

Minutes of Cabinet

29 January 2020

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor A.C. Harman, Deputy Leader and Finance
Councillor M.M. Attewell, Community Wellbeing and Housing
Councillor R.O. Barratt, Environment and Compliance
Councillor I.J. Beardsmore, Strategic Planning - Local Plan
Councillor H. Harvey, Portfolio Holder for Investment, Management and
Regeneration
Councillor J. McIlroy, Portfolio Holder for Planning Department Management
Councillor O. Rybinski, Economic Development, Customer Service, Estates
and Transport

Apologies:

Councillor A. Brar, Portfolio Holder for Housing
Councillor J.R. Sexton, Portfolio Holder for Corporate Management

Councillors in attendance:

Councillor C. Bateson
Councillor L. E. Nichols
Councillor V.J. Leighton
Councillor R.W. Sider BEM

Also in attendance:

Mr. Nirmal Domah, Chairperson and Mr. Shyam Teeluck, Chief Executive of the District Council of Grand Port, the Council's twin town in Mauritius.

2668 Minutes

The minutes of the Cabinet meeting held on 4 December 2019 were agreed as a correct record.

2669 Disclosures of Interest

There were none.

2670 Petition on the Local Plan

Cabinet considered 6 petitions relating to 5 locations, which had been submitted in response to the consultation on the Local Plan. The petitions were in relation to:

- Charlton Village – 609 signatories
- Land between Old Charlton Road and the M3, Shepperton – 280 signatories
- Stratton Road, Sunbury – 534 signatories
- Land to the west of Town Lane, Stanwell – 227 signatories on 2 petitions

- Land adjacent to Windmill Gate Estate, Sunbury – 232 signatories

The statements for each petition were set out in both the main agenda for this meeting and in a supplementary agenda.

Four petitioners attended the meeting to address the Cabinet. Councillor R.W. Sider BEM, as ward councillor took the opportunity to address the Council in relation to the petition for Land between Old Charlton Road and the M3, Shepperton.

The Leader made the following remarks in relation to the petitioners' comments:

"I would like to thank all of the residents here tonight for taking the time to come and present your concerns about the Local Plan and about the possible loss of Green Belt.

We have petitions from Charlton Village, Shepperton, Sunbury and Stanwell.

All these are understandable and all Cabinet Members will be sympathetic to the individual circumstances relating to each site. We all have a commitment to the Green Belt – that is a commitment which we have made publicly as a Council and a ruling Conservative Group. We do not wish to see development on the Green Belt.

This present consultation follows on from our earlier issues and options consultation May 2018 in which we highlighted some of the issues facing the Borough including the possibility of the loss of Green Belt or the option of intensifying uses in the town centres.

I would stress to all the petitioners tonight that this Council is still consulting, this is a genuine consultation and no conclusions have yet been reached. All these views will be taken into account. I would however caution residents that with regards to the Local Plan – there are no simple answers. If any resident thinks there is an easy answer, then, with respect, you may have failed to understand the very difficult circumstances in which we find ourselves. As councillors we have to take into account the interests of all our residents, present and future. We have to find housing solutions for children who are still at school and who are not present at this meeting. This means as councillors we have to make difficult decisions in the public interest which will stand the test of time.

We have objections with the housing numbers which have been given to us by government and we are seeking to negotiate a better solution for the Borough. That has to be a priority and I have given my personal commitment to that task.

All of the proposals here tonight are rightly looking out for what they see as the public interest. All those views are valid, but you will appreciate that some of the implications of your submissions will be unpalatable to others. For

instance, if we accepted all these proposals we could be asking residents in Staines and Ashford to take many more high-rise blocks. There will be lots of people opposed to that option too.

So in conclusion, thank you for submitting your petitions. All views will be considered. The Council has hard decisions ahead. We need the involvement of the whole community to find the right answers and so your participation and presentations are very gratefully and humbly received."

The Leader invited the Strategic Planning portfolio holder, Councillor I.J. Beardsmore to respond to the petitions. He commented as follows:

"Thank you all for your efforts.

Firstly, the most important thing to say is that no Spelthorne councillor wants to build on Green Belt. We have been forced to potentially consider some weakly performing Green Belt sites for housing because of the huge increase in demand for the provision of new housing, forced on us by central government. Not surprisingly, Many residents across the borough have reacted strongly to proposals in their own area.

