

Minutes of Cabinet

26 September 2018

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor A.C. Harman, Deputy Leader and Communications
Councillor C. Barnard, Planning and Economic Development
Councillor J.R. Boughtflower, Corporate Management
Councillor M.P.C. Francis, Housing
Councillor D. Patel, Environment and Compliance
Councillor O. Rybinski, Customer Service, Estates and Transport
Councillor H.R.D. Williams, Finance

Apologies:

Councillor M.M. Attewell, Community Wellbeing

Councillors in attendance:

Councillor S.C. Mooney, Chairman of Overview and Scrutiny Committee

2519 Minutes

The minutes of the Cabinet meeting held on 18 July 2018 were agreed as a correct record.

2520 Disclosures of Interest

There were none.

2521 Recommendations from the Local Plan Working Party

Cabinet received the minutes of the Local Plan Working Party (LPWP) meeting held on 18 September 2018.

Cabinet was advised that subsequent to the LPWP meeting, an error was noted in the Statement of Five-Year Housing Land Supply which required correction before further consideration by the Local Plan Working Party. Approval of this document would therefore be deferred to a later Cabinet meeting.

Resolved to:

1. publish the Issues and Options Consultation Response Document, subject to minor corrections;
2. publish the updated Local Development Scheme timetable; and
3. defer consideration of the Annual Monitoring Report together with the Statement of Five Year Housing Land Supply until a future meeting.

2522 Overview and Scrutiny Committee Work Programme 2018-19

Councillor S.C. Mooney, the Chairman of the Overview and Scrutiny Committee presented the Committee's work programme for the municipal year 2018/19.

Cabinet thanked Councillor Mooney for attending and noted the work programme.

2523 Staines Town Gigabit Project - Key Decision

Cabinet considered a report requesting a contribution of £500k for a match-funding bid as part of a project to deliver gigabit speeds to approximately 3,000 premises in Staines-upon-Thames. If successful, the bid would provide access to additional contributions of £2m (£500k match funding from EM3 and £1.5m from VX Fibre).

Alternative options considered and rejected

To not do anything.

Resolved to approve the contribution of £500k, which will enable access to an additional £2m in contributions, in order to deliver gigabit speeds to Staines-upon-Thames.

Reasons for decision

The provision of gigabit speeds to Staines-upon-Thames will put the town at the forefront of internet speeds in the country. It will also create an ongoing revenue which will generate up to £12k a month and repay the investments made by the contributing partners over 10 years.

2524 Capital Monitoring Q1

Cabinet considered a report on capital monitoring covering the period April to July 2018.

Resolved to note the current level of capital spend.

2525 Revenue Monitoring Q1

Cabinet received and considered a report on revenue spend for the period April to July 2018.

Cabinet **resolved** to note the current level of spend.

2526 Change in representation on Outside Bodies and Steering Groups for 2018-19

Cabinet considered a report proposing changes in representation on outside bodies and steering groups for the municipal year 2018/19.

As nominations for the representative and deputy to the NW Surrey Engagement Programme Stakeholder Reference Group had not been

forthcoming in time for consideration at this meeting, Cabinet agreed to delegate those appointments to the Leader, Councillor I.T.E. Harvey.

Resolved to:

1. approve the following appointments effective immediately until June 2019:

Name of representative	Outside Body / Steering Group
Councillor Patel	Spelthorne Safer, Stronger Partnership Board
Councillor Patel	Surrey Waste Partnership
Councillor Boughtflower	Members' Development Steering Group

2. delegate appointment of a representative and deputy to the NW Surrey Engagement Programme Stakeholder Reference Group to the Leader.

2527 Leader's announcements

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

At the Conservative Group Meeting on 17 September, it was unanimously agreed that Staines Park should be excluded as a potential site for a new Leisure Centre. Members acknowledged the concern expressed about the location and the value residents place on the park and will now revisit alternative options before holding a further consultation.

The Council has announced the purchase of The Charter Building in Uxbridge, The Porter Building in Slough and Thames Tower in Reading for £285m. Income from these and other similar investments are enabling the Council to maintain local services and provide homes for residents.

The Council has raised concerns regarding Heathrow's plans to significantly increase parking provision in preparation for a third runway. Heathrow is currently proposing to create new parking spaces for up to 25,000 cars in Stanwell with additional room for taxis, rental companies and HGV parking. Spelthorne is calling for the existing cap on parking to remain in force and for any new car parks to be sited away from built up areas.

