

To:
All members of the
Council

Please reply to:

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Date: 21 October 2020

Supplementary Agenda

Council - Thursday, 22 October 2020

Dear Councillor,

I enclose the written responses to all the questions on the agenda for the Council meeting to be held on Thursday, 22 October 2020:

7b) Questions on Ward Issues

9 - 12

The Leader or his nominee to answer questions from Councillors on issues in their Wards, in accordance with Standing Order 15.

There were two Ward issue questions outstanding from the meeting held on 30 July 2020:

1. Question from Councillor I.T.E. Harvey

Regarding the Lendy Memorial

- Who exactly at the Council engaged this expert?
- Who is this expert? What qualifications does he or she have?
- Is this expert sufficiently knowledgeable about west African and southern African 19th century history so as to be able to make a valid judgement on the Lendy Memorial?

2. Question from Councillor D. Saliagopoulos

"I would like to make Council aware that the Riverside area within my Ward needs some attention please. There is a stretch of River walk which runs from Penton Hook Lock towards Staines Town. For those of you who know, we also have the large grassed area called "Silvery Sands" which has housing fronting this large open area.

Until the unfortunate onset of the Virus Pandemic, this area was

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clean, free of dog fouling (thanks to the fabulous campaign organised by Councillor Joe Sexton a couple of years ago) and the bins never overflowed. Now, people leave plastic bags of litter, litter has been left on the grass and riverside area. One weekend there were hundreds of empty beer cans, all cleared up by local residents.

I have to recognise the work that my fellow Councillor, Michelle Gibson, who lives on the river, does every day to keep the area clean. Many residents are also doing this.

Every day there have been gatherings of people, all enjoying the River and it has been nice to see children out in the fresh air enjoying themselves. However, there's always a but isn't there? The area is now blighted by empty legal hi canisters, little small silver phials about the length of a cigarette. The users of these drugs must surely come from the nightly hoards of young people who congregate at Silvery Sands. I actually feel very sorry for those residents whose properties face directly onto this lovely area. Some have actually taken to putting up high fences and I have even heard of complete strangers walking through residents' gardens.

Crime is also on the rise with several properties being broken into. Litter, as I have mentioned and dog fouling is on the increase. Inconsiderate parking is rife. Two roads in particular, Penton Hook Road and parts of Wheatsheaf Lane are actually Private Roads - the residents pay for the upkeep of these roads, independently from the County Council. Visitors to the River in their cars were not respecting this.

The biggest complaint I hear from residents is regarding cyclists. Why are these cyclists not understanding that Pelatons do not have right of way over pedestrians. There have been many near misses, dogs being hit, and many complaints about the general attitude of cyclists. So far I have personally witnessed 2 accidents. Cyclists should at least slow down for pedestrians and give way. At the weekend you might be mistaken for thinking that 'would be' entrants to the Tour de France were out practising!

I therefore would like to hear from the Council how they will give some extra help to this area. What measures can be taken to put a stop to the continuous drug taking and loud noise at night? Are the Council willing to consider a zero tolerance policy towards youngsters doing this? Can we enforce a policy so that cyclists respect the River path and pedestrians? The Litter Campaign suggested by Councillors Rybinski and Sexton should start here!

Finally, I want to make it clear. I am not against young people having a good time. As I mentioned earlier it is nice to see young people out and about enjoying themselves. What I am extremely concerned about, especially for the residents of Riverside & Laleham is that their day to day lives are being seriously disrupted and it is just not fair.

I am sure Councillor Gibson would agree with me that we need to focus on our Riverside area to make it as nice as the River Areas in Lower Sunbury and Shepperton.”

7c) General Questions

13 - 22

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

There were 10 questions outstanding from the meeting held on 30 July 2020.

Question 1 from Cllr. R.W. Sider, BEM

At the meeting of the full Council on the 18th of July 2019 I placed the following Motion before the Council. It was, ‘That Officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Travellers encamped when on the highway and append such charges involved to Surrey’. It was seconded by Cllr Barnard. The motion was debated and the Leader of the Council said- quote - ‘I think it is something that we can ask officers to explore and then report back to the portfolio holder. On that basis I will support your motion and ask members to do likewise.’ The Motion was carried and it was Resolved ‘That officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Traveller encampments when on the highway, and append such charges involved to Surrey County Council.’

