

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, 19 December 2019 at 7.30 pm

Present:

Councillors:

M.M. Attewell	J.H.J. Doerfel	A.J. Mitchell
C.F. Barnard (Deputy Mayor)	R.D. Dunn	L. E. Nichols
C.L. Barratt	S.A. Dunn	R.J. Noble
R.O. Barratt	T. Fidler	O. Rybinski
C. Bateson	N.J. Gething	D. Saliagopoulos
I.J. Beardsmore	K.M. Grant	J.R. Sexton
J.R. Boughtflower	A.C. Harman (Deputy Leader)	R.W. Sider BEM
A. Brar	I.T.E. Harvey (Leader)	V. Siva
S. Buttar	N. Islam	R.A. Smith-Ainsley
R. Chandler	T. Lagden	J. Vinson
N.L. Cornes	V.J. Leighton	

The Deputy Mayor, Councillor C.F. Barnard in the Chair

Apologies:

Apologies were received from The Mayor, Councillor M.J. Madams, Councillors J.T.F. Doran, S.M. Doran, M. Gibson, H. Harvey, and J. McIlroy and Mr. Murray Litvak, Chairman of the Members' Code of Conduct Committee

327/19 Minutes

The minutes of the Council meeting held on 24 October 2019 were agreed as a correct record.

328/19 Disclosures of Interest

There were no disclosures of interest.

329/19 Announcements from the Deputy Mayor

The Deputy Mayor recounted a number of events he had attended in December on behalf of the Mayor. Details of upcoming events had been sent with the Mayor's Christmas card.

330/19 Announcements from the Leader

The Leader made the following announcements:

“Firstly let me express our best wishes to our Mayor who has recently had an operation and is continuing to recover at home. I’m sure all Members will join me in wishing Madam Mayor a continued and speedy full recovery.

Please let me spend a couple of minutes mentioning last week’s events.

Congratulations to our excellent MP, and good friend to many of us, Kwasi Kwarteng on his resounding victory with an increased majority, and also for Conservatives nationally in last week’s General Election. We can now get on and fulfil the will of the people, not hamstrung by undemocratic parties and indeed individual former MPs who thought they knew better than the electorate. For those who demanded a “People’s Vote”, well they have had it and the electorate has spoken. Now we can safely say that nationally, as well as in Spelthorne, Conservative administrations mean business.

Many will be aware that Kwasi is finally taking the marital plunge, and I am sure all Members will join me in wishing Kwasi and Harriet all best wishes on their wedding on Saturday.

In the words of Boris, we were hoping to be Corbyn neutral by Christmas. Well it seems we will have to wait a little longer. Talking of such matters, Members will recall that at the October Council meeting Councillors Siva, Doerfel and Nichols all stated that the target we adopted for being carbon neutral by 2050, the same as central government, was “unambitious” and “we should instead adopt 2030 to be carbon neutral”. You will recall that I responded by inviting them to jointly present their plan tonight as to how we may achieve this in an economically viable manner. Given that, as I understand it, even the Labour party, or what’s left of them, have recently abandoned 2030 as being unrealistic, it is unsurprising that they have not produced this, unless they are saving it as a surprise for us later tonight. Members will also recall that we undertook to form a Leader’s Climate Change Task Group and I am happy to confirm that this has been formed and will shortly be meeting for the first time. It will consist of four Conservatives, and one each from Liberal Democrats, Labour and Greens. It will be chaired by Councillor Noble.

Members will recall that we launched the Local Plan consultation on 5 November. By statute these consultations need to be open for a minimum of six weeks, and in recognition of the interruption of the Election, which was not known when we set the dates, has now been extended until 21 January, a total of 11 weeks. Many residents will understandably have concerns and I urge everyone to submit their responses by 21 January. There is a lot of misinformation being promulgated by what I have come to think of as the “traffic light alliance” of Reds Amber and Green, and a statement of repudiation has just been published.

Unfortunately we may ultimately have to make some tough decisions and I want everyone to understand officers have already put very significant time and effort into the emerging Plan. We will of course fully consider all feedback in the continued development of the Plan. This is an ongoing process and we are not expecting it to be finalised for about another 18 months.

