 25 affordable housing units – a physical manifestation of our commitment to putting the communities we serve at the very heart of everything we do.”

46/19 Questions from members of the public

There were no questions from members of the public.

47/19 Petitions

There were none.

48/19 Treasury Management Strategy Statement

Council considered the recommendation of the Cabinet on the Treasury Management Strategy Statement for 2019/20.

The proposed Strategy represented an appropriate balance between risk management and cost effectiveness.

Resolved to approve the Treasury Management Strategy Statement for 2019/20.

49/19 Revenue Budget 2019/20

The Council considered the recommendation of Cabinet on the detailed Revenue Budget for 2019-20 and the proposed Council Tax for 2019-20. The Mayor referred councillors to the Budget Book (green cover) reflecting the decisions and recommendations made by Cabinet on 20 February 2019, including the precepts being levied by Surrey County Council and the Surrey Police.

The Mayor asked the Council to agree, in accordance with Standing Order 20.4, that the respective Budget speeches of the Group Leaders may each exceed 10 minutes in length if necessary.

Resolved to agree that the respective Budget speeches of the Group Leaders may each exceed 10 minutes in length if necessary.

The Leader of the Council, Councillor I.T.E. Harvey and the portfolio holder for Finance, Councillor H.R. Williams, made a joint statement on the Budget and the Council Tax and moved and seconded the recommendations on the detailed Budget for 2019-20 as set out in the report circulated in the Budget Book. The Leader of the Ashford and Staines Residents' Group, Councillor D. Saliagopoulos then made a statement. Councillor I.J. Beardsmore, Leader of the Liberal Democrats declined the opportunity to make a speech.

A copy of Councillors Harvey and Saliagopoulos speeches are attached to these minutes as **Appendices A and B** respectively.

At the conclusion of the debate on the Revenue Budget, the Mayor explained it was a legal requirement to record in the minutes of the proceedings the names of the persons who cast a vote for the decision or who abstained from voting.

The voting was as follows:

| | |
|--------------------|---|
| FOR (23) | Councillors I.T.E. Harvey (Leader); A.C. Harman (Deputy Leader); M.M. Attewell; C. Barnard; R.O. Barratt; J.R. Boughtflower; S. Capes; M.P.C. Francis; A.E. Friday; N.J. Gething; N. Islam; A.T. Jones; J.G. Kavanagh; A.J. Mitchell; S.C. Mooney; D. Patel; J.M. Pinkerton; O. Rybinski; J. Sexton; R.W. Sider; R.A. Smith-Ainsley; H. A. Thomson; H.R.D. Williams |
| AGAINST (2) | Councillors D. Saliagopoulos; Q.R. Edgington |
| ABSTAIN (3) | Councillors I.J. Beardsmore; S.A. Dunn; B.B. Spoor |

Resolved:

1. To continue the Council's Local Council Tax Support Scheme with the current rules and regulations;
2. To continue the complete disregard of war pension / armed forces pension income from benefit calculations;
3. The growth and savings items as set out in the report's appendices;
4. The Council Tax Base for the whole council area for 2019/20. [Item T in the formula in Section 31b(3) of the local government Finance Act 1992, as amended (the "act")] should be 39,688.00 band D equivalent dwellings and calculate that the Council Tax requirement for the Council's own purpose for 2019/20 is £202.44 Per Band D equivalent dwelling;
5. To approve a £5 or 2.53% increase on Band D in the Spelthorne Borough Council element of the Council Tax for 2019/20. Moreover:
 - a) The revenue estimates as set out in Appendix 1 be approved.
 - b) No Money, as set out in this report is appropriated from General Reserves in support of Spelthorne's local Council tax for 2019/20.
 - c) To agree that the Council Tax base for the year 2019/20 is 39,688.00 band D equivalent dwellings calculated in accordance with regulation 3 of the Local Authorities (Calculation of Council tax base) Regulations 1992, as amended, made under Section 35(5) of the Local Government Finance Act 1992.
6. That the following sums be now calculated by the Council for the year 2019/20 in accordance with Section 31 to 36 of the Local Government Act 1992:

| | | |
|---|-------------|--|
| A | 107,042,500 | Being the aggregate of the amount which the council estimates for the items set out in Section 31A(2) of |
|---|-------------|--|

