

## 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 July 2016 at 7.30 pm

### Present:

#### Councillors:

M.M. Attewell	P.C. Forbes-Forsyth	S.C. Mooney
C.B. Barnard	M.P.C. Francis	D. Patel
R.O. Barratt	C.M. Frazer	O. Rybinski
I.J. Beardsmore	A.L. Griffiths	D. Saliagopoulos
J.R. Boughtflower	A.C. Harman	J.R. Sexton
R. Chandler	I.T.E. Harvey	R.W. Sider BEM
C.A. Davis	N. Islam	R.A. Smith-Ainsley
S.M. Doran	A.T. Jones	B.B. Spoor
S.A. Dunn	J.G. Kavanagh	H.A. Thomson
Q.R. Edgington	V.J. Leighton	H.R.D. Williams
T.J.M. Evans	M.J. Madams	
K. Flurry	A.J. Mitchell	

#### In Attendance

**Apologies:** Apologies were received from Councillors S.J. Burkmar, S. Capes, N.J. Gething and J.M. Pinkerton OBE and

Councillor A.E. Friday, The Mayor, in the Chair

#### **172/16 Minutes**

The minutes of the Council meeting held on 19 May 2016 were agreed as a correct record.

#### **173/16 Disclosures of Interest**

Councillor S.C. Mooney declared a conflict of interest in relation to item 11b, the report from the Leader on the work of the Cabinet, as she was the Chairman of the Staines Sea Cadets Unit Management Committee, but she voted on the item.

### **174/16 Announcements from the Mayor**

The Mayor made the following announcements:

“I would like to thank everyone who came to the Civic church service on 3 July and to invite all councillors to the following events:

- My Civic day on Tuesday 6 September, leaving the council offices at 9.30am and returning at 5.30pm. We will confirm the exact details in the next few weeks.
- The charity boat trip on Saturday 10 September from 5.30pm to 9.30pm departing from French Brothers at the Runnymede Boathouse, Windsor Road, Old Windsor.

Please let my secretary know if you will be joining us for either or both events.”

### **175/16 Announcements from the Leader**

The Leader made the following announcements:

“Thank you, Mr. Mayor.

A number of Councillors have been receiving emails regarding hate crime since the EU referendum. These are all standard emails from the same source and the senders cannot be verified. There is no evidence that incidents of hate crime have increased in Spelthorne since the referendum, and the Council has always deplored any type of hate crime and will continue to do so.

#### **Sunbury Walled Garden**

I am happy to announce that Sunbury Walled Garden has won the prestigious Green Flag Award for the sixth year running.

The Green Flag Award scheme recognises and rewards the best green spaces in the country and this year the Walled Garden, which is home to the Southern Collection of over 100 varieties of Clematis, is one of a record number of spaces to receive the Award.

#### **Incursion of travellers' onto Woodthorpe recreation ground.**

I'm pleased to report that the Council was successful in securing the conviction of all unauthorised occupiers for failure to comply with the Community Protection Notice. An Injunction was also granted to prevent these

unauthorised occupiers from occupying land and carrying out fly tipping. This injunction:

- Covers the whole Borough.
- Lasts indefinitely.
- Carries the power of arrest for any breach.
- A conviction for breach carries a 2-year prison sentence.

Furthermore, a Seize and Forfeiture Order was made in relation to the vehicles, animals and all other items.

### **Death in quarry**

Sadly, I have to report the death, on Tuesday evening, of a young man Leon Wilson at Lammas Lake, Wraysbury Road, in Staines. Leon had been swimming with some of his friends. We offer our sincere sympathies to his family at this distressing time.

I would like to comment on the recent elections. In May we had the Police and Crime Commissioner Election and two by-elections, one for the borough council and one for the county council. It was pleasing to see two conservative candidates returned for both of those by-elections: Councillor John Boughtflower and County Councillor Denise Turner-Stewart. I've already offered my congratulations to those councillors in the last council meeting. In June, we had the Referendum which gave us the Brexit result and I know a lot of councillors had campaigned for that. I would like to thank the entire Electoral Services team and others who joined them temporarily, admirably led by Electoral Services Manager Jayne McEwan, for their hard work and commitment in very challenging circumstances."