Seven public events have been held to provide further information to residents and interested parties and a further event has been planned in January

The Council met with senior officials from the Ministry of Homes, Communities and Local Government to express the deep concerns over the very high housing figure calculated for the Borough using the Government's standard method for calculating 'need'. Using this method, the figure for Spelthorne is 603 homes per year. Like many local authorities in Surrey, it is incredibly challenging to find sites to meet that need. Spelthorne is 65% Green Belt and 17% is water. In fact, 26% of our Green Belt is made up of the reservoirs. The Council will continue to push the Government to bring this housing figure down so we can deliver a Local Housing Plan that is acceptable to our communities.

On Monday 11 November a Remembrance Ceremony was held here at the Council offices and we were joined by veteran Bill Sykes who helped plant a Red Oak Tree outside on the Green in readiness for commemoration of the 75th Anniversary of VE Day on 8 May 2020.

The Council has announced that it will be offering Council Tax exemptions from April 2020 to young people leaving care aged between 18 and 25. Care leavers have often had their childhoods affected by instability and trauma and they leave home earlier and have less support than other young people, which leads them to have some of the worst life chances in the County. I'm very proud that we have taken this practical step to help some of our most vulnerable residents in the Borough.

The Council has produced a written response and local impact report for The Southampton to London Pipeline Project. The proposed pipeline will pass through the Borough and while we understand the national need for the infrastructure project, our primary objective must be to ensure that sufficient protection is provided for our community and environment. The Council is looking for Esso to engage with us and our residents constructively to put in place the specific protections we seek.

Spelthorne Borough Council has launched a public consultation over the draft framework of our new Homelessness Strategy, which will address homelessness and rough sleeping in Spelthorne for 2020 to 2025. The consultation opened Monday 2 December and runs up to midday Monday 6 January. The overall aims of the strategy are to ensure nobody sleeps rough in Spelthorne, ending the use of bed and breakfast accommodation, reducing the length of time people stay in temporary accommodation, increasing the use of the private sector for homelessness prevention and investing in staff training and development to improve the Housing Options service.

Spelthorne's food banks provide support to those really in need to ensure they don't go hungry and the Council is keen to show our appreciation of their work and try to ease the burden during the festive season. In order to help those in need further, Spelthorne Borough Council has donated £2,000 to each of the four food banks in the Borough ahead of the Christmas period.

As Leader of Spelthorne Borough Council, I attended a Council meeting at Grand Port Mauritius on Friday 15th November to formally mark the 10th anniversary of our Twinning Charter. The visit was entirely self-funded and reflects my personal desire to reaffirm the decade long twinning. Taking time out from his annual vacation visiting family on the island, the Chief Executive - in his own time and at his own expense - also joined me on 15 November to mark this occasion. We both participated in a working session in the Grand Port Council Chamber with District Councillors and Heads of Department. The Chairman and Chief Executive of Grand Port then publically reaffirmed the relationship between the two boroughs in signing a 10th anniversary Charter declaration which is displayed in our public vestibule outside the Council Chamber. The Chairman and Chief Executive of Grand Port will be visiting Spelthorne early in 2020.

The Council have committed to their long standing plans to invest in zero emission electric powered vehicles for Council staff here at Knowle Green and at the depot. These include two electric pool cars, two electric vans for the operations team and two electric pool bicycles. The vehicles are expected to be in operation in February and underline our corporate priority to provide a clean and safe environment and develop a sustainable community for residents to live work and enjoy.

Can I thank all staff that were involved with running the General Election. At an already busy time of year for a lot of people this is a big team effort, so thank you for your ongoing support.

Many will be aware that our Head of Corporate Governance, Michael Graham is leaving us at the start of February to take up a new challenge at Reading. I am sure all members will join me in thanking Michael for his hard work and invaluable support and guidance to us in particular when we were new Councillors. I would like to welcome Karen Limmer who is here tonight and who will be joining us in the short term, subject to Council agreement later this evening, until a permanent replacement is found. Karen has recently retired from this role at Surrey Heath so is well qualified to keep us in order.

Finally may I wish everyone a very blessed Christmas and look forward to a prosperous 2020.

Thank you Mr Deputy Mayor"

331/19 Announcements from the Chief Executive

The Chief Executive made the following announcement:

“Thank you Mr Deputy Mayor. As this is the last Council meeting that Michael Graham will attend as Head of Corporate Governance I should like to thank him for his many years of service and wish him success in his new role at Reading Borough Council.