| | | |
|---|------------|--|
| | | the Act taking into account all precepts issued to it by Parish Councils. |
| B | 99,008,100 | Being the aggregate of the amount which the Council estimates for the items set out in Section 31A(3) of the Act |
| C | 8,034,400 | Being the amount by which the aggregate at (A) above exceeds the aggregate at (B) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year |
| D | 202.44 | Being the amount at (C) above divided by the amount at 5c (above), calculated by the Council in accordance with Section 31B(1) of the act, as the basic amount of its Council Tax for the year (including Parish precepts) |
| E | 0 | Being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act. |
| F | 202.44 | Being the amount at (D) above less the result given by dividing the amount at (E) above by the amount at 5c |

| | | |
|--|--|---|
| | | (above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings on those parts of its area to which no Parish precept relates. |
|--|--|---|

7. That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:

| A £ | B £ | C £ | D £ | E £ | F £ | G £ | H £ |
|--------|--------|--------|--------|--------|--------|--------|--------|
| 134.96 | 157.45 | 179.95 | 202.44 | 247.43 | 292.41 | 337.40 | 404.88 |

Being the amounts given by multiplying the amount at (F) above by the number which in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the sum which in that proportion is applicable to dwellings listed in valuation band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different band.

8. That it be noted that for the year 2019/20 Surrey County Council and Surrey Police and Crime Commissioner have stated the following amounts in precepts issued to Spelthorne Borough Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:

Precepts issued to the Council

| | A £ | B £ | C £ | D £ | E £ | F £ | G £ | H £ |
|------------------------------------|--------|----------|----------|----------|----------|----------|----------|----------|
| Surrey County Council | 969.00 | 1,130.50 | 1,292.00 | 1,453.50 | 1,776.50 | 2,099.50 | 2,422.50 | 2,907.00 |
| Surrey Police & Crime Commissioner | 173.71 | 202.67 | 231.62 | 260.57 | 318.47 | 376.38 | 434.28 | 521.14 |

9. That, having calculated the aggregate in each case above the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011, hereby sets the amounts as the amounts of Council tax for the year 2019/20.

The Council has determined that its relevant basic amount of Council Tax for 2019/20 is not excessive in accordance with the principles approved under Section 52ZB Local Government Finance Act 1992.

As the billing authority, the council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2019/20 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

50/19 Capital Programme 2019/20

Council considered the recommendation of the Cabinet on the Capital Programme for the period 2019/20 to 2022/23 in the light of the available resources and the corporate priorities and the Prudential Indicators for 2019/20 to 2022/23.

Resolved to approve:

1. the Capital Programme for 2019/20 to 2022/23
2. the Prudential Indicators for 2019/20 to 2022/23

51/19 Capital Strategy

Council considered the recommendation of the Cabinet on the Capital Strategy.

The aim of the Capital Strategy was to provide a clear and concise account to residents and other stakeholders of how the Council is going to prioritise its capital expenditure in the short, medium and long term, and how it manages risks with respect to delivering those capital objectives.

The proposed Capital Strategy had been created in line with guidance documents provided by CIPFA.

Resolved to adopt the Capital Strategy as attached to the supplementary agenda.

52/19 Pay Award 2019/20

Council considered the recommendation of the Cabinet on the Pay Award 2019/20.

The proposal had been subject to consultation and negotiation with UNISON.

Resolved to approve the 2019/20 pay award of 2.5% to all staff.

53/19 Pay Policy Statement

Council considered the recommendation of the Cabinet on the Pay Policy Statement for 2019/20.

The Pay Policy Statement set out the Council's policies on a range of issues relating to the pay of its workforce, particularly its senior staff and the lowest paid employees, including:

- Remuneration of its Chief Officers
- Remuneration of its lowest paid employees
- The relationship between the remuneration of its Chief Officers and the remuneration of those employees who are not Chief Officers
- The publication of and access to information relating to remuneration of Chief Officers.

Resolved to approve the Pay Policy Statement 2019/20.

54/19 Members' Allowances 2019

Council considered the recommendation of the Cabinet on the Members' Allowances Scheme for 2019/20, as set out in Annex 1 to the Independent Remuneration Panel's report.