### **176/16 Announcements from the Chief Executive**

There were none.

### **177/16 Questions from members of the public**

The Mayor reported that, under Standing Order 14, one question had been received from a member of the public.

#### **Question from Mr A. McLuskey:**

"Given Spelthorne's proximity to London, and bearing in mind the recent report to the effect that the capital's air pollution disproportionately affects schools with a significant number of pupils from deprived backgrounds, can the Leader indicate how far that situation is replicated here?"

#### **Response from Councillor A.J. Mitchell, portfolio holder for Environment and Compliance**

Thank you for your question, Mr McLuskey.

A research report was prepared on this topic by independent consultants, Aether, on behalf of the Greater London Authority in 2013. The report was not published but concluded that, in Greater London, 24% of primary schools had average concentrations above the National Air Quality Objective (NAQO) value for annual mean nitrogen dioxide. Of the 433 primary schools in locations where average concentrations exceed the nitrogen dioxide NAQO value, 82% were deprived schools. The definition of a deprived school used in the report was one with more than 40% of pupils eligible for free school meals.

There are 29 infant, junior and primary schools in Spelthorne. However, none of these schools meets the definition of a deprived school, as used in the Aether 2013 study, and therefore the situation described in your question does not apply here in Spelthorne.

**Question from Mr A. McLuskey:**

“On the basis of what criteria does Spelthorne Council apportion leisure and community centres to the different parts of the Borough?”

**Response from Councillor M.M. Attewell, portfolio holder for Community and Wellbeing**

Thank you for your question Mr McLuskey.

I shall deal with your question in two parts, firstly with the major Leisure Centres in Staines upon Thames (Spelthorne Leisure Centre) and Sunbury on Thames (Sunbury Leisure Centre) and thereafter with the Community Centres in Staines upon Thames (Staines Community Centre), Ashford (Fordbridge) and Shepperton (Greeno).

The Spelthorne Leisure Centre was opened in 1967, initially as a swimming pool, with the sports hall being completed in the late 1980s. The decision as to the choice of site will have been taken based on available Council land and proximity to the largest centre of population in the Borough.

The Sunbury Leisure Centre was opened in 1963 as a partnership by Surrey County Council and Spelthorne Borough Council as a dual use site on the campus of the Sunbury Manor School. Again, the availability of municipally owned land and partnership funding enabled this facility to be made available close to a significantly populated area.

The Community Centres were opened in Ashford and Shepperton (Fordbridge and Greeno) in 1989 and Staines upon Thames in 2002 and were again the result of availability of land and the Council deciding to invest in these hugely important contributions to community wellbeing.

In addition to the above, day centres were closed in 2006 in Sunbury (Benwell) and Stanwell, as a result of dwindling usage. Both sites have subsequently been re developed in partnership with Surrey County Council and the private sector. The Benwell site now accommodates extra care flats,

plus a small community centre (The Benwell Centre) The Stanwell site now accommodates a thriving Drs Surgery, Library and Chemist. Finally, as you will well know due to the contribution you personally made in its formative stages, there is also the Stanwell Rose Hall which is a small hall built as part of the Chestnut Court extra care housing development. This was the result of municipal land availability and partnership working between Spelthorne, A2D and Surrey County Council. This hall is used by A2D, Spelthorne Borough Council and various community groups. We thank you for your continued initiative to pursue improved sports and community facilities for Stanwell and Stanwell Moor residents. We will continue to explore opportunities should funding and land materialise. Prior to the development of further sports facilities in Spelthorne, we will use Sport England facilities planning models and guidance to ensure that the correct facilities are installed in the correct places and to take into account the population and anticipated future demand.

**178/16 Petitions**

There were none.