My question is “It is now one calendar year since the foregoing resolution was debated and carried, and again Travellers have encamped in Old Charlton Lane, Shepperton, requiring officers from Surrey to deliver the relevant documentation to secure their removal. Can the Leader of the Council inform me what discussions with Surrey have taken place as required by the Motion of the 18th of July 2019, and what progress has been made in carrying out the requirements of the said resolution.”

Question 2 from Cllr. R.W. Sider, BEM

“After a further invasion and encampment of Travellers in the borough in mid- summer last year, I requested that officers pursued through the legal means and through the courts, an injunction along the lines that had been secured by our neighbouring borough, which would prevent them entering Spelthorne on any occasion. After one year, can the Leader inform me of the progress that has been made by officers to secure such an injunction?”

Question 3 from Cllr. J. Sexton

“At the Cabinet meeting on 15th July the Leader stated at the very

beginning **'Can I remind everyone that mobile phones should be switched off or set to silent mode'**.

When Cllr Attewell was reading one of her reports regarding homelessness she stopped and said **'Sorry I'm reading this from my phone and someone just tried to call me.'** This was followed shortly after by another interruption with Cllr Attewell saying **'Oh gosh I'm never doing this again, I am reading this from my phone and people keep ringing me.'**

Over 86 subscribers have now accessed the recording and it does not make the Spelthorne Council Cabinet look very professional. Will the Leader now ensure that Cabinet meetings are video recorded, as are the Planning Committee meetings, in order to ensure that Cabinet members can be seen to be giving the role they are undertaking the attention that it deserves."

Question 4 from Cllr. K. Grant

"Given the importance of the Environment portfolio to our Council priorities and the general wellbeing of Spelthorne and its residents, can the Leader please explain why this position has not been filled in the new Cabinet? Can he begin to lay out his greener credentials that he expressed in his acceptance speech when elected Leader?"

Question 5 from Cllr. S. Dunn

"The Leader of Surrey County Council has announced that he intends to make the whole of Surrey one Unitary Authority. Can the Leader please advise us what communication or meetings have taken place to inform Spelthorne of these plans?"

6. Question from Councillor B. Spoor

"When is Spelthorne Council going to lead the way and put 40-50% of their planned accommodation as affordable, which will provide the impetus for developers to increase their share of affordable housing in their submissions?"

And in this context, will the Council also reconsider the Thameside House development, where no affordable housing is proposed?"

The responses to the following two questions from Councillor Nichols were provided to him after the meeting on 30 July 2020, at his request. The questions and responses will appear in the minutes of this meeting.

7. First Question from Councillor L. Nichols

"The Cabinet paper which was used to obtain approval for the purchase of the Oast House site contains an estimate of the number of housing units that can be built, and which underpins the cost effectiveness of the acquisition. Could the Leader please explain why the Council is refusing to disclose this estimate to local residents?"

8. Second Question from Councillor L. Nichols

“Could the Leader please confirm whether the recently re-constituted Leader’s Task Group for the Local Plan will be looking again at the Green Belt site allocations?”

9. Questions from Councillor I.T.E. Harvey

1. Does the Leader still regard the Councils finances to be “in meltdown”?
2. Does the Leader agree that our Property Investment Strategy has made a profound contribution to our finances and our ability to provide and protect services to residents without financial constraints, as exemplified by our unconstrained response to the COVID19 crisis?
3. Can the Leader please explain why the following reports to Cabinet have been withdrawn / postponed, and advise what meetings have been cancelled or postponed during his leadership?
 - Asset Management Plan (this was originally scheduled to go to Overview and Scrutiny before Cabinet)
 - Annual Asset Investment Report
 - Community Asset Policy”

10. Questions from Councillor J. Doerfel

- How many applications for rent deferrals/rent remittals by commercial tenants has the Council received this year?
- How many of these have been granted and how many of these have been refused? How many are still outstanding for decision?
- Please provide us with information of the length of the rent periods for which rent will now not be paid by the companies in question (per company if the periods vary).
- How much is the total Council income that will now not be received by the Council during the length of those periods (i.e. the periods during which rent will not be received) and that would otherwise have been due under the pre-COVID 19 rental contracts?