Resolved to approve the recommendations of the Independent Remuneration Panel in relation to the Members' Allowances Scheme 2019-2020, as set out below:

| Allowance | Current amount | Number | Recommended Allowance for 2019/20¹ |
|--|-----------------------|----------------|--|
| Basic: | £6049 | 39 | £6200 |
| Special Responsibility: | | | |
| Leader of the Council | £13911 | 1 | £14259 |
| Deputy Leader | £9182 | 1 | £9412 |
| Cabinet Member for finance | N/A | 1 | £9412 |
| Cabinet Members | £6956 | 6 ² | £7130 |
| Spelthorne Joint Committee Chairman/Vice-Chairman | £4877 | 1 | £4999 |
| Planning Committee Chairman | £5564 | 1 | £5703 |

| | | | |
|---|------------------------------------|--------|------------------------------------|
| Licensing Committee Chairman | £4869 | 1 | £4991 |
| Overview and Scrutiny Committee Chairman | £4869 | 1 | £4991 |
| Audit Committee Chairman | £3479 | 1 | £3566 |
| | | | |
| Opposition Group Leader | £3241 | 1 | £3322 |
| | | | |
| Co-Optees' Allowance | £1000 (Chair) £500 (Vice-Chair) | 1 1 | £1000 (Chair) £500 (Vice-Chair) |
| | | | |
| Total Budget | £336,095 | | £346,735 |

¹ On an assumption of a 2.5% staff pay award

² Based on the existing Cabinet and excluding the Leader, Deputy Leader and Cabinet member for Finance

| Allowance for expenditure incurred in relation to Approved Duties (Schedule 1 to Scheme) | Unchanged allowances for 2019/20 |
|---|---|
| Dependants' Carer's Allowance | Reimbursement of actual costs incurred |

| Travelling and Subsistence Allowances | |
|--|---|
| Motor Mileage Allowance (per mile) | |
| Cars | Up to 999cc – 46.9p 1000cc – 1199cc – 52.2p 1200cc and over – 65p |
| Motorcycles | 24p |
| Cycle | Nil |
| Day Subsistence Allowance | Reimbursement of actual costs incurred |

55/19 Laleham Park

Council considered the recommendation of the Cabinet on the capital programme provision for the demolition of Laleham Park Pavilion and toilets, and replacement with a new toilet facility and hardstanding area for mobile catering.

Resolved:

1. to approve the capital programme provision of £200,000 for Laleham Park Pavilion is carried forward from 2018/19 to 2019/20 and
2. that the capital provision is increased by £50,000 to a total of £250,000.

56/19 Joint Appointments Panel for Independent Persons appointments 2019

Council considered the recommendation of the Members' Code of Conduct Committee on the appointment of Independent Persons 2019–2023.

Resolved:

1. That the Monitoring Officer (Michael Graham) be authorised to establish a Joint Appointments Panel with participating Surrey councils' monitoring officers so that the Panel may:
 - (a) advertise for, short-list, and interview candidates and
 - (b) make recommendations to the respective councils for the appointment of Independent Persons under Section 28(7) of the Localism Act 2011, for a four-year term of office expiring in May 2023;
2. That the Independent Persons appointed by this Council be entitled to receive the same level of travelling expenses as are provided for councillors under the Scheme of Allowances for Councillors; and
3. That the Monitoring Officer be authorised to withdraw from joint arrangements in the event that we are not content with the process or proposed appointments, and make separate arrangements for Spelthorne Borough Council to appoint its Independent Persons.

57/19 Review of procedure for Gifts, Hospitality and Sponsorship

Council considered the recommendation of the Members' Code of Conduct Committee on the Policy on Gifts, Hospitality and Sponsorship.

It was moved and seconded that the Policy on Gifts Hospitality and Sponsorship be amended as proposed in the supplementary agenda papers, and subject to the following changes proposed by the Committee:

- a. That the nominal value for gifts be raised to £50;
- b. Offers of hospitality open to all members to be recorded by officers
- c. Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded

- d. Gifts below the nominal value received by the Mayor or Deputy Mayor, in the course of fulfilling their civic role are not required to be recorded.

The Monitoring Officer thanked the Committee for their consideration of his report on the Policy and advised the Council on the recommendations before them.

Councillor H.R. Williams moved and Councillor I.T.E. Harvey seconded an amendment to the recommendation as follows:
under part a. – amend the words “be raised to £50” to read “remain at £35” and remove part d. in its entirety.

The Leader, Councillor I.T.E. Harvey, called for a recorded vote on the amendment.