**179/16 Members' Allowances Scheme 2016-17**

The Council considered the report on the recommendations of the Independent Remuneration Panel on the Members' Allowances Scheme 2016-17.

It was proposed by Councillor I.T.E. Harvey and seconded by Councillor A.C. Harman that the following recommendations of the Independent Remuneration Panel, outlined in the tables below, be approved:

<b>Allowance</b>	<b>Current amount for 2015/16</b>	<b>Number</b>	<b>Recommended Allowance for 2016/17</b>	<b>Recommended Allowance Calculation</b>
<b>Basic (BA):</b>	<b>£3938</b>	<b>39</b>	<b>£4550</b>	<b>-</b>
<b>Special Responsibility:</b>				
<b>Leader of the Council</b>	<b>£9037</b>	<b>1</b>	<b>£9100</b>	<b>200% of BA</b>

<b>Deputy Leader</b>	<b>£6001</b>	<b>1</b>	<b>£6060</b>	<b>66% of Leader's Allowance</b>
<b>Cabinet Members</b>	<b>£3012</b>	<b>6<sup>1</sup></b>	<b>£4550</b>	<b>50% of Leader's Allowance</b>
<b>Planning Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£3600</b>	<b>40% of Leader's Allowance</b>
<b>Licensing Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£3200</b>	<b>35% of Leader's Allowance</b>
<b>Overview and Scrutiny Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£3200</b>	<b>35% of Leader's Allowance</b>
<b>Audit Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£2500</b>	<b>25% of Leader's Allowance</b>
<b>Opposition Group Leader</b>	<b>£3012</b>	<b>1</b>	<b>£3100</b>	<b>-</b>
<b>Co-Optees' Allowance</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>1 1</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>-</b>

<sup>1</sup> Based on the existing Cabinet and excluding the Leader and Deputy Leader

<b>Allowance for expenditure incurred in relation to Approved Duties (Schedule 1 to Scheme)</b>	<b>Current amount for 2015/16</b>	<b>Recommended Allowance for 2016/17</b>
<b>Dependants' Carer's Allowance</b>	<b>Reimbursement of actual costs incurred</b>	<b>unchanged</b>

<b>Travelling and Subsistence Allowances</b>
--

<b>Motor Mileage Allowance (per mile)</b>	<b>Cars</b>	<b>Up to 999cc – 46.9p 1000cc – 1199cc – 52.2p 1200cc and over – 65p</b>	<b>unchanged</b>
	<b>Motorcycles</b>	<b>24p</b>	<b>unchanged</b>
	<b>Cycle</b>	<b>Nil</b>	<b>20p</b>
<b>Day Subsistence Allowance</b>	<b>Reimbursement of actual costs incurred</b>		<b>unchanged</b>

**That no changes be made to the Scheme of Members' Allowances in relation to the rules on claiming Special Responsibility Allowances.**

**That the minor clarification made to the original list of Approved Duties which was put before the Council in 2015/16.**

The following amendment to the Basic and Special Responsibility Allowances was moved by Councillor S.C. Mooney and seconded by Councillor H.R. Williams:

<b>Allowance</b>	<b>Current amount for 2015/16</b>	<b>Number</b>	<b>Recommended Allowance for 2016/17</b>	<b>Recommended Allowance Calculation</b>
<b>Basic (BA):</b>	<b>£3938</b>	<b>39</b>	<b>£5785</b>	<b>-</b>
<b>Special Responsibility:</b>				
<b>Leader of the Council</b>	<b>£9037</b>	<b>1</b>	<b>£13,306</b>	<b>230% Basic Allowance</b>
<b>Deputy Leader</b>	<b>£6001</b>	<b>1</b>	<b>£8,782</b>	<b>66% of Leader's Allowance</b>
<b>Cabinet Members</b>	<b>£3012</b>	<b>6<sup>1</sup></b>	<b>£6,653</b>	<b>50% of Leader's</b>

				<b>Allowance</b>
<b>Planning Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£5,322</b>	<b>40% of Leader's Allowance</b>
<b>Licensing Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£4,657</b>	<b>35% of Leader's Allowance</b>
<b>Overview and Scrutiny Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£4,657</b>	<b>35% of Leader's Allowance</b>
<b>Audit Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£3,327</b>	<b>25% of Leader's Allowance</b>
<b>Opposition Group Leader</b>	<b>£3012</b>	<b>1</b>	<b>£3100</b>	<b>-</b>
<b>Co-Optees' Allowance</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>1 1</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>-</b>

The amendment was carried.