Weakly performing Green Belt was identified via the Green Belt Assessment and methodology agreed by the council last year. This is online and clearly lays out the methodology used. The rules for Green Belt can be found in the NPPF (National Planning Policy Framework) para 135, these are the rules and criteria we have to use. Again this is publically available and online.

Occasionally other reasons can be found to reject a weakly performing Green Belt site, these are few and far between, which does not mean we will not make the effort - because we will - which is where your representations and any new evidence they supply is so important.

I need to dispel a few misconceptions that are still going around despite repeated attempts to explain the truth.

The council does not own any of the sites referred to in the petitions. In fact we own hardly any of the sites in the entire consultation. Spelthorne has not submitted any of these sites for building, the landowners have. We will not be making any money from them, the land owners and developers will.

Despite being repeatedly told the information is false, it is still being said that we have a huge number of Brownfield sites we are not considering. Wrong. There was a previous Housing Land Availability Assessment which has identified sites for approximately 5,500 houses. Every one of them on Brownfield sites. So those Brownfield sites have already been included. This includes 29 re-considered in this consultation to potentially transfer them from that pot to this. The fact it is recommended not to transfer them to this 'pot' simply means they will stay in the other 'pot'. Either way they are all under consideration

Now to the petitions

I cannot answer any of the petitions specifically because the work to analyse all the submissions has hardly started and these petitions, as well as all the other submissions, are likely to contain new information that has to be looked at carefully. I will though, make some general observations.

There is a lot of anecdotal information about what is and is not right for a Gypsy and Traveller site. They are a hard group to communicate with which does not make the problem any easier. However, as far as I am aware, nothing has yet been found that is beyond the anecdotal – i.e. is evidence based sufficiently to withstand cross-examination at an inquiry. So we are left with trying to find the best solution from what we know, since finding these sites is a legal obligation on the council. I am also aware that there are potentially access issues with two of these sites and that will have to be looked at in more detail.

We are in discussions with the local health providers and the results of these discussions, along with infrastructure and other issues will all be incorporated into an infrastructure assessment.

Flooding. We will have to take a look at photographic evidence that has been produced in some cases, and incorporate that with the latest EA flood data updates that are currently 9 months late. Developers will of course argue that these can be overcome with a SUDs scheme (Sustainable Urban Drainage). That may be possible but only up to a point. That 'Point' will have to be separately analysed in more detail for each individual site with input from the Environment Agency.

Biodiversity related issues. I do not believe any of the sites have been identified as specifically a BOA (Biodiversity Opportunity Area), but whether or not some are close enough to a recognised BOA to have potential impacts on that BOA will have to be looked at again, and separately for each site.

As of two days ago when we last checked, Surrey were still confident they could meet the extra demand for school places across Spelthorne if the proposed new building was to go ahead approximately as laid out.

Surrey's formal response to the consultation is also quite clear about roads. If the proposals were to go ahead broadly as laid out, collectively they would not have a severe impact on the road network, and therefore could not be opposed on those grounds. YES I find this hard to swallow but legally Surrey are the competent authority on this and we have to listen to what they say, however hard we find it to believe them. Further mitigation will be needed to accommodate the traffic generated by specific sites but this will be delivered if they go ahead."

In accordance with Standing Order 16.4 in the Constitution, the options open to Cabinet were:

(a) to take the action the petition requests; or

- (b) not to take the action requested for reasons put forward in the debate; or
- (c) to note the petition and keep the matter under review.

Resolved that Cabinet notes the petitions and asks the Local Plan Working Party to review the matters they have raised.

2671 Spelthorne Borough Council (Off-Street Parking Places) Order 2020 - Key Decision

Cabinet considered a report on the implementation of a new Off-Street Parking Places Order 2020.

The Order sets out the terms and conditions for use of Council owned car parks, and the charges and penalties which apply to those using the car parks. It forms the legal basis from which all future charges and enforcement actions relating to Council owned car parks are made.