The vote was as follows:

| | |
|--------------------|--|
| FOR (21) | Councillors I.T.E. Harvey (Leader); A.C. Harman (Deputy Leader); M.M. Attewell; C. Barnard; I.J. Beardsmore; J.R. Boughtflower; S. Capes; S.A. Dunn; Q.R. Edgington; M.P.C. Francis; A.T. Jones; S.C. Mooney; D. Patel; O. Rybinski; D. Saliagopoulos; J. Sexton; R.W. Sider; R.A. Smith-Ainsley; B.B. Spoor; H. A. Thomson; H.R.D. Williams |
| AGAINST (6) | Councillors A.E. Friday; N.J. Gething; N. Islam; J.G. Kavanagh; A.J. Mitchell; J.M. Pinkerton; |
| ABSTAIN (1) | Councillors R.O. Barratt |

The amendment was carried.

The Council then voted on the substantive motion and

Resolved that the Policy on Gifts Hospitality and Sponsorship be amended as attached and subject to the following changes proposed by the Committee:

- a. That the nominal value for gifts remain at £35;
- b. Offers of hospitality open to all members to be recorded by officers and
- c. Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded.

58/19 Report from the Leader of the Council

The Leader of the Council, Councillor I.T.E. Harvey, presented the report of the Cabinet meeting held on 20 February, which outlined the matters the Cabinet had decided since the last Council meeting.

59/19 Report from the Chairman of the Audit Committee

The Vice-Chairman of the Audit Committee, Councillor H.A. Thomson, presented a report on behalf of the Chairman, which outlined the matters the Committee had decided since the last Council meeting.

He also made the following statement:

“At the Audit Committee on 5th February, the external auditors signed off, with an unqualified opinion, the Statement of Accounts for 2016/17. This opinion had been significantly delayed due to the amount of time KPMG has spent coming to a view on its Value for Money opinion.

Members will be aware that KPMG has issued a qualified adverse opinion on the Council’s 2016/17 arrangements to secure economy, efficiency and effectiveness in its use of resources, or ‘Value for Money’ opinion. This was in relation to the purchase of the BP campus. It is important to understand that the ‘Value for Money’ opinion is not about a judgement on whether the BP transaction itself represents “value for money” for the Council, but rather is a the auditor’s view on whether the governance arrangements would result in decisions that are likely to contribute towards value for money. The auditors did comment to the Committee that if the value of the transaction had been lower the opinion would have been “non-standard” rather than “adverse”

The Council has put on record that it disagrees with the auditor’s findings that there were ‘significant weaknesses’ in those arrangements, for the following reasons:

- The Council’s failure to publish decisions delegated to officers in the correct format in the Council’s view has no bearing on securing economy, efficiency and effectiveness.
- The Council provided an audit trail of the decision making process consisting of a large volume of documentation in the form of emails. Due to the timing of the BP purchase, teleconferences were necessary between our advisors, senior officers and councillors. These emails ensured a written record of decision taking and the discussions which took place during those calls.
- The Council had fully considered the financial impact on the Authority at the end of the BP 20 year lease. It had assessed alternative use values for the site, bearing in the mind the strength of the location close to an expanding Heathrow and a future Crossrail 2 station, with reports from competent professionals which had been shared with the auditors.
- The Council had considered and took into account Counsel’s opinion on the proportionality of the BP investment in making its decision. The fact this consideration was not documented has no bearing on whether the Council can deliver its services and secure economy, efficiency and effectiveness.”

60/19 Report from the Chairman of the Licensing Committee

The Chairman of the Licensing Committee, Councillor R.W. Sider BEM, presented his report which outlined the matters the Committee had decided since the last Council meeting.

Councillor D. Saliagopoulos asked what was being done to address the numbers of taxis parking outside the rank on Gresham Road. Councillor Sider explained that attempts to increase ranks both at this location and in the town centre had not been successful. He offered to raise the matter with officers and respond directly to Councillor Saliagopoulos.

61/19 Report from the Chairman of the Overview and Scrutiny Committee

The Chairman of the Overview and Scrutiny Committee, Councillor S.C. Mooney, presented her report which outlined the matters the Committee had decided since the last Council meeting.

62/19 Report from the Chairman of the Planning Committee

The Chairman of the Planning Committee, Councillor R.A. Smith-Ainsley, presented his report which outlined the matters the Committee had decided since the last Council meeting.

Councillor Smith-Ainsley thanked the principal Planning Officer, Russ Mounty, for his comprehensive report and presentation on the Shepperton Studios application. The debate on this matter of national significance, heard at Committee on 12 February, had been a credit to the Council.

63/19 Motions

No motions were received.