At this time of year, I should also like to put on record my appreciation to colleagues across this authority, from Accountancy and Audit to Strategic Planning and Streetscene, for their support in 2019 that has ensured our communities remain at the very heart of everything we strive to accomplish. I wish all staff a Happy Christmas and look forward to another productive year of public service commitment in 2020.”

332/19 Questions from members of the public

The Mayor reported that, under Standing Order 14, four questions had been received from members of the public.

Question from Caroline Nichols:

“As the building known as Ceaser Court One grows upwards to dominate the skyline in Green Street, I am wondering why the site never went to public consultation for complete redevelopment. The site could have accommodated a lower broader housing development more in keeping with the street scene and providing better privacy to the homes on the Benwell Estate. Why was there no public involvement in deciding the form and function of the development when the site was first acquired?”

Response from the Leader, Councillor Ian Harvey:

“Thank you for your question Mrs Nichols. As we are both aware your husband Councillor Nichols spent approximately 30 minutes discussing the project on Friday 17 May and you spent a further 45 minutes, well past finishing time the next day, also discussing this with Mr Richard Mortimer, our senior Property Manager. There is no record or recollection of either of you mentioning this proposal at those discussions.

I am frankly astonished that you would even think this a possibility. The financial cost, extended construction period, local disruption and perhaps most fundamentally of all the impact to the environment of destroying a perfectly sound structure, increasing footprint and waste of materials and unnecessary consumption of new materials makes this a non-starter.”

Question from Caroline Nichols:

“The next Great British Spring Clean is scheduled for 20th March to 13th April 2020 and the Keep Britain Tidy campaign gives awards to the best performing councils. In Spelthorne there are many local groups and individuals who support the Council with litter picks but there is still more to do. Would the Council be agreeable to raising the profile of the next Great British Spring

Clean and publish it prominently in the next edition of the Borough Bulletin with a view to competing for an award?"

Response from the Leader, Councillor Ian Harvey:

"The Spring Clean involves the community and we are fortunate in Spelthorne to have so many residents that are passionate about their environment and working with us to keep the borough a wonderful place to live. We support them by supplying litter picking equipment and helping them clear up. The River Ash is a great example of the Council and residents working together with over a dozen litter picking events happening in the last year all over Spelthorne. We also provide equipment and bags for scout groups that carry out annual litter picks in our parks and town centres. The annual Keep Britain Tidy campaign is something we participate in every year where we look at how we can improve specific places and areas in the borough to enhance our public spaces.

I can therefore confirm that the Keep Britain Tidy campaign will be advertised in the next edition of the Borough Bulletin and the Neighbourhood Services team will be discussing entering for an award with our community groups."

Question from Martin Shortland:

"If Spelthorne BC did not fund the costs required [airfare, accommodation, transportation, meals] for the Council Leader and Chief Executive's visit to Mauritius in November 2019 when they were officially representing the Council who did fund them and why?

Were the details and supporting documents of this official visit published?

On which dates did the Council Leader and Chief Executive leave and return to the UK?"

Response from the Leader, Councillor Ian Harvey:

"Thank you for your question Mr Shortland. Officers have already answered your question on the 5th of December, so there is not much further to add. The Chief Executive and I went to Mauritius in our own time and at our own expense to mark the 10th anniversary of the Borough's twinning with the district of Grand Port. Hence, as previously advised, at nil cost to the taxpayer.

If you would like to see the official communique of the 10th anniversary, you would be very welcome to review it in the corridor outside the Council Chamber. The date of attendance is also clearly stated as 15 November 2019. The details of the trip were made public and were announced at the last Cabinet meeting. Details are on our website.

As to the private travel arrangements undertaken by individuals whilst on leave, these are not a matter of public record. In closing, I am pleased to announce that the Chairman and Chief Executive of Grand Port will be visiting Spelthorne in the New Year as part of their District's commemoration of our twinning."

Question from Shadia Doerfel:

“As it is understood that the Council's Monitoring Officer, Michael Graham, will be leaving Spelthorne Borough Council around February 2020 after a number of years' service, will he continue his role as Company Secretary for Knowle Green Estates Ltd (the council's property and real estate buying and selling company whom I understand can also make planning applications)?