The Mayor then invited councillors to vote on the substantive motion proposed by Councillor S.C. Mooney.

The substantive motion was carried.

**Resolved** that the following recommendations of the Independent Remuneration Panel and the amended figures to the Members' Allowances Scheme 2016-17 be approved and back-dated to 1 April 2016:

<b>Allowance</b>	<b>Current amount for 2015/16</b>	<b>Number</b>	<b>Recommended Allowance for 2016/17</b>	<b>Recommended Allowance Calculation</b>
<b>Basic (BA):</b>	<b>£3938</b>	<b>39</b>	<b>£5785</b>	<b>-</b>



<b>Special Responsibility:</b>				
<b>Leader of the Council</b>	<b>£9037</b>	<b>1</b>	<b>£13,306</b>	<b>230% Basic Allowance</b>
<b>Deputy Leader</b>	<b>£6001</b>	<b>1</b>	<b>£8,782</b>	<b>66% of Leader's Allowance</b>
<b>Cabinet Members</b>	<b>£3012</b>	<b>6<sup>1</sup></b>	<b>£6,653</b>	<b>50% of Leader's Allowance</b>
<b>Planning Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£5,322</b>	<b>40% of Leader's Allowance</b>
<b>Licensing Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£4,657</b>	<b>35% of Leader's Allowance</b>
<b>Overview and Scrutiny Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£4,657</b>	<b>35% of Leader's Allowance</b>
<b>Audit Committee Chairman</b>	<b>£3012</b>	<b>1</b>	<b>£3,327</b>	<b>25% of Leader's Allowance</b>
<b>Opposition Group Leader</b>	<b>£3012</b>	<b>1</b>	<b>£3100</b>	<b>-</b>
<b>Co-Optees' Allowance</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>1 1</b>	<b>£1000 (Chair) £500 (Vice-Chair)</b>	<b>-</b>

<sup>1</sup> Based on the existing Cabinet and excluding the Leader and Deputy Leader

<b>Allowance for expenditure incurred in relation to Approved Duties (Schedule 1 to Scheme)</b>	<b>Current amount for 2015/16</b>	<b>Recommended Allowance for 2016/17</b>
---	-----------------------------------	--

<b>Dependants' Carer's Allowance</b>	<b>Reimbursement of actual costs incurred</b>	<b>unchanged</b>
--------------------------------------	---	------------------

<b>Travelling and Subsistence Allowances</b>		
<b>Motor Mileage Allowance (per mile)</b>		
<b>Cars</b>	<b>Up to 999cc – 46.9p 1000cc – 1199cc – 52.2p 1200cc and over – 65p</b>	<b>unchanged</b>
<b>Motorcycles</b>	<b>24p</b>	<b>unchanged</b>
<b>Cycle</b>	<b>Nil</b>	<b>20p</b>
<b>Day Subsistence Allowance</b>	<b>Reimbursement of actual costs incurred</b>	<b>unchanged</b>

**That no changes be made to the Scheme of Members' Allowances in relation to the rules on claiming Special Responsibility Allowances.**

**That the minor clarification made to the original list of Approved Duties which was put before the Council in 2015/16.**

**Reasons for the decision:**

- There has been no increase in members' Basic Allowance for 8 years;
- Members' responsibilities have increased substantially in that time;
- To take into account the changes of the responsibility of the Leader since the Council adopted the "strong leader" and Cabinet form of governance;
- The IRP proposal to reduce the Leader's Special Responsibility Allowance from 2.3 times to 2.0 times was counter intuitive;
- To attract and retain people from a more diverse range of backgrounds to stand as candidates for election as Councillors;
- To deliver a Council chamber that more accurately reflects the socio-economic profile of the Spelthorne local population;
- To give compensation for loss of Local Government Pension Scheme to which councillors were no longer entitled;
- To help councillors to fulfil their role as councillors with more funds at their disposal;
- That the highest allowance available, the Leader's Special Responsibility Allowance is still lower than the lowest pay grade available to Spelthorne Council employees.