As part of a long-term strategy to make the best use of its assets, the Council has submitted an application to the Local Planning Authority (LPA) for prior approval to convert part of the Council offices to residential use.

Sunbury Walled Garden and Staines Cemetery have been awarded Green Flag status. This international award is an endorsement that a public area is well maintained, has excellent visitor facilities and the highest possible environmental standards. Stanwell, Staines and Sunbury Cemeteries and the Sunbury Walled Garden also picked up awards at the South East in Bloom competition.

After liaison with Ashford North Residents' Association and the Staines Commons Steering Group, a new boardwalk has been installed at Shortwood Common, a Site of Special Scientific Interest. The replacement boardwalk is made from recycled plastic and has received praise from local residents.

This year's Junior Citizen took place at Walton Fire Station from 10 to 24 September. Over 1,000 year 6 pupils attended the event which teaches children about staying safe and being good citizens. Topics covered included fire safety, first aid, online security, stranger danger and contacting the emergency services.

Spelthorne has taken enforcement action to clear Green Belt land at Thames Meadow in Shepperton. The action marks the end of a battle which started after Council served an Enforcement Notice in September 2016 for 'the unauthorised residential use of a boat, land and mooring and storage of vehicles, white goods, building materials, and general debris on Green Belt land without planning permission.' Mr Keith Dracup appealed to the Planning Inspectorate and the High Court, but lost at both stages.

The owner of a plot of land on Chertsey Road in Shepperton has been ordered to pay more than £7,500 in fines and court costs for failing to comply with a Stop Notice preventing him from building a wall. Edward Cash appeared before Guildford Magistrates' Court on 6 August where he pleaded guilty to the charge.

The Council has prosecuted a number of individuals for fly-tipping. Samuel Watson from Stanwell has been fined £1,753 and ordered to pay costs of £2,160 after a lorry load of building waste was discovered in Oaks Road in Stanwell in January 2017. Claudia Santos from Ashford has been convicted of fly-tipping in Stanwell and ordered to pay a total of £3,616 and Charmaine Williams was fined £430 after pleading guilty to fly tipping in Stanwell Moor. A car sales firm has also been issued with a £400 Fixed Penalty Notice after a car registered to the company was captured on CCTV dumping rubbish in Sheep Walk in Shepperton.

Over 60 young people have taken part in a series of workshops in preparation for a new competition organised by the Mayor called 'what I love about Spelthorne.' The workshops showed the young people how to make their own short films, design and print their own t-shirts, and write and produce music.

Tennis courts at Cedars Park in Sunbury, Lammas Park in Staines and Bishop Duppas Park in Shepperton have been pressure washed and remarked.

2528 Urgent items

There were none.

2529 Exempt Business

Resolved to move the exclusion of the Press and Public for the following 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.

2530 Exempt Report - Knowle Green Estates Ltd - Business Plan update

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

Cabinet considered an exempt report giving details of progress made in the development of a business plan for Knowle Green Estates Ltd.

Resolved:

1. To note progress towards the development of a Knowle Green Estates Ltd (KGE) business plan;
2. To note the advice on State Aid which has been provided by Counsel (**Confidential Appendix 1**);
3. Subject to receiving up to date valuation advice prior to transfer, to delegate authority to the Chief Executive in Consultation with the Leader, Portfolio Holder for Finance (or the Deputy Leader if he is not available) and Chief Finance Officer, to transfer the following Council properties into the ownership of Knowle Green Estates Ltd for nil cash consideration:
 - a. Former Bugle PH
 - b. Former Churchill Village Hall;
4. Subject to receiving up to date valuation advice prior to transfer, to delegate authority to the Chief Finance Officer in Consultation with the Leader, Portfolio Holder for Finance (or the Deputy Leader if he is not available) and Chief Executive, to loan to Knowle Green Estates Ltd (if necessary) the funds to enable it to purchase at full market value:
 - a. Former Bugle PH
 - b. Former Churchill Village Hall
 - c. 42 Kingston Road
 - d. Cranford Road;
5. To note in relation to 42 Kingston Road (Cabinet minute 25 April 2018) that the Chief Finance Officer has determined the most financially advantageous funding arrangement for the purchase is for it to be held in Knowle Green Estates Ltd.;
6. To note that any funding requirement will be provided under the Loan and Drawdown Agreement approved by Cabinet on 11 May 2017;
7. Subject to receiving up to date valuation advice prior to transfer, to delegate authority to the Chief Executive in consultation with the Leader to:
 - a. Move a Council property in the Municipal Portfolio to the Residential Portfolio by transferring it to KGE Ltd on such terms as he thinks fit

- b. Consent to receive a KGE Ltd property in the Residential Portfolio which is to be held by the Council in the Investment or Municipal Portfolio on such terms as he thinks fit; and
8. To delegate to the Head of Corporate Governance to enter into all documentation required to give effect to these transfers and loans.