18. Questions on Ward Issues

23 - 24

The Leader, or his nominee, to answer questions from Councillors on issues in their Wards, in accordance with Standing Order 15.

Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 15 October 2020.

19. General questions

25 - 32

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

Note: the deadline for questions to be considered at this meeting is 12

noon on Thursday 15 October 2020.

At the time of publication of this agenda, 6 questions were received:

Question 1 – Councillor Robin Sider BEM

“Will the Leader and members of the council join me in congratulating the Council on being awarded the ‘Silver Award ‘ as part of the Ministry of Defence Employers Recognition Scheme, an award for organisations that pledge, demonstrate and advocate support to the Armed Forces community, and align their values with the Armed Forces Covenant. And will the council also note the hard work undertaken by Kamal Mehmood, the council’s Armed Forces Partnership Manager and the Council’s Communication team in order to achieve such a high and prestigious award.”

Question 2 – Councillor Robin Sider BEM

“The annual South and South east in Bloom competition is designed to encourage councils, residents and businesses to work together to improve the local environment and make towns and cities greener and cleaner for everyone. That said, will the Leader and all members of this council join me in congratulating Head of Neighborhood Services and her staff on achieving a magnificent result by way of Staines, Ashford and Sunbury cemeteries all being awarded gold, and the Sunbury Walled Garden also striking gold in the Small Park category.”

Question 3 – Councillor Dick Smith-Ainsley

“In the announcements made by the Leader at his first council meeting on 30th July he stated the following regarding Task Groups:-
“Full details of this group (a Multi-Party Task Group on Governance) and all the other Task Group will be published in the next few days.”

Since then all efforts to find out the details of these Task Groups has been met with a wall of silence.

Why, two and a half months after he promised the details is the Leader deliberately withholding this information?”

Question 4 – Councillor Dick Smith-Ainsley

“Leader of Spelthorne Borough Council Cllr John Boughtflower has made various statements which have been published on the council web site.

He stated on 17th August "When elected as leader, I promised that there would be an increase in cross-party working and, just over a month on, this administration is demonstrating that actions speak louder than words.”

At the same time the Deputy Leader, Cllr McIlroy stated with regard to the New Local Plan working party "Not only will this be the first of the

new administration's promised cross-party engagement groups but, as it regards the New Local Plan which is so important to residents, it is arguably one of the most significant working groups for our Borough. This group will lead the way to prove co-operative *working over politics for the benefit of our residents*.

The emphasis on “co-operative *working over politics for the benefit of our residents*” is significant.

Can the Leader explain why he has decided to deliberately exclude every single member of the United Spelthorne Group, which is the second largest opposition group on the council from every one of his cross party working groups including the New Local Plan working party described by the Deputy Leader as “one of the most significant working groups for our Borough” and how can he justify that the group “will lead the way to prove co-operative *working over politics for the benefit of our residents*.” when everyone can clearly see that actions do indeed speak louder than words and that petty politics is front and centre of his working party selection criteria, over and above any thought about the benefits to our residents?”

Question 5 – Councillor Helen Harvey

“Following the recent ‘Lichfields’ report re housing needs across the country, if their new methodology is adopted then there will be a reduction in Spelthorne’s housing need requirement from 606 to 489 homes per year (due, perhaps in part, to the effective lobbying of the MHCLG by Cllr Harvey, Cllr Beardsmore and Strategic Planning Officers directly to the ministry commencing Nov 2019), this means c.1700 less residential units would be required to be built over the 15 year period of the new Local Plan. In the recent consultation it was identified that c.1650 units would need to be accommodated on Green Belt, there is now seemingly no need to build on any Green Belt in Spelthorne.

Given this, and widespread opposition from residents, will the ‘leader’ confirm that his new administration will remove any proposals to build on our Green Belt from the new Local Plan and furthermore any other developer application to build on our Green Belt will not be supported by Conservative members?”

Question 6 – Councillor Helen Harvey

“I am concerned by the apparent delays in progressing our key residential developments in particular at Ceaser Court II and Thameside House. I estimate that every month of delay costs the tax paying residents of Spelthorne c.£25k. How do you plan to recoup these losses and what action will you take to ensure that the Borough is not unnecessarily exposed to the anticipated increase in build costs post Brexit transition?”