64/19 Questions on Ward Issues

There were no questions on Ward issues.

65/19 General questions

No General questions were received.

Council**25 April 2019**

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|----------------------------------|---|---------------------|----|
| Title | Localism Act 2011: Appointment of Independent Persons 2019-2023 | | |
| Purpose of the report | To make a decision | | |
| Report Author | Michael Graham, Monitoring Officer | | |
| Cabinet Member | Councillor Ian Harvey | Confidential | No |
| Corporate Priority | This item is not in the list of Council priorities but still requires a Council decision. | | |
| Recommendations | <p>To agree:</p> <p>(a) the re-appointment of:</p> <ul style="list-style-type: none"> • Vivienne Cameron • Roger Pett <p>(b) the interview panel's recommendation for the appointment of the five other applicants:</p> <ul style="list-style-type: none"> • Bernard Quoroll • Bill Donnelly • Paul Eaves • Liz Lawrence • John Smith <p>as Independent Persons for a four year term of office expiring in May 2023.</p> | | |
| Reason for Recommendation | To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011. | | |

1. Key issues

- 1.1 The Localism Act 2011 introduced a new ethical standards regime for local government in 2012 which, amongst other things, requires the Council to seek the views of an Independent Person before it takes a decision on an allegation of misconduct by a councillor which it has decided to investigate. The Monitoring Officer decides, after consultation with the Independent Person, whether a complaint merits a formal investigation. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint, or by a councillor against whom an allegation has been made.
- 1.2 The Council is also required to use its Independent Persons in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the provisions

of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

- 1.3 It has often been challenging to recruit suitable volunteers to serve as Independent Persons; due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with other Surrey councils since April 2012.
- 1.4 Under those joint arrangements, the Council appointed Vivienne Cameron, Roger Pett, David Seymour, Tony Allenby and Paul Sherar as Independent Persons, for a term of office expiring in May 2019.
- 1.5 Following the success of the previous joint appointments arrangement, all the Surrey councils (including Surrey County Council) were asked whether they would be interested in participating in a further joint arrangement for the appointment of Independent Persons for the next four years. Not all Surrey councils were at a point of needing to recruit, but the following councils agreed to participate:
 - Epsom & Ewell
 - Guildford
 - Mole Valley
 - Reigate & Banstead
 - Surrey Heath
 - Waverley
- 1.6 At its meeting held on 21 February 2019, the Council authorised the Monitoring Officer to establish a joint appointments panel with participating Surrey councils' monitoring officers so that the Panel may:
 - (a) advertise for, short-list, and interview candidates and
 - (b) make recommendations to the respective councilsfor the appointment of Independent Persons for a four-year term of office expiring in May 2023.
- 1.7 The vacancy for Independent Persons was advertised on each of the participating councils' websites and the details of the appointments were publicised via social media.
- 1.8 Our current Independent Persons were each asked if they would be happy to continue in the role until 2023 and, if so, invited to apply for re-appointment. Two of these, Vivienne Cameron and Roger Pett, confirmed their wish to continue and have formally re-applied. Two other current Independent Persons at other Surrey authorities, Bernard Quoroll and John Smith – who are serving at Guildford and Epsom and Ewell respectively, have sought re-appointment.
- 1.9 Following the advertisement period, three new applications were received (although none from the Spelthorne area). All three candidates, namely Paul Eaves, Liz Lawrence, and Bill Donnelly, were invited to be interviewed. The interviews took place in March at Guildford Borough Council offices. The interview panel comprised the Monitoring Officers (or their deputies) from Guildford, Mole Valley, Reigate & Banstead and Surrey Heath.

- 1.10 The interview panel found that all three candidates demonstrated well-developed skills of independence, analysis, and fair dealing and has commended all three for appointment by the participating councils. Copies of the candidates' CVs in support of their applications are attached to this report as **Confidential Appendices**.
- 1.11 It was agreed with all the participating councils that serving Independent Persons, who have re-applied should not have to be interviewed again. Instead, we have asked them to submit up to date CVs. Copies of their CVs are also attached to this report as **Confidential Appendices**.

Equality and Diversity Implications

- 1.12 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 1.13 The recruitment process has sought to raise awareness of the vacancies across a wide range of local organisations in the public, private and voluntary sectors.
- 1.14 The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

2. Options analysis and proposal

- 2.1 The Council is asked to approve the appointment/re-appointment of the Council's Independent Persons.