### **180/16 Corporate Risk Management**

The Council considered the Cabinet recommendation from its meeting held on 20 July 2016 on the Corporate Risk Register.

**Resolved** that Council agreed that the Corporate Risk Register was an accurate reflection of the high level risks affecting the Authority.

### **181/16 Corporate Plan 2016 - 2019**

The Council considered the Cabinet recommendation from its meeting held on 20 July 2016 on the Corporate Plan 2016-19.

**Resolved** that Council agreed the adoption of the proposed Corporate Plan for 2016-19 as set out in the appendix published alongside the report in the Cabinet agenda papers.

### **182/16 Spelthorne Joint Committee**

The Council considered the Cabinet recommendation from its meeting held on 20 July 2016 on the formation of a Spelthorne Joint Committee.

**Resolved** that Council agreed:

1. The establishment of a Joint Committee with Surrey County Council for the purposes as outlined in the report published in the Cabinet agenda papers for the meeting held on 20 July 2016;
2. To delegate to the Head of Corporate Governance, in consultation with the Leader, any final changes to the Terms of Reference at Appendix 1 to accommodate final discussions with Surrey County Council; and
3. To authorise the Head of Corporate Governance to update the Constitution as necessary in consequence of the decision.

### **183/16 Reports 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 22 June 2016 and 20 July 2016 which outlined the matters the Cabinet had decided since the last Council meeting.

**184/16 Report from the Chairman of the Audit Committee**

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

**185/16 Report from the Chairman of the Licensing Committee**

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

**186/16 Report from the Chairman of the Overview and Scrutiny Committee**

The Chairman of the Overview and Scrutiny Committee, Councillor C.D. Davis, presented his report which outlined the matters the Committee had decided since the last Council meeting.

**187/16 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.

**188/16 Motions**

In accordance with Standing Order 17 the Council received two written Notices of Motions.

Councillor Q.R. Edgington moved and Councillor P.C. Forbes-Forsyth seconded the following motion:

“The Green Belt in Spelthorne is sacrosanct. This Council confirms that there is no intention whatsoever to allow development of the Green Belt.”

The following amendment was moved by Councillor R.A. Smith-Ainsley and seconded by Councillor C.M. Frazer:

“The Green Belt in Spelthorne is considered ‘sacrosanct’. This Council affirms that it will continue to apply its Green Belt planning polices as laid out in the Local Plan and any relevant PPGs (Planning Policy Guidance) from central government. Any inappropriate development on the Green Belt will only be approved if the applicant can demonstrate acceptable ‘Very Special Circumstances’ as to why it should be approved.”

Councillors debated the amendment.

The amendment was carried.

The Mayor then invited councillors to vote on the substantive motion proposed by Councillor R.A. Smith-Ainsley.

The motion was carried.

**Resolved** that the Green Belt in Spelthorne is considered ‘sacrosanct’. This Council affirms that it will continue to apply its Green Belt planning polices as laid out in the Local Plan and any relevant PPGs (Planning Policy Guidance) from central government. Any inappropriate development on the Green Belt will only be approved if the applicant can demonstrate acceptable ‘Very Special Circumstances’ as to why it should be approved.

Councillor O. Rybinski moved and Councillor S.C. Mooney seconded the following motion:

“We ask that the Council and Councillors support the campaign to put Spelthorne train stations into Zone 6.”