Alternative options considered and rejected by Cabinet:

Not to implement the proposed Parking order

Resolved to:

- 1) Authorise the Group Head of Neighbourhood Services to proceed with the proposals made in this report and to implement the Spelthorne Borough Council (Off-Street Parking Places) Order 2020;
- 2) Authorise the Head of Corporate Governance to publish all notices required to implement the Spelthorne Borough Council (Off-Street Parking Places) Order 2020;
- 3) Authorise the Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance to consider and address any objections and to amend the proposals if necessary following the public consultation;

Reasons for Decision

To ensure that parking regulations in all off-street car parks identified within the report are current and enforceable and to support the Council's aim for Financial Sustainability.

2672 Treasury Management half yearly report 2019/20

Cabinet considered the half yearly report on the Treasury Management Strategy for 2019-20.

The report outlined the treasury activity during the half year and the associated monitoring and control of risks.

At 30 September 2019 the Council's total borrowing was £1,050m, a small decrease of £3m from the beginning of the financial year.

The Council's investment portfolio totalled £89m, with £53m of this being short-term and cash funds. The pooled fund investments for the period to the

end of September was £817k, with an annualised revenue return of £1.54m (4.8%).

Resolved to note the treasury position for the first six months of 2019-20 and the financial environment in global markets.

2673 Treasury Management Strategy Statement 2020/21

Cabinet considered a report on the Treasury Management Strategy Statement 2020-21 which the Council is required to approve before the start of each financial year.

The Council had taken advice from its Treasury advisers, Arlingclose, to ensure a prudent and robust approach in the Strategy, which considers the external financial context and provides information on the local context in terms of current investment and borrowing.

Resolved to recommend that Council approves the proposed Treasury Management Strategy for 2020-21 as set out in this report.

Reason for the decision:

The Treasury Management Strategy is fundamental to developing the financial sustainability of the Council.

2674 Housing Strategy 2020-2025

Cabinet considered a report proposing the adoption of a Housing Strategy for the period 2020 to 2025. Whilst it is not a legal requirement to have a Housing Strategy, the Council has continued to publish one due to the importance of access to suitable affordable housing in the borough.

An amended version of the Strategy was circulated in a supplementary agenda. The Strategy is based upon the findings of an independent review of the Council's performance in affordable housing delivery and sets out three key areas of focus. The draft framework of the new Strategy was open to public and stakeholder consultation.

Alternative options considered and rejected by Cabinet

None

Resolved to recommend to Council that the Housing Strategy 2020-25, as amended in the supplementary agenda, be approved.

Reason for recommendation

The Housing Strategy 2020-25 sets out how the Council will ensure that local residents have an appropriate and affordable range of housing options to meet their needs.

2675 Pay Policy Statement 2020/21

Cabinet considered a report on the Annual Pay Policy Statement 2020-21. The statement sets 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.

Resolved to recommend that Council approves the Pay Policy Statement for 2020-21.

Reason for the decision:

Cabinet noted that the Localism Act 2011 required local authorities to publish an annual pay policy statement to increase transparency regarding the use of public funds to pay Council staff. The pay policy statement must be agreed by full council and published by 31 March each year.

2676 Spelthorne Leisure Centre - Consultation

Cabinet considered a report on the planned consultation on revised proposals for a replacement Spelthorne Leisure Centre, which was circulated at the meeting.

The current Spelthorne Leisure Centre in Staines-upon-Thames will be nearing the end of its useful life by the end of 2021. Following a consultation exercise in Summer 2018 on proposals to build a new leisure centre on Staines Park, which caused the public significant concern, the Council decided not to take forward any plans to use the Park and agreed to seek an alternative location for the new leisure centre.

It was proposed to run a consultation exercise from 28 February to 27 March 2020 on a revised location.

Alternative options considered and rejected by the Cabinet:

- Do nothing
- Propose an alternative approach

Resolved to

1. Approve proposals for:
 - The revised location (as outlined in Appendix 1), and
 - The proposed facilities mix (as outlined in Appendix 2) and additional information for consideration, for the new Spelthorne Leisure Centrefor presentation to residents, businesses and other stakeholders.
2. Authorise the Council's Leisure Centre Development Working Group to:
 - Consider the results of the consultation exercise; and
 - Decide on the business case for any amendments to the proposals for a new Spelthorne Leisure Centre based on the consultation responses, prior to seeking approval from Cabinet to proceed with any planning application.