3. Financial implications

- 3.1 The Council agreed on 21 February 2019 that the Independent Persons appointed by this Council shall not be entitled to receive any remuneration other than travelling expenses which will be paid at the same rate as currently provided for councillors under the Scheme of Allowances for Councillors.
- 3.2 There are no other financial implications arising from this report.

4. Other considerations

- 4.1 The appointment of an Independent Person must be *approved by a majority of the members of the authority*. This means that any appointment must be approved by at least 19 councillors, not merely a simple majority of councillors present and voting.

Background papers:

There are none.

Confidential Appendix

Appendix 1 – Personal bios of the 7 applicants for the position of Independent Person.

NB. This appendix is exempt from publication under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as it contains the personal information of the individuals concerned.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report from the Leader of the Council on the work of the Cabinet

Meeting held on 27 March 2019

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main business considered by the Cabinet at its meeting on 27 March 2019..

1. Recommendation from Local Plan Working Party

1.1 We considered the recommendations from the Local Plan Working Party held on 21 March 2019.

1.2 We agreed the change to the Local Development Scheme timetable and noted progress on:

- the site selection work;
- drafting the new Local Plan policies; and
- the local Green Space assessment methodology, subject to this being amended to reflect in the criteria the importance of green spaces to local communities that are not well served by other nearby public recreation land, following consultation with the Local Plan Working Party on the precise wording.

2. New Jetty for River Thames

2.1 We considered a report on a proposal for a new jetty for the River Thames with access from the bandstand in the Riverside car park.

2.2 We agreed to approve the construction of the new jetty for the exclusive use of commercial riverboat operations in order to increase the competitiveness of Staines-upon-Thames as a destination, and increase the number of visitors to the town which in turn would support our retailers.

3. Exempt Report – acquisition ‘V’ - Key Decision

3.1 We considered an exempt report on the acquisition of a site for the strategic regeneration of Staines town centre. The site, once developed, will deliver a steady income stream to support the Council in delivering its ambitious housing and regeneration programme across the Borough to help meet the needs of its residents.

3.2 We agreed to acquire the site and authorised:

- the Chief Executive (and delegated Officers) 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);
- 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 to include the transfer of the asset into Knowle Green Estates Limited if

and when appropriate to do so, and overall to ensure the acquisition is prudentially affordable;

- the Head of Corporate Governance to enter into any legal documentation necessary to acquire and develop the asset including any documentation required for any potential transfer of the asset to Knowle Green Estates Limited; and
- delegation of the selection of the design team and the contractor to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder.

4. Exempt Report on the provision of a Property Management System - Key Decision

- 4.1 We considered a report on the award of a contract for the provision of a Property Management System to help underpin and support the on-going management of the Council's investment portfolio.
- 4.2 We approved the delegation for the award of contract for the Property Management software to the Group Head of Regeneration and Growth, in consultation with the Leader, Portfolio Holder for Finance (Councillor Williams) and the Deputy Chief Executive (Finance).

5. Exempt report – West Wing, Council offices, Knowle Green – Key Decision

- 5.1 We considered an exempt report seeking a construction budget for the conversion of the West Wing, Council Offices, Knowle Green, Staines-upon-Thames, to 25 new apartments.
- 5.2 We agreed to authorise the spend of £5,200,000 for the procurement of construction works; authorise the Head of Corporate Governance to enter into any legal documentation necessary to implement the redevelopment project; and delegate the appointment of the contractors to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder.

Councillor Ian Harvey
Leader of the Council

25 April 2019

Report of the Chairman on the work of the Audit Committee

The Audit Committee held a meeting on 28 March 2019 and considered the following items of business.

1. Annual Audit Letter 2016/17

1.1 The Committee noted the Annual Audit letter for 2016/17.

2. Update from KPMG on Statement of Accounts 2017/18 and Value for Money (VFM) Statement for 2017/18.

2.1 The external auditors KPMG presented a draft audit report and advised that their work on the Statement of Accounts for 2017/18 was substantially complete, however work on the VFM conclusion was ongoing.

2.2 The Committee and Chair expressed their disappointment and displeasure at the length of time KPMG have been taking to complete their work for us, especially in light of the additional workload imposed on our Audit and Finance teams and the impact this has on the work that our new auditors wish to deliver.

3. Procurement update

3.1 The Committee received an update on the review of procurement strategy and improvements made or proposed as a result of the review.