Yours sincerely

Gill Scott
Committee Services

To the members of the Council

Councillors:

C.F. Barnard (Mayor)
M.M. Attewell
C.L. Barratt
R.O. Barratt
C. Bateson
I.J. Beardsmore
J.R. Boughtflower
A. Brar
S. Buttar
R. Chandler
N.L. Cornes
J.H.J. Doerfel
J.T.F. Doran

S.M. Doran
R.D. Dunn
S.A. Dunn
T. Fidler
N.J. Gething
M. Gibson
K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
N. Islam
T. Lagden
V.J. Leighton

M.J. Madams
J. McIlroy
A.J. Mitchell
L. E. Nichols
R.J. Noble
O. Rybinski
D. Saliagopoulos
J.R. Sexton
R.W. Sider BEM
V. Siva
R.A. Smith-Ainsley
B.B. Spoor
J. Vinson

Council – 22 October 2020

Item 7b. Questions on Ward Issues from Council 30 July 2020

1. Question from Councillor I.T.E. Harvey –

Regarding the Lendy Memorial

- Who exactly at the Council engaged this expert?
- Who is this expert? What qualifications does he or she have?
- Is this expert sufficiently knowledgeable about west African and southern African 19th century history so as to be able to make a valid judgement on the Lendy Memorial?

Response from the Leader, Councillor J.R. Boughtflower:

“Thank you for your question Councillor Harvey. Deborah Ashman and Karen Sinclair, Joint Community Heads of Community Wellbeing are responsible for contracting an appropriately qualified expert. As this question was not responded to at the July meeting, this response reflects the most up to date position on this matter.

The Council committed to review all historical information of Council owned monuments following the issues identified by the recent “Black Lives Matters” protests. The Lendy Memorial Lion which is a statue in the Walled Garden in Sunbury was identified by the campaign as a statue of concern and is one of 29 Council owned monuments.

In order to undertake this exercise and to enable Councillors and residents to be informed of the full historical background of all the monuments, it was identified that there was a need to employ the services of an appropriately qualified, impartial historian, who has experience in this type of research.. Discussions initially took place with an expert who work in a London University and has a BA Honours in English Literature and History, as well as a Masters in Historical Research (specialising in social and cultural history). This expert also has a PhD from the University of London (Institute of Historical Research). Officers contacted other academics to establish that the cost and timetable for this exercise are reasonable for the work to be undertaken.

After extensive discussions between officers and relevant experts it was identified that the cost for them to undertake the review was prohibitive (a quote was received of £28,000 for research on Lendy alone).

After an approach by Council officers, Mr Alan Doyle a long-time resident of Sunbury who is an investigative journalist by profession kindly agreed to assist the Council without charge and draft a report on the historical background to the memorial. It was decided Councillors could then consider this information and decide if any action would be necessary. Mr Doyle has

been researching the Lendy family periodically for 30 years. The evidence which has been used by the “Topple the Racists” website to justify their call for the Lendy Memorial to be taken down is a brief article on a website which credits Alan Doyle as a source of research, although the article only quotes partial and selective elements of the summary written by him some 10 years ago.

I am able to advise that Mr Doyle has now completed his report and due to the detail and complexity of the information this contains, I think it only appropriate to refer the report to Overview and Scrutiny Committee so that a full and proper review can be undertaken by a cross party group of Councillors.”

Question from Councillor D. Saliagopoulos

“I would like to make Council aware that the Riverside area within my Ward needs some attention please. There is a stretch of River walk which runs from Penton Hook Lock towards Staines Town. For those of you who know, we also have the large grassed area called “Silvery Sands” which has housing fronting this large open area.

Until the unfortunate onset of the Virus Pandemic, this area was clean, free of dog fouling (thanks to the fabulous campaign organised by Councillor Joe Sexton a couple of years ago) and the bins never overflowed. Now, people leave plastic bags of litter, litter has been left on the grass and riverside area. One weekend there were hundreds of empty beer cans, all cleared up by local residents.

I have to recognise the work that my fellow Councillor, Michelle Gibson, who lives on the river, does every day to keep the area clean. Many residents are also doing this.

Every day there have been gatherings of people, all enjoying the River and it has been nice to see children out in the fresh air enjoying themselves.