Reason for decision

To ensure that the views of stakeholders are taken into consideration before any detailed design is finalised for the new Leisure Centre.

2677 To delegate authority to select the supplier of a refuse collection vehicle

Cabinet considered a report on the selection of a supplier of a refuse collection vehicle.

The Council agreed the budget for the purchase of a new refuse collection vehicle in June 2019. To ensure the vehicle could be ordered and delivered as soon as possible, bearing in mind the lead in time for the build and delivery was up to 11 months, Cabinet was asked to delegate the selection of the supplier to the Group Head of Neighbourhood Services in consultation with the portfolio holder.

Alternative options considered and rejected by the Cabinet

Not to agree the delegation.

Resolved to delegate the selection of the supplier of a refuse collection vehicle to the Group Head of Neighbourhood Services in consultation with the portfolio holder.

Reason for decision

To ensure that the procurement of the refuse collection vehicle can progress as soon as possible due to the long lead in time for delivery.

2678 Leader's announcements

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

Spelthorne Borough Council has successfully prosecuted a man for multiple fly-tipping offences. Harry Shaw from Ashford pleaded guilty to five charges of fly-tipping at Guildford Magistrates Court in December and was given a 12 month community order, including a requirement to undertake 150 hours of unpaid work. He is also required to pay prosecution costs of £1,923 and clean-up compensation to the total of £1,420. Mr Shaw was also ordered to forfeit the vehicle used in the offences. The offences related to fly-tips in Stanwell, Ashford and Shepperton.

Heathrow has announced that it will undertake another eight-week consultation to finalise its proposals for airport expansion. The consultation will run from April – June and the responses will feed into the final planning application, to be submitted to the Planning Inspector towards the end of 2020. Spelthorne has welcomed the news, having strongly argued that Heathrow's previous consultation, which closed in September 2019, lacked the necessary detail.

The consultation for the Spelthorne Local Plan has now closed. The responses from residents will be reviewed by the Strategic Planning team and a summary of the feedback will be produced soon. The next steps will be to redraft the policies if required, decide which sites should be taken forward, produce new supporting evidence and commission the Staines Masterplan.

Capture Spelthorne, the Council's photography competition opens on 28 February. There are four categories to enter and the overall winner will see their photograph published on the cover of the summer Bulletin. Entries close on 30 April.

The Fordbridge Community Centre is celebrating 'National Make a Friend Day' by hosting a lunch for members on Tuesday 11 February.

Spelthorne Council held a special memorial event on 27 January to mark Holocaust Memorial Day which reflects on the horrors of the Holocaust and other genocides throughout history. Staff, councillors and representatives from a number of different religious groups joined together to take part in the flag raising ceremony.

Prime Minister Boris Johnson visited Spelthorne's Charter Building in Uxbridge on Friday 17 January to address a meeting of female entrepreneurs. During the visit, the Prime Minister met Cllrs Olivia Rybinski and Ian Harvey and had the opportunity to hear about Spelthorne's commercial investment strategy.

The Council is continuing to make good progress with its eco-initiatives and has recently ordered two electric bicycles, two electric vans and two electric pool cars.

Work has started on the spring edition of the Bulletin which will be delivered to residents from 16-20 March and includes articles about the Council's housing initiatives, Spelthorne Business Awards and VE Day celebrations.

2679 Urgent Action

Cabinet noted that on 6th and 9th December 2019, the Chief Executive in consultation with the Leader, agreed lettings on part of the 3rd floor and part of the 4th floor respectively, within Charter Building, Uxbridge. These were not Key Decisions. The matters were considered as urgent actions because the proposed tenants required completion of the lettings before the Cabinet was next due to meet.

2680 Urgent items

There were none.

2681 Review of Knowle Green Estates Ltd

Cabinet considered a report and an exempt Business Plan reviewing the structure of Knowle Green Estates Ltd following a 3 year operational period.

The report proposed a new corporate structure for the business in keeping with the Council's ambitious development plan.

Alternative options considered and rejected by Cabinet

None

The Cabinet considered the recommendations from the Overview and Scrutiny Committee following its consideration of the Business Plan at its meeting held on 21 January 2020.