4. Recruitment and Retention and Partnerships

4.1 An update was provided to the Committee on action taken to recruit or retain staff in departments where difficulties had been experienced with these issues.

4.2 The apprenticeship levy had been used on upskilling existing staff and the appointment of four new apprentices.

5. Brexit

5.1 The Committee received a report highlighting some of the perceived risks and potential impact of Brexit on the Council and local area. It noted that the lack of certainty about the UK's form of departure made planning for post-Brexit very difficult.

6. Corporate Risk Management

6.1 The Committee noted the contents of the Corporate Risk Register and recommended it to Cabinet for approval.

7. External Audit Plan 2018/19

7.1 The Committee received an overview of the external audit plan for 2018/19, which outlined the risk areas for assessment and the auditors planned approach.

8. Internal Audit Annual Plan 2019/20

8.1 The Committee received the Internal Audit Annual Plan which set out the planned work for Audit Services for the year 2019/20 in order to fulfil its statutory and professional requirements.

8.2 The Committee noted the constraints of the plan due to the limited resources of the team and requested a further update at their meeting in November.

9. Anti-Fraud, Bribery & Corruption Strategy

9.1 The Committee endorsed the Council's Anti-Fraud, Bribery and Corruption Strategy, and

9.2 Recommended the proposed changes to the Anti-Fraud Bribery and Corruption Strategy to Cabinet for approval.

10. Committee Work Programme

10.1 The Committee Work Programme for 2019/20 was approved subject to the addition of an update on the Audit Services resource in November and an extraordinary meeting of the Audit Committee being arranged in September if the current auditors, BDO, were in a position to present their audit report on the 2018/19 Statement of Accounts.

Councillor M.J. Madams
Chairman of the Audit Committee

25 April 2019

Report of the Chairman on the work of the Licensing Committee

There has been one Licensing sub-Committee meeting since my last report. Details of this meeting is set out below.

1. Licensing sub-Committee – 29 March 2019

A Licensing Sub-Committee considered an application for a Premises Licence for Stop and Shop, 53 Clare Road, Stanwell. The Premises had previously held a licence in the name of a Company, of which the new applicant had been a partner, which had lapsed following the Company's dissolution. The applicant had not requested a transfer of the licence within the statutory timescales and was therefore required to make a new application in order to continue selling alcohol. The Licensing Authority had made representation against the granting of the licence due to the applicant's failings to comply with the requirements of the Licensing Act 2003, both under the previous licence and in making application for the new licence. The Sub-Committee refused to grant the licence for the reasons set out in the decision notice.

Councillor Robin Sider
Chairman of the Licensing Committee

25 April 2019

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Report of the Chairman on the work of the Members' Code of Conduct Committee

The Members' Code of Conduct Committee Panel has met twice since the last Council meeting and considered the following items of business.

Code of Conduct Assessment Panel

1. 7 March 2019

- 1.1 The Assessment Panel met on 7 March 2019 to consider the report of the Monitoring Officer setting out an allegation by way of a complaint received from a member of the public about the conduct of Councillor A.
- 1.2 The Panel determined that the evidence presented in the complaint did not disclose a possible breach of the Members' Code of Conduct.
- 1.3 The Panel agreed that no further action was necessary and that the Monitoring Officer should respond to the complainant to draw the case to a close.

2. 3 April 2019

- 2.1 The Assessment Panel met on 3 April 2019 to consider the report of the Monitoring Officer setting out a complaint about the conduct of Councillor B.
- 2.2 The Panel found that the matter was sufficiently serious and if the alleged behaviour is true poses a risk to the Council's reputation, and consequently agreed to direct the Monitoring Officer to arrange an investigation of the complaint.

Murray Litvak

Chairman of the Members' Code of Conduct Committee

25 April 2019

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Report of the Chairman on the work of the Overview and Scrutiny Committee

This report gives an overview of the main issues considered at the meeting held on 19 March 2019.

1. Fly Tipping

- 1.1 The Committee noted the report from Jackie Taylor, Group Head of Neighbourhood Services on fly tipping.
- 1.2 In September 2016, Surrey County Council (SCC) stopped accepting trade waste at the Charlton Lane recycling site and introduced charges for residents depositing more than one bag of chargeable waste.
- 1.3 Fly tipping has increased by approximately 40% since that date, however there is no direct evidence to attribute this to SCC's decision and other factors such as improved monitoring and reporting, campaigns, and a national increase may have contributed to the increase.
- 1.4 The Committee asked the Group Head of Neighbourhood Services to look into categorising the types of fly tipping to improve understanding of the problem faced and enable pro-active discussion to address the issue.