Mr Graham is still listed as company secretary to Knowle Green Estates Ltd with other listed directors, one of whom I understand is Councillor Harman - and Spelthorne Borough Council itself is listed as a "person with active significant control" of the company - does that mean the whole council, including opposition councillors, therefore have control of this company?”

Response from the Leader, Councillor Ian Harvey:

“Thank you for your question Mrs Doerfel and for your interest in our property company Knowle Green Estates Ltd.

The Head of Corporate Governance is not staying on as Company Secretary and has already tendered his resignation at a recent board meeting in November. If the details have not been updated on the Companies House website so far, they will be shortly.

You are right that, in accordance with company law, the Council is noted as a person with significant control of the Company as it owns more than 75% of the allotted share capital and has the right to appoint and dismiss directors.

The shareholder function of the Council is an executive matter and is therefore delegated to Cabinet. In May 2017, the Leader of the Council was appointed as the shareholder representative for the Council.”

333/19 Petitions

There were none.

334/19 Review of Polling Districts, Polling Places and Polling Stations

Council received a report from the Returning Officer following a review of the polling stations. The report recommended a number of changes to be incorporated in the next electoral register revision. Alternative venues to schools were proposed where this was possible which would significantly reduce the number of schools used.

Councillor T. Fidler had commented on the Halliford and Sunbury West site during the review but this had not been included in the report. The Head of Corporate Governance apologised for the error. The Deputy Mayor advised that there would be an opportunity to make further comments before the review was completed on 31 January 2020.

Resolved to

- (a) Note the report of the Returning Officer
- (b) Request the Electoral Services Manager to incorporate the changes in the next revision of the electoral register

- (c) Authorise the Electoral Services Manager to implement the changes outlined in the report of the Returning Officer with effect from the next election.

Reason for decision:

To ensure that all voters have equal access to polling places and all polling stations are suitable for electors. To select alternative venues to schools for polling stations where possible.

335/19 Appointment of Monitoring Officer

Council considered a report from the Chief Executive regarding the appointment of a Monitoring Officer following the departure of the current post holder on 7 February. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance.

As it was likely that there would be a period of up to six months until a new appointment could take up the post, it was considered prudent to make arrangements for cover in the interim.

Resolved:

- (a) To delegate authority to the Chief Executive to make an interim appointment as Group Head of Corporate Governance
- (b) To designate Karen Limmer as Monitoring Officer (on an interim basis) from 7 February 2020
- (c) To delegate authority to the Appointments Committee to designate the next Group Head of Corporate Governance as Monitoring Officer.

Reason for decision:

To comply with the Local Government and Housing Act 1989. It is the legal duty of the Council to have a Monitoring Officer and to designate one of its officers as such. Arrangements therefore need to be in place for the interim period until the next permanent appointment.

336/19 Redevelopment costs for Harper House - Key Decision

The Council considered the recommendation of Cabinet at its meeting on 6 November 2019 to approve a supplementary capital estimate of £400,000 to increase the existing capital programme provision for the demolition and rebuild of Harper House. This would enable the Council to take advantage of a time-limited grant funding programme, improve the quality and quantum of accommodation within the Borough for vulnerable homeless households and align the Council with the requirements of the Homelessness Reduction Act.

Resolved to approve the supplementary capital estimate of £400,000.

337/19 Calendar of Meetings

Council considered a recommendation of Cabinet on the proposed Calendar of Meetings for 2020/2021. The meetings have been programmed to ensure that the Council makes decisions in a timely way.

Resolved to approve the Calendar of Meetings for 2020/21 as attached to the agenda.

338/19 Report from the Leader of the Council

The Leader of the Council, Councillor I.T.E. Harvey, presented the reports of the Cabinet meetings held on 6 November 2019 and 4 December 2019, which outlined the matters the Cabinet had decided since the last Council meeting.

339/19 Report from the Chairman of the Audit Committee

The Chairman of the Audit Committee, Councillor J. Sexton, presented her report which outlined the matters the Committee had decided since the last Council meeting.

340/19 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.

341/19 Report from the Chairman of the Members' Code of Conduct Committee

In the absence of the Chairman of the Members' Code of Conduct Committee, Councillor R.A. Smith-Ainsley, presented the Chairman's report which outlined the matters the Committee had decided since the last Council meeting.