The Chairman, Councillor V.J. Leighton spoke to the recommendations which were:

1. That the Business Plan for the Knowle Green Estates Group is presented alongside a mission statement or that a mission statement is subsequently developed identifying the purpose and aims of the Group.
2. That the process of asset valuation and transfer detailed in the Business Plan for the Knowle Green Estates Group be subject to further clarification.

The Leader responded to the recommendations, on behalf of the Cabinet, as follows:

“Mission Statement

As regards a mission statement for Knowle Green Estates Group Ltd – I can see how this will provide some assurances for members. I think the business plan makes it clear the direction of travel for the business, but I have no reservations to ask the Directors to consider their proposal for a mission statement and submit it to the Council. I think this will complement the Business Plan.

Asset valuation and transfers

I know that this is a live issue for the Directors because it fundamentally affects the financial appraisals for all the development sites.

I am also aware that the Council has taken some initial advice in this area. This has clarified that we do not need to transfer at full value where there is affordable housing and the Council is the sole proprietor of the Company. It is worth the Council and the Company developing a protocol on this for the future schemes and taking further advice on a revised protocol. As Shareholder Representative, I will discuss this with the Directors to see how such a protocol could be developed and how the approach can be clarified in the business plan.

Thank you for your recommendations which I propose to accept.”

Resolved that the Directors of Knowle Green Estates Ltd be requested to furnish further information to Cabinet along the lines outlined by the Leader in his response to the Overview and Scrutiny Committee recommendations.

The Cabinet then considered the recommendations in the report, and exempt appendix, before them and

Resolved to:

1. Authorise the Head of Corporate Governance to establish a group holding company – Knowle Green Estates Group Ltd;
2. Authorise the Head of Corporate Governance to establish a Lettings Agency and to subscribe to one share in this company in the name of the Council and thereafter to transfer the share to Knowle Green Estates Group Ltd;
3. Authorise the Head of Corporate Governance, subject to their confirmation of willingness to be so appointed, to appoint the Directors of Knowle Green Estates Ltd as the Directors of Knowle Green Estates Group Ltd and the new letting agency company;
4. Authorise the Head of Corporate Governance to recruit an additional independent Director for the Group;
5. Appoint Spelthorne Borough Council as the Company Secretary for Knowle Green Estates Group Ltd and any subsidiary companies and delegate the Head of Corporate Governance to undertake that function and update the scheme of delegation accordingly;
6. Authorise the Head of Corporate Governance to transfer the Council's shareholding in Knowle Green Estates Ltd (KGE) to Knowle Green Estates Group Ltd;
7. Authorise the Head of Corporate Governance to establish a Limited Liability Partnership with Knowle Green Estates Group Ltd for the development at Block E of London Road (Berkeley Homes scheme);
8. Authorise the Head of Corporate Governance to establish a Limited Liability Partnership with Knowle Green Estates Group Ltd for Ceaser Court;
9. Authorise the Head of Corporate Governance to establish a Limited Liability Partnership with Knowle Green Estates Group Ltd for Thameside House;
10. Approve the Knowle Green Estates Group business plan 2020-2024 submitted and approved by the Board of Knowle Green Estates Ltd (Exempt Appendix 1); and
11. Appoint the Leader of the Council as the Shareholder representative for Knowle Green Estates Group Ltd and all subsidiary companies.

Reasons for decision

To review the purpose of Knowle Green Estates Ltd in light of its first three years of operation.

1. To recommend a new corporate structure for the business which is in keeping with the Council's ambitious development plan.
2. To document the relationship between the Council and the Company and a proposed Group holding company.

The Leader noted that this was the last Cabinet meeting that Michael Graham would attend at Spelthorne Borough Council as the Monitoring Officer and thanked him for his support over many years and offered his best wishes on behalf of the Council in his new position. He also welcomed Karen Limmer who had been appointed as the Interim Monitoring Officer.

NOTES:-

- (1) *Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the “call-in” procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) *Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) *Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to “call in” a decision;***
- (4) *To avoid delay in considering an item “called in”, an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a “call in” being received if an ordinary meeting is not scheduled in that period;***
- (5) *When calling in a Cabinet decision for review the members doing so should in their notice of “call in”:-***
 - Outline their reasons for requiring a review;***
 - Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
 - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
 - Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***

- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 7 February 2020.***