Councillors debated the motion and congratulated Councillor O. Rybinski on her work and effort with promoting the campaign.

The Mayor then invited councillors to vote on the motion proposed by Councillor O. Rybinski.

The motion was carried.

**Resolved** that all Spelthorne Borough Council and Councillors support the campaign to put Spelthorne train stations into Zone 6.

## **189/16 Questions on Ward Issues**

There were no questions on Ward issues.

**190/16 General questions**

The Mayor reported that four general questions had been received from Councillor Q.R. Edgington and one general question had been received from Councillor. B.B. Spoor, in accordance with Standing Order 15.

**Question from Councillor Q.R. Edgington**

“Why are there large areas of grass in our parks which are not being cut? Not only does it make the park look unsightly and untidy but it also makes it very difficult for dog owners to clear up dog excrement.”

**Response from Councillor A.J. Mitchell, Portfolio holder for Environment and Compliance**

Thank you for your question, Councillor Edgington.

The current grounds maintenance was re-tendered in 2008 and re-let in 2009. As part of the tendering process the Council took the opportunity to explore ways to reduce the overall spend in this service area. As a result of changes made to the specification the Council saved in excess of £200k per year for the life of the contract, which over the 10 year life of the contract will result in savings well in excess of £2m.

Officers also explored opportunities for management of the vast areas of unused parkland and concluded that for reasons of both biodiversity and financial savings, the Council would cease cutting some areas. An exercise was carried out to establish where this was achievable and also ensured the proposal was borough wide. This initiative saved an additional £40k per year over the life of the contract so an additional £400k over 10 years. Initially there were concerns in some areas and we addressed these concerns and amended plans where possible. As well as concerns we also received many favourable comments, as uncut grass can and does bring life to areas of unused manicured lawn, making them more interesting for users of the park facilities.

All dog owners are required to keep their dogs under control at all times when using our parks and open spaces and if this is managed by the dog owner, waste can be effectively removed by the person in charge of the dog.

**In accordance with Council Standing Order 15.2, Councillor Q.R. Edgington asked the following supplementary question:**

“Thank you Mr Mayor.

I wonder Councillor Mitchell if you have visited any parks recently because some of our parks are unfortunate. Some of the parks in Surrey have very attractive meadow land.

I strongly suggest that he would agree with me that the contract needs to be looked at because the parks which are not cut are in an appalling state. Many members of the public have commented to me on this. I welcome him to take this forward and perhaps he can tell me what the timescales will be for that to take place?”

**Councillor A.J. Mitchell, Portfolio holder for Environment and Compliance, gave the following response to the supplementary question:**

“Councillor Edgington I’m grateful for your question. Yes I have visited parks. Councillor Edgington and Councillor Forbes-Forsyth will remember that I was given the task of exploring various avenues with regards to Laleham Park and I went to Laleham Park on a very regular basis. Councillor Edgington may also be aware that we have a financial responsibility to members of the public and certainly within this contract we consider our financial responsibility with importance. The contract is continually being monitored for the service we give to the public and we will look again within the next 12 months at what we are achieving.”

**Question from Councillor Q.R. Edgington**

“Can the Leader please provide details of Mayoral Civic events which are suitable for all Spelthorne Councillors to attend? As well as current events, can details be provided of all events which are in the Mayoral Diary so far up to and including the end of the Mayoral year?”

**Response from the Leader of the Council, Councillor I.T.E Harvey**

“Thank you for your question, Councillor Edgington.

The Mayor’s Secretary e-mails on a fortnightly basis to ALL councillors details of the Mayor’s engagements for the upcoming two weeks. You will also be aware that where Mayoral events are known about in advance, they appear in the minutes of the Mayor-making Council meeting and subsequent Council meeting minutes.”

**In accordance with Council Standing Order 15.2, Councillor Q.R. Edgington asked the following supplementary question:**

“Thank you for the update. What I am asking is for councillors to be made more aware of Council events and notified in the future.”