However, there’s always a but isn’t there? The area is now blighted by empty legal hi canisters, little small silver phials about the length of a cigarette. The users of these drugs must surely come from the nightly hoards of young people who congregate at Silvery Sands. I actually feel very sorry for those residents whose properties face directly onto this lovely area. Some have actually taken to putting up high fences and I have even heard of complete strangers walking through residents’ gardens.

Crime is also on the rise with several properties being broken into. Litter, as I have mentioned and dog fouling is on the increase. Inconsiderate parking is rife. Two roads in particular, Penton Hook Road and parts of Wheatsheaf Lane are actually Private Roads - the residents pay for the upkeep of these roads, independently from the County Council. Visitors to the River In their cars were not respecting this.

The biggest complaint I hear from residents is regarding cyclists. Why are these cyclists not understanding that Pelatons do not have right of way over pedestrians. There have been many near misses, dogs being hit, and many complaints about the general attitude of cyclists. So far I have personally witnessed 2 accidents. Cyclists should at least slow down for pedestrians and give way. At the weekend you might be mistaken for thinking that ‘would be’ entrants to the Tour de France were out practising!

I therefore would like to hear from the Council how they will give some extra help to this area. What measures can be taken to put a stop to the continuous drug taking and loud noise at night? Are the Council willing to consider a zero tolerance policy towards youngsters doing this? Can we enforce a policy so that cyclists respect the River path and pedestrians? The Litter Campaign suggested by Councillors Rybinski and Sexton should start here!

Finally, I want to make it clear. I am not against young people having a good time. As I mentioned earlier it is nice to see young people out and about enjoying themselves. What I am extremely concerned about, especially for the residents of Riverside & Laleham is that their day to day lives are being seriously disrupted and it is just not fair.

I am sure Councillor Gibson would agree with me that we need to focus on our Riverside area to make it as nice as the River Areas in Lower Sunbury and Shepperton."

Response from Councillor R. Barratt

"The area from Penton Hook Lock towards Staines Town, which includes Silvery Sands, is under the management and responsibility of the Environment Agency (EA). At the request of Cllr Gibson officers have recently been in contact with the EA about two areas in particular; Penton Island and Silvery Sands, and have provided costs to empty the bins and clear litter. The EA have not yet accepted or agreed to pay those costs.

The issues related to drug taking are a police issue. Similarly, noise generated in such public places could only be dealt with by the police under their powers to deal with public disorder or anti-social behaviour, with support as necessary from the Council's Environmental Health and Community Safety teams as part of a multi-agency approach.

Given that these are police issues, this would need to be taken up with Surrey Police, but of course any action they could take would be subject to their resources at the time of the incident. The Council is not in a position to consider or enforce a zero tolerance policy for an issue that is not within its control.

In relation to the cyclists, any actions or enforcement along this stretch of the river would need to be undertaken by the EA as this area is their responsibility to manage.

Given your concerns, we will ensure that the points you have raised are on the agenda of the next Tasking & Co-ordinating Group meeting at which various bodies, including the police and council officers, discuss areas of concern within the borough. Where appropriate, subject to resources, we may be able to schedule some patrols. An invitation to this meeting will also be extended to the Environment Agency to discuss the specific points raised in relation to the areas managed by them."

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Council – 22 October 2020

Item 7c. General Questions submitted to Council on 30 July 2020

1. First question from Councillor R.W. Sider, BEM

“At the meeting of the full Council on the 18th of July 2019 I placed the following Motion before the Council. It was, ‘That Officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Travellers encamped when on the highway and append such charges involved to Surrey’. It was seconded by Cllr Barnard. The motion was debated and the Leader of the Council said - quote - ‘I think it is something that we can ask officers to explore and then report back to the portfolio holder. On that basis I will support your motion and ask members to do likewise. **The Motion was carried and it was Resolved ‘That officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Traveller encampments when on the highway, and append such charges involved to Surrey County Council.’**”

My question is ‘It is now one calendar year since the foregoing resolution was debated and carried, and again Travellers have encamped in Old Charlton Lane, Shepperton, requiring officers from Surrey to deliver the relevant documentation to secure their removal. Can the Leader of the Council inform me what discussions with Surrey have taken place as required by the Motion of the 18th of July 2019, and what progress has been made in carrying out the requirements of the said resolution.”