He also advised members that the Members' Code of Conduct Committee unanimously agreed at its meeting in November for all members to have further Planning training which would be mandatory for all councillors (not just those on the Planning Committee). The training had provisionally been arranged for 4 February 2020.

342/19 Report from the Chairman of the Overview and Scrutiny Committee

The Chairman of the Overview and Scrutiny Committee, Councillor V.J. Leighton, presented her report which outlined the matters the Committee had decided since the last Council meeting.

343/19 Report from the Chairman of the Planning Committee

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

344/19 Motions

In accordance with Standing Order 17 the Council received written Notice of a Motion.

Councillor V.J. Leighton moved and Councillor R.A. Smith-Ainsley seconded the following motion:

“This motion highlights Spelthorne Council’s existing Code of Conduct for elected councillors as expressed in the Council’s Constitution, Part 5, which all councillors are required to adhere to when they are elected.

The code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and is stated in point 9 as follows ...

‘You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.’

This Council agrees the existing code comprehensively promotes human rights and condemns all forms of discrimination, and the Council reiterates its commitment to the code and its onus on all elected members.”

Councillor R.A. Smith-Ainsley requested a recorded vote.

The voting was as follows:

FOR (32)	Councillors: I.T.E. Harvey, A.C. Harman, M.M. Attewell, C. Barnard, C. Barratt, R.O. Barratt, C.L. Bateson, I.J. Beardsmore, J. Boughtflower, A. Brar, S. Buttar, R. Chandler, N. Cornes, J.H.J. Doerfel, R.D. Dunn, S.A. Dunn, T. Fidler, N. Gething, K. Grant, N. Islam, T. Lagden, V.J. Leighton, A.C. Mitchell, L.E. Nichols, R. Noble, O. Rybinski, D. Saliagopoulos, J. Sexton, R.W. Sider BEM, V. Siva, R.A. Smith-Ainsley and J. Vinson.
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The motion was carried unanimously.

Resolved that the Council’s existing Code of Conduct for elected councillors comprehensively promotes human rights and condemns all forms of discrimination and the Council reiterates its commitment to the code and its onus on all elected members.

345/19 Questions on Ward Issues

There were no questions on Ward issues.

346/19 General questions

The Mayor reported that six general questions had been received, in accordance with Standing Order 15, from Councillors Sider, Nichols, S. Dunn and Doerfel.

Question 1 from Councillor R.W. Sider, BEM:

“Will the Leader and members of this Council join me in thanking Michael Graham for his outstanding service as Head of Corporate Governance of this Council over the past 14 years, and wish him well and every success in his

new appointment of Assistant Director for Legal and Democratic Services at Reading Borough Council”

Response from the Leader, Councillor I.T.E. Harvey:

Thank you for your question Councillor Sider. As I have already mentioned we are very grateful for the outstanding support advice and service to Spelthorne afforded by Mr. Graham and I certainly join you in wishing him a very successful future. Thank you Michael.

Question 2 from Councillor R.W. Sider, BEM:

“The week commencing 25 November was designated as National Tree Week. Trees have a crucial role to play in tackling the climate emergency and apart from drawing down carbon dioxide, trees create more spaces for nature, supporting hundreds of species of insects, birds and mammals. Trees are also great for public health, helping clean air, and providing access to nature that is important for our wellbeing. That said, given the space and economic viability in our borough, will the Leader support the doubling of tree cover in Spelthorne by the year 2045.”

Response from the Leader, Councillor I.T.E. Harvey:

“The Council is fully aware of the climate change situation and the importance of trees in helping to address the situation. I am pleased to say that we will have planted 851 trees in 2019 and are further reviewing where we can further plant in the coming year, always whilst bearing in mind the ongoing costs of maintenance. In addition, we are also promoting initiatives to work with schools, in order to encourage them to plant fruit trees, the produce from which is used in their cooking classes. This not only enhances their environmental and biodiversity knowledge, but makes them more aware of health and wellbeing at a time when obesity rates are on the increase amongst primary school children.”

Question 3 from Councillor R.W. Sider, BEM:

“The Local Plan has identified proposed sites in Charlton Village, Shepperton to accommodate developments of some 380 dwellings. The total number of homes in Charlton Village at present is around 470, and the local plan proposal would mean that there would be an increase of 88% in housing. Whilst the local plan is subject to consultation, and residents have already submitted a petition to the council appended with 609 names against the identified sites for development, would the Leader agree with me, and share my concerns, that such an increase in this village would destroy its character in entirety.”