**Councillor I.T.E Harvey, Leader of the Council, gave the following response to the supplementary question:**

This is currently being addressed. Over the next month there will be a comprehensive list of events which will be sent to all councillors.

**Question from Councillor Q.R. Edgington**

“What committees have been allocated for Independent Councillor Penny Forbes-Forsyth to serve on?”

**Response from the Leader of the Council, Councillor I.T.E. Harvey**

“Thank you for your question, Councillor Edgington.

Indeed, you have raised a very interesting point.

Nevertheless, the answer is very simple. In the case of Cllr Forbes Forsyth I have maintained the committee allocations given to her by my predecessor, assuming there was a good reason for this. Should she, or indeed you have any issues with this I commend you to take this up with my predecessor. You of course are my predecessor and Councillors may indeed be interested to learn why you did not allocate any Committee roles to your fiancée, Cllr Forbes-Forsyth.”

**In accordance with Council Standing Order 15.2, Councillor Q.R. Edgington asked the following supplementary question:**

Does the Leader think that making no space or allocation for Councillor Forbes-Forsyth is good for the democratic process? Does he not think she should be involved in the democratic process in this Chamber?

**Councillor I.T.E Harvey, Leader of the Council, gave the following response to the supplementary question:**

For clarification, when Councillor Edgington was Leader of the Council Councillor Forbes-Forsyth was not on any committees or on the Cabinet. The committee allocations which were put before the Annual Council Meeting on 19 May 2016 were run past Committee Services and also checked by the Monitoring Officer. What was agreed at the Annual Council meeting was completely lawful.

**Question from Councillor Q.R. Edgington**

“Following the result of the Referendum how is the best way for the Borough of Spelthorne to successfully and meaningfully engage with the 22,474 people who wished to remain in the EU and the 16,065 who did not vote?”

**Response from the Leader of the Council, Councillor I.T.E. Harvey**

“Thank you for your question, Councillor Edgington.

As you know, the Council does its best to serve all its residents, irrespective of how they voted in the recent EU referendum. It is not for us to speculate on the intentions of those who didn't vote at all, and as a Council we accept the democratic outcome of the vote.”



**In accordance with Council Standing Order 15.2, Councillor Q.R. Edgington asked the following supplementary question:**

“We need to look at the democratic process in this borough far more carefully. A lot of people made a decision in the recent referendum which was contrary to the outcome, therefore we need to be aware of that. When will we start using democracy properly?”

**Councillor I.T.E Harvey, Leader of the Council, gave the following response to the supplementary question:**

“61 percent of the Borough voted for Brexit which indicates that Spelthorne is operating democratically.”

**Question from Councillor B.B. Spoor**

“The Council has private landlords on its books that agree to take in those that are homeless for whatever reason. The homeless include the vulnerable often with learning difficulties, the disadvantaged often single parents with children and the unfortunates in society. The property is often on the baseline of letting potential and making it available to the council provides an income stream without tenant pressure.

If the Council has contracted the landlord to provide a home that surely is safe, secure and habitable for the residing tenants and these basic amenities are not met where does the responsibility lie to correct them? Ultimately, they fund the payments to the landlord so when things go wrong where does the Duty of Care fall?”

**Response from the Leader of the Council, Councillor I.T.E. Harvey**

“Thank you for your question, Councillor Spoor.

All councillors will be well aware that Spelthorne is currently facing a severe shortage of both social housing and available affordable private rented accommodation which has led to increased homelessness in the borough.

Housing is one of Spelthorne’s key council priorities and the Council is addressing these issues head on in a number of ways including:

- the council’s recent purchase of the Harper Hotel (for improved emergency accommodation)
- the proposed redevelopment of The Bugle public house into flats
- the proposed redevelopment of Churchill Hall into housing
- the council’s new Rent Guarantee Scheme.

Spelthorne Borough Council actively seeks to assist households in urgent housing need into suitable private rented sector accommodation. We currently place potentially homeless households into private rented accommodation

through our Rent Bond Scheme and we are planning to launch a new Landlord Rent Guarantee Scheme in Autumn 2016.