Response from Councillor R. Barratt:

“Thank you for your question, Councillor Sider. Old Charlton Lane has been the subject of four unauthorised encampments in the last two years. The first was dealt with by the Police under a section 61 Notice pursuant to the Criminal Justice and Public Order Act 1994. The next two were dealt with by Surrey County Council under section 78 Notices.

The last encampment occurred on 7 July. Notices under section 77 of the Act were served by Surrey County Council Officers on 13 July, and a hearing at the Magistrates’ Court took place on 21 July.

Enquiries of officers at Surrey County Council have not been fruitful to date. Offers of an agency type arrangement have been made but we have been advised that Surrey County Council wishes to retain control of enforcement of this area, which is County Council highway land. Surrey’s officers will continue to work in close cooperation with Spelthorne Officers to ensure that any adverse impacts are minimised.”

2. Second question from Councillor R.W. Sider, BEM

“After a further invasion and encampment of Travellers in the borough in mid-summer last year, I requested that officers pursued through the legal means and through the Courts, an injunction along the lines that had been secured by our neighbouring borough, which would prevent them entering Spelthorne on any occasion. After one year, can the Leader inform me of the progress that has been made by officers to secure such an injunction?”

Response from Councillor R. Barratt:

“Since this was last discussed the Court of Appeal has handed down guidance in relation to injunctions which seek to prevent unauthorised encampments across boroughs. A number of issues were considered in the case of Bromley. The judgement was handed down on 21 January 2020. In that case the court was considering a number of issues in relation to an injunction which was refused by the High Court to grant a de facto borough-wide prohibition of encampment in relation to accessible public places, except cemeteries and highways.

The guidance set out by Lord Justice Coulson is as follows;

- There is a tension between the Article 8 rights of the Gypsy and Traveller community and the common law of trespass. The obvious solution according to the Judge is the provision of more transit sites.
- The guidance relating to the use of the statutory enforcement powers in relation to the Criminal Justice and Public Order Act 1994 does not suggest that a wide injunction is a satisfactory solution to the issues.
- Local authorities must engage with the Gypsy and Traveller community; this is a way of introducing negotiated stopping.
- If a local authority is considering such an injunction, then it will have to demonstrate proper engagement including welfare checks and an up to date Equalities Impact Assessment.

The Court of Appeal went on to comment that injunctions against persons unknown are exceptional as they may not be proportionate within the meaning of the Human Rights Act. The protected status will be given weight, and any council will have to show that they have complied with their general obligations to provide sufficient accommodation and transit sites. Councils are also required to have regard to the cumulative effect of other injunctions. The Court stated that borough-wide injunctions are inherently problematic.

On 10 July, Harlow District Council had to withdraw their application to renew a borough-wide injunction, in the light of this decision.

Wolverhampton Council is going through a similar process on 20 July in the High Court, although the facts are somewhat different as a transit site has been identified, and they were targeting specific sites, rather than a blanket approach. They have also estimated their costs would be in the region of £250,000 to £300,000 per annum.

In addition to this judgement, the effects of COVID -19 must also be taken into account. The Minister for Communities wrote to all councils in April about mitigating impacts on Gypsy and Traveller Communities during the COVID-19 pandemic. Any pursuit of a borough-wide injunction at this time could be seen as conflicting with this request and further reduce the likelihood of success.

Taking this into account, together with the recent Court of Appeal decisions and guidance given to Councils, it is highly unlikely that this authority would be successful in obtaining a borough-wide injunction in the current circumstances. Although our officers have been preparing for such an injunction, to continue to pursue this at this time could be costly for the authority and ultimately fruitless. Our officers will, however, continue to keep this under review in the event of any developments or changes in the law. In the meantime, the issue of a Surrey-wide approach to transit sites may need further consideration.”

3. Question from Councillor J. Sexton

“At the Cabinet meeting on 15th July the Leader stated at the very beginning ‘Can I remind everyone that mobile phones should be switched off or set to silent mode’. When Cllr. Attewell was reading one of her reports regarding homelessness she stopped and said ‘Sorry I’m reading this from my phone and someone just tried to call me’. This was followed shortly after by another interruption with Cllr Attewell saying ‘Oh gosh I’m never doing this again, I am reading this from my phone and people keep ringing me’.