Response from the Leader, Councillor I.T.E. Harvey:

“The two sites at Charlton Village are proposed as allocations in the new Local Plan, which is currently undergoing public consultation. There are a total of 53 sites, 19 of which are in the Green Belt, including both the sites in Charlton Village. We are seeking people’s views on all of the sites and once the consultation has concluded on 21 January 2020, the feedback received will be analysed before consideration is given as to those sites that will be taken forward and those that won’t. This is a key part of the work that will be

undertaken by officers and members of the Local Plan Working Party early next year. It is not the appropriate time for me to be commenting on the merits or otherwise of individual sites at this stage whilst the consultation is still underway and before the responses are analysed. I urge all members of our communities to have their say by responding in writing to the consultation before the deadline so that everyone's views can be taken into account."

Supplementary question from Councillor R.W. Sider, BEM

"Not a supplementary as such, other than to say if it goes ahead it will be nothing short of insanity"

Response from the Leader, Councillor I.T.E. Harvey

"I understand that it is very emotive for all of us. I would much rather not be leading this Council through the Local Plan. There are difficult decisions. We are doing our level best to mitigate as far as we can. I have already previously said that Councillor Beardsmore, myself, and officers went to the Ministry trying to get them to accept a lower figure, the 2016 benchmark rather than the 2014 benchmark, which would have protected all of our Green Belt. Whether it is insanity or not I cannot comment. We are doing our level best."

Question 4 from Councillor L. Nichols:

"In August Spelthorne Borough Council advertised for non-executive directors for Knowle Green Estates. How many applications were received and how many candidates were interviewed? Have any appointments been made?"

Response from the Leader, Councillor I.T.E. Harvey:

Thank you for your question Cllr Nichols. "We received 40 applications for these positions, of which 4 candidates were interviewed. We have made one appointment."

Supplementary question from Councillor L.E. Nichols:

"According to Companies House no-one else had been appointed, that was at midday today. Given that this will be public information can we know the name of who has been appointed?"

Response from the Leader, Councillor I.T.E. Harvey:

"I am quite happy to confirm that the person appointed as a non-executive director was Howard Williams"

Question 5 from Councillor S.A. Dunn:

"The Local Development Scheme sets out a timetable for the production of the Local Plan which stretches out in to 2021. Could the Leader please set out what opportunities will be available to members to formally discuss, debate and vote on both specific aspects of the Local Plan and the final completed version?"

Response from the Leader, Councillor I.T.E. Harvey:

"The Local Plan is still in the preparation stage and the current consultation is not the final point at which we'll be seeking input and views from our

communities and local councillors. Indeed, the consultation is still ongoing up to 21 January 2020 so do make sure you and the residents you represent are responding to the draft Local Plan proposals as all the feedback will be taken into account as the policies and allocations continue to be developed further. Officers have engaged with all Members in advance of the consultation by inviting them to a pre-consultation briefing ahead and organising drop-in sessions afterwards to discuss specific sites and topics. These were well attended and officers have also met with and taken calls from Members during the consultation to provide further information and respond to questions. The next stage post-consultation will be for a final draft of the Local Plan to be produced and it will be the Local Plan Working Party that is tasked with leading on this work and reporting its recommendations to Cabinet before a further consultation prior to submission to the Planning Inspectorate for examination. Once examined and if found 'sound', which means the Planning Inspectorate considers the plan to be legally compliant and in accordance with national policy, the Plan will be presented to full Council for a decision on whether Spelthorne Council should formally adopt it."

Supplementary question from Councillor S.A. Dunn:

"Although we have Councillor Beardsmore representing on your authority on that committee, there is no-one from other opposition parties to help out"

Response from the Leader, Councillor I.T.E. Harvey:

"Thank you for your supplementary question Councillor Dunn.

I have a strange sense of déjà vu.

This matter was already raised in July Council. I would refer you to the answer I gave at the time: if opposition councillors want to take a greater role in the Local Plan Working Party then that is a privilege which has to be earned rather than demanded.