Reasons for decision

To document the relationship between the Council and Knowle Green Estates Ltd. To allow the Council and the Company to move properties to the most advantageous holding organisation. To provide a source of funds to the Company (if it is deemed advantageous by the Chief Finance Officer) so that the properties can be held as debt rather than equity.

2531 Exempt Report - White House Hostel Design Team Fees - Key Decision

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

Cabinet considered an exempt report seeking approval of the budget for the design phase of a proposed hostel for the homeless on the White House site.

Alternative options considered and rejected:

1. To do nothing
2. To work with other providers on other solutions

Resolved:

1. **to recommend to Council** approval of the budget for the full design design phase of a proposed new hostel for the homeless on the White House site;
2. to authorise the Head of Corporate Governance to enter into any legal documentation necessary to implement the redevelopment project; and
3. to delegate the appointment of the advisors and design team to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder.

Reason for Decision

Re-development of the site will provide much needed hostel accommodation for homeless residents within the Borough. This will assist the Council in meeting its statutory obligations under the Homeless Reduction Act 2017 to meet this need.

2532 Exempt Report - Redevelopment of Harper House - Key Decision

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

Cabinet considered an exempt report on the redevelopment of Harper House.

Alternative options considered and rejected

1. To progress with a major refurbishment of Harper House
2. To not progress with demolition and rebuild; maintaining the existing use, carrying out repair and maintenance work as required; considering the future of the building by 2020.

Resolved to:

1. **recommend to Council** to approve the supplementary capital programme provision of £2.6m for the full demolition and rebuild costs for Harper House;
2. **recommend Council** to authorise the Chief Financial Officer to make prudent financing arrangements for the transaction;
3. subject to Homes England funding being secured, approve the rebuild of Harper House as outlined in the report;
4. authorise the Head of Corporate Governance to enter into any legal documentation necessary to implement the redevelopment project, including any legal agreements required in order to receive grant funding from Homes England; and
5. authorise the Head of Corporate Governance to transfer Harper House back to Council ownership in order to satisfy Homes England grant conditions.

Reasons for decision

To take advantage of a time-limited grant funding programme. To improve the quality of emergency accommodation within the Borough for vulnerable homeless households. To minimise risk of financial losses, legal challenge or reputational damage should the condition of the current building deteriorate.

2533 Exempt Report - Acquisition of Property P - Key Decision
Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Cabinet considered an exempt report regarding the acquisition of property 'P'.

Cabinet members asked to see the valuation survey for the property before completing acquisition of the asset and agreed that the Portfolio Holders for Housing and Corporate Management be included in the consultation on subsequent negotiations.

Alternative options considered and rejected

To not progress the purchase of the property.

Resolved to:

1. approve the acquisition of the residential property 'P' to be held in the name of its subsidiary Knowle Green Estates Ltd.;
2. authorise the Chief Financial Officer to make prudent borrowing arrangements for the transaction;
3. authorise the Chief Financial officer to determine with Knowle Green Estates Ltd the most financially prudent way of financing the transaction between the Council and the Company, noting this may include a Council loan to Knowle Green Estates for the full amount of the funds at cost;
4. formally agree the offer submitted, and authorise the Property and Development Manager to undertake any necessary subsequent negotiations (including making a further offer if required, in consultation with the Leader, Portfolio Holders for Housing and Corporate Management and the Chief Finance Officer), and complete the acquisition of the asset;
5. authorise the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset in the name of Knowle Green Estates Ltd.; and
6. authorise officers to pursue other opportunities to acquire properties under similar circumstances for Cabinet consideration.

Reasons for decision

Acquiring the residential property will allow the Council to make a substantial revenue budget saving, whilst providing a stable home for a local family with complex needs, as well as providing an asset for future use should the family choose to move on. The acquisition will add to the Knowle Green Estates portfolio of residential properties.

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 4 October 2018.***