Over 86 subscribers have now accessed the recording and it does not make the Spelthorne Council Cabinet look very professional. Will the Leader now ensure that Cabinet meetings are video recorded, as are the Planning committee meetings, in order to ensure that Cabinet members can be seen to be giving the role they are undertaking the attention that it deserves.”

Response from Councillor M. Attewell

“Thank you for your question Councillor Sexton. I am sure you will appreciate that we are in unusual times with meetings being held virtually. This presents difficulties for all of us when participating in such meetings and of course it is important to do whatever we can to prevent distractions.

In this instance I was not distracted by my phone; it was on silent mode and I was using it as a tool to assist my participation in the meeting. As you have brought this to the attention of our residents, I feel I must explain the reasons for my comments at the time. As I had been unable to access my notes from my laptop, I was therefore reading them from my phone. As I was doing so a call came up on my screen, this then happened a second time when they called a second time to leave a message. If the meeting had been on video, you would have seen that I was ‘giving my role the attention it deserves’, as would always be the case, and residents that know me would have no doubt about this.

It is, of course, essential that we all remain focused on the really important issues at this difficult time.

I can advise you that officers have already been discussing improvements to our webcasting facilities and this includes looking at video streaming of all Council, Cabinet and Committee meetings.”

4. Question from Councillor K. Grant

“Given the importance of the Environment portfolio to our Council Priorities and the general wellbeing of Spelthorne and its residents, can the Leader please explain why this position has not been filled in the new Cabinet? Can he begin to lay out his greener credentials that he expressed in his acceptance speech when elected Leader?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you for your questions Councillor Grant. I hope you feel I answered these to your satisfaction during my Leader’s announcements at the Council meeting on 30 July 2020.

I announced that Cllr Bob Noble was taking the role of Portfolio Holder for Climate & Environment. He is an advocate of climate change and has appointed members to the Climate Change Task Group.

The new administration takes protection of the environment for this, and future generations, seriously. Whilst the previous Administration’s approach aligned closely with delivering the Government’s target of net zero carbon emissions by 2050, we want to take steps to enable us as a Council to meet this target much sooner, so that we can pass on a better legacy to future generations of Spelthorne Residents.

To this end we recently declared a Climate Emergency and I have asked the Climate Change Task Group to make recommendations with more challenging targets and actions for the Council, which will help deliver zero net carbon emissions for this authority much sooner than the target set by the previous administration.”

5. Question from Councillor S. Dunn

“The Leader of Surrey County Council has announced that he intends to make the whole of Surrey one Unitary Authority. Can the Leader please advise us what communication or meetings have taken place to inform Spelthorne of these plans?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you for your question Councillor Mrs Dunn. I hope you feel I answered this to your satisfaction during my Leader’s announcements at the meeting held on 30 July 2020.

On 21st July 2020, Surrey County Council’s Cabinet decided to promote the concept of a Surrey-wide Unitary Authority covering the whole County. This led to the dispatch of a letter from the County Council’s Leader to the Secretary of State, outlining this intention.

Surrey Leaders, at their meeting on 17th July, expressed their disappointment at not being consulted ahead of the County's decision to push ahead with these actions.

I joined other Borough and District Leaders across Surrey in signing a letter to the Secretary of State registering that a Surrey-wide Unitary is not the optimum solution and that we are committed to exploring what would be."

I instructed the Chief Executive to urgently investigate alternative forms of Unitary Authorities and the timing of any such reorganisation that may be more advantageous to Spelthorne and its Residents, including any opportunities to collaborate with neighbouring authorities on this issue, and an extraordinary Council was held on 24 September to discuss these."

6. Question from Councillor B. Spoor

"When is Spelthorne Council going to lead the way and put 40-50% of their planned accommodation as affordable, which will provide the impetus for developers to increase their share of affordable housing in their submissions?

And in this context, will the Council also reconsider the Thameside House development, where no affordable housing is proposed?"

Response from the Leader, Councillor J.R. Boughtflower

"The Council has made the decision to embark on a journey to deliver much needed housing (of all types and tenures) as a result of the failure of the private housing market to build what is needed for our residents. To date there are 396 units either under construction or going through the planning process. As an authority, we are already committed to delivering 185 of these at affordable rent. This will mean almost 47% of the stock will be affordable rented – meeting the 40 to 50% range which Cllr Spoor has mentioned.