As I said at the time:

When councillors seek to mislead or frighten the public by wrongly suggesting that our green spaces are under threat then they highlight how unsuitable they are to serve on such a working party. We are seeking knowledge, competence and level-headedness. Councillors who demonstrate an unwillingness to take advice from officers or work collegiately with other councillors on a non-political basis rule themselves out. That remains the same.

When opposition councillors demonstrate their capacity to serve the needs of the Council and the whole Borough on the Local Plan Working Party then I will consider the matter further."

Question 6 from Councillor J.H.J. Doerfel:

"On 21 November I asked Council staff to provide me with information that is covered by the Freedom of Information Act namely the full contract with and instructions to the consultants Arup that informed their Green Belt assessment

which plays a central part in the current Local Plan Consultation. Both as a Councillor (who happens to be a member of the Audit and Overview and Scrutiny Committee) and as a member of the public I am entitled by law to receive this information. I asked to be provided with this information without delay, yet I have still not been provided with a copy of this information (either by email or by post) as I am entitled to under the Act. This is extremely concerning both in terms of appropriate treatment of Councillors' requests for information and in terms of the compliance with the rule of law at this Council, considering furthermore that the Local Plan consultation is due to close on 21 January 2019, that the information has already been withheld for three weeks [at the time of submission of this question] and that this information is central.

- (1) When will I be provided with a copy of the full contract for Arup (and all the specific documents that make up this contract) which I expressly requested?
- (2) What steps is the Council going to take in the future to ensure that Councillors' requests for information are complied with promptly and that the Freedom of Information Act is complied with in a spirit of openness and compliance from now on?"

Response from the Leader, Councillor I.T.E. Harvey:

"Officers have reviewed your correspondence and you did not make it known that your request was made under the Freedom of Information Act.

Officers have offered you assistance in relation to your request and you were advised to speak with officers in order to progress the matter. It is a shame you have not taken the advice you were offered.

I do have to correct you, you are not a member of the public, you are a councillor, and as a member of this Council you will always be provided with the information you need to perform your functions as a councillor.

If councillors think that they are entitled to more information under the Freedom of Information Act, then they are wrong. You are likely to receive less information once exempt information has been redacted. This is because councillors may be able to receive confidential information that members of the public are not entitled to.

If you wish to use the FOI route then we will of course comply with the statutory timelines as required by law, so you can expect an answer in 20 working days once your request is received.

I can understand that this is a complicated area for new councillors so I would always recommend you take advice from the Head of Corporate Governance."

Supplementary question from Councillor J.H.J. Doerfel:

"Is Councillor Harvey aware of the following advice by the Information Commissioner guidance? Everyone has a right to request information from a

public authority, you have two separate duties when responding to that request:

- To tell the applicant whether you hold any information falling within the scope of their request; and
- To provide that information.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. And the timeline is 20 days which is today. I have made the request 20 days ago and received nothing. I will take this to the ICO if I do not receive the requested information this week”

Response from Councillor I.T.E. Harvey:

“The information I gave was based on legal advice. I will be seeking clarification and you will receive a written response.”

Following the meeting a written response was provided:

“Thank you for your supplementary question Cllr Doerfel. I am aware of the advice given by the Information Commissioner as are officers of the Council. You should also be aware of the advice given by the Information Commissioner that not every request for information needs to be treated as a Freedom of Information Act request. There is a concept of “business as usual” requests where in the normal day-to-day operations of a local authority information is requested and provided without the need for any consideration of the Freedom of Information Act. Your request to officers was one such example of a business as usual request because it is expected that councillors will ask for information they need to perform their duties and this will be provided by officers. Officers sought to clarify your request with you but you ignored the advice given to speak to the Head of Corporate Governance to resolve the matter. Instead, you chose to grandstand in the Council Chamber in order to try and score some political point. This is not the way that councillors are expected to conduct business in this Council. As I said in Council, the Head of Corporate Governance has now issued an advice note to all councillors to confirm the way in which we will deal with councillors making FOI requests.”

347/19 Urgent Action

Council noted the urgent action taken on 9 December 2019 by the Chief Executive in consultation with the Leader to designate the Running Horse Public House as a new polling place in the Sunbury Common ward for the General Election on 12 December. This was not a Key Decision.

The matter was considered as an urgent action because the venue previously used as a polling station in this ward had declined its use at this election and it was necessary to ensure there were sufficient polling places in the district before the Council was next due to meet.

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