In some of these placements Spelthorne provides some assistance with rent shortfalls (and this will be a feature of Landlord Rent Guarantee Scheme placements.) However the contractual rent responsibility is between the landlord and the placed tenant, i.e. it is important to note that the council does not lease the properties and it does not have a direct 'landlord' role.

In both these schemes prospective tenants are introduced to landlords however the property management and repair responsibilities of the tenancy remain with the private landlord. However Spelthorne does have an enforcement role if significant risks are identified in private rented properties (to support and if necessary force landlords to improve conditions.)

Although Spelthorne does not have any contractual responsibility for the repair and security of properties under the above schemes, we are aware of the prevalence of poor housing conditions in some local private rented stock and accordingly take measures that properties under the scheme are assessed and inspected prior to placement. A risk based visual inspection is completed and only low risk property placements are assisted. (Additionally, for some placements where the council has a rehousing duty towards the tenants, the council has a legal duty to ensure that accommodation offered has suitable property conditions at placement stage.)

Where significant risks are identified the property would not be used and would be referred to our Environmental Health team for potential enforcement action.

Through our focused risk-based inspection at placement stage we seek to assure good property conditions at the tenancy start and to focus landlords on their maintenance responsibilities. Although we do not have a property management or repairs responsibility if problems do arise during the tenancy, we do have an interest in ensuring tenancy sustainment and therefore will liaise between landlords and placed tenants to advise them on their respective responsibilities."

**In accordance with Council Standing Order 15.2, Councillor B.B. Spoor asked the following supplementary question:**

"Is there going to be a route for tenants on housing benefit who feel that they are being put upon by their landlord and cannot get any response from their landlord?"

**Councillor I.T.E Harvey, Leader of the Council, gave the following response to the supplementary question:**

"What you refer to is called 'retaliatory eviction'. This is covered by a recent modification to Section 21 of the Housing Act, whereby if a landlord tries to ~~evict~~ evict someone who has recently made a complaint about the landlord within the last six months the court is minded not to grant possession to the

landlord. The Council is only assisting with the rent. The contract is between the landlord and the tenant." [*\*amendment made at Council 20/10/16*]

**191/16 Appointment of a representative Trustee**

It was proposed by Councillor A.C. Harman and seconded by Councillor M.J. Madams to appoint Mr. Colin Squire as a Council representative Trustee of Laleham Village Hall and Recreation Ground Charity for a further four year term of office until July 2020.

**Resolved** that Mr. Colin Squire as a Council representative Trustee of Laleham Village Hall and Recreation Ground Charity for a further four year term of office until July 2020.

**192/16 To request authority to increase the Council's prudential borrowing limit and request a supplementary Capital Estimate - Key Decision**

The Council had initial discussions about the report requesting authority to increase the Council's borrowing limit and request a supplementary Capital estimate.

As the Council wished to discuss the exempt information contained within the confidential appendices to the report it was moved by Councillor I.T.E. Harvey and seconded by Councillor A.C. Harman, to move the exclusion of the Press and Public for this item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**Resolved** to move the exclusion of the Press and Public for this item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure to the public would prejudice the financial position of the authority in the bidding process for the site by allowing other bidders to know the position of the Council. This in turn prejudices the community by (i) distorting the bids process and (ii) prejudicing the opportunity for the community to acquire a site through the Council for the social, environmental and economic benefit of the borough.

The Council then considered the information contained in the report's appendices on investment acquisitions in the Borough.

**Resolved that Council:**

1. Approve an additional supplementary capital estimate for property acquisitions within the Borough of £400m for 2016/17 to support the economic development and well-being of the borough and investment purposes
2. Agree the revised set of prudential indicators which include increasing the operational boundary and authorised limit for external debt (Appendix 3)
3. Approve the Council's Minimum Revenue Provision policy to ensure prudent provision is made to cover repayment of loans (Appendix 3)