To date affordable housing has been delivered up front, which no private developer would do (for example the West Wing at Knowle Green will be 100% affordable). As a major landholder we can do what a house builder cannot – apply a portfolio-wide approach rather than looking at schemes on an individual basis. This enables us to maximise the affordable provision where it is most needed.

Notwithstanding the above, a commitment was made by myself and the Deputy Leader at the ECM on 25 June that there would be a review of key decisions, policies and actions. I can confirm that this includes the Council's approach on how we can best maximise affordable housing and ensure it is secured for the long term.

Clearly this is a critically important decision and we need to ensure that everyone is clear about what we want to achieve and how best to do this. Getting this right for the future of the borough and our residents is more important than setting an artificial deadline.

However, I can promise that any policy change will be subject to debate at the Overview and Scrutiny Committee, and Cabinet will make its final recommendations to Council so that the final decision is made by all councillors to ensure consensus and buy-in for the new direction of travel.

This will then set the framework for how the Council decides to put forward planning applications in the future, regardless of what the policies might say in the finally adopted Local Plan or as a result of a viability assessment.

I previously dealt with Cllr Spoor's question about the Council leading the way on affordable housing in my Leader's Announcements at the 30 July Council meeting, when I stated that as a Council, we have already started to deliver essential affordable units for our Residents. The new administration strongly supports this approach, but we want to go further. We believe we now have a real opportunity to increase the number of affordable units we deliver from our development schemes, which will align with the Council's policies and set an example to private developers, who unfortunately continue to fail to deliver the number and types of affordable units this Borough so badly needs.

In respect of the current application at Thameside House, as members are aware, the Council are treated no differently to any other applicant when a scheme is considered by the Local Planning Authority. Our schemes have to follow the same well-established viability regime that is applied and accepted nationally as part of the planning process.

As the Thameside House viability process is still ongoing it would not be prudent to comment or pre-empt its outcome. Once this has been concluded, the Council will then be in a position to establish whether additional voluntary housing at affordable rents can and will be made available. I would encourage you to judge this application on what ultimately ends up in front of our Planning Committee."

7. Questions from Councillor I.T.E. Harvey

1. Does the Leader still regard the Council's finances to be "in meltdown"?
2. Does the Leader agree that our Property Investment Strategy has made a profound contribution to our finances and our ability to provide and protect services to residents without financial constraints, as exemplified by our unconstrained response to the COVID19 crisis?
3. Can the Leader please explain why the following reports to cabinet have been withdrawn / postponed, and advise what meetings have been cancelled or postponed during his leadership?
 - Asset Management Plan (this was originally scheduled to go to Overview and Scrutiny before Cabinet)
 - Annual Asset Investment Report
 - Community Asset Policy

Response from the Leader, Councillor J.R. Boughtflower:

“I have no recollection of ever having made such a comment. However, having said that I can highlight that currently, as the Chief Finance Officer reported at the 30 July meeting, the financial impact of COVID-19 on the current financial year’s Revenue Budget is looking less adverse than was the case at the time of the 21st May 2020 Council meeting, when Cllr Harvey was Leader. The recent clarification of the Government’s further significant financial support for Councils, particularly the income-loss support package, has helped improve the position.

Following the recent support announcements, it looks likely that the additional reserves usage approved on 21st May by Council will be more than sufficient to cover COVID-19 financial impacts in 2020-21. We are therefore facing a healthier position now than we were. I do also recognise that currently our commercial assets are delivering £10m per annum to support the delivery of services for our residents. However, we will face very significant financial challenges for the next few years as a result of the broader ongoing economic impacts of COVID-19. For this reason, a focus on economic recovery will be a key priority for the Council, particularly with respect to Heathrow airport, aviation, logistics and retail sectors.

The Council holds a weekly detailed monitoring meeting to review the performance of the Investment Portfolio which I, the Deputy Leader and the Finance Portfolio Holder attend. We are actively involved in reviewing the robustness of our £20m of sinking funds balances at each of these meetings. Current work is indicating that our sinking Funds are more than