2. Recycling and Waste Collections

- 2.1 Jackie Taylor, Group Head of Neighbourhood Services presented a report on the recycling and waste collections in the borough.
- 2.2 Statistics detailing the number of missed bins reported and collected within 24 hours showed Spelthorne's results to be significantly lower than many other authorities at less than 1%.
- 2.3 The Council are working jointly with Surrey County Council and independently on campaigns to raise awareness of the need to reduce waste and promote recycling.

3. Update on the Review of Parking in Ashford

- 3.1 The Committee discussed a report on parking issues in Ashford Town Centre presented by Lee O'Neil, Deputy Chief Executive.
- 3.2 A report by an independent consultant had been commissioned which had shown that around 44% of shoppers travel to Ashford by car, most parking was of short duration, there was a considerable amount of spare parking and the multi-storey car park was poorly used.
- 3.3 A three month enforcement exercise had provided useful data and positive feedback received from local businesses. A further exercise was to be conducted from March to June 2019 and information collected to identify improvements to parking in Ashford town centre.
- 3.3 The Committee noted the report and the additional enforcement exercise.

4. Commercial Investment and Management of Risks

- 4.1 The Committee discussed in private an independent report produced by Deloitte on the Council's commercial investments which outlined the management of associated risks. It was agreed that an update would be presented quarterly.

5. Project Management Dashboard

- 5.1 Sandy Muirhead, Group Head of Commissioning and Transformation presented a report to the Committee. Updates were provided on a number of development projects.

6. Task Groups

- 6.1 The Committee agreed that a task group should be set up to look at the Council's consultation process with residents following the Annual Council Meeting.
- 6.2 The Committee resolved that membership of the task group should be delegated to the Overview and Scrutiny Committee chairman appointed at the Annual Council Meeting held in May 2019.

7. Work Programme

- 7.1 The Committee suggested that the scrutiny of HAL's consultation process and procedures with residents should be added to the work programme for the forthcoming year.
- 7.2 The Committee agreed that Surrey Fire and Rescue Service should be invited to attend a meeting to discuss the proposed changes to fire stations in their Making Surrey Safer Plan. Unfortunately Surrey County Council have advised us that they are unable to attend Borough scrutiny committees during the consultation period but have offered to provide an informal briefing on the proposed changes to the Joint Committee.

Councillor Sinead Mooney
Chairman of Overview and Scrutiny Committee

25 April 2019

Report of the Chairman on the work of the Planning Committee

The Planning Committee has met on two occasions since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key items considered by the Committee at its meetings on 6 March and 3 April 2019.

1. Planning Committee – 6 March 2019

- 1.1 At this meeting the Committee considered three planning applications.
- 1.2 Application 18/01533/FUL: This was for the demolition of the existing public house and the erection of a 4-storey building comprising 11 residential units with the provision of a Use Class A3 (restaurant/café) unit at ground floor with associated parking and landscaping. There were no public speakers. The application was approved.
- 1.3 Application 18/01282/FUL: This application sought the change of use from Class B1 to Class C3 and the demolition of the existing building and erection of a 4 storey building comprising 8 one bedroom flats and one x two bedroom flat with associated parking and amenity space. The application was approved.
- 1.4 Application 18/01404/FUL: The application sought approval for the erection of 3 residential dwellings as extensions to existing terraced blocks together with parking and landscaping. Two public speakers and one Ward Councillor took the opportunity to address the committee. The application was approved.
- 1.5 Exempt report on planning appeal: The Committee considered a report containing advice from the Council's consultants and legal advisors concerning an appeal against refusal of permission. The Committee agreed to approve the recommendation.

2. Planning Committee – 3 April 2019

- 2.1 The Committee considered one application at this meeting. Two public speakers and one Ward Councillor took the opportunity to address the Committee.
- 2.2 Application 18/01259/FUL: This application sought approval for the erection of a first floor rear extension and conversion of the existing former Police Station building to provide four flats, and erection of a detached two storey building to provide a further four flats together with associated parking, amenity space, cycle and refuge storage. The application was deferred to enable a site visit between the County Highway Authority and Planning Committee members.

Councillor Richard Smith Ainsley
Chairman of Planning Committee

25 April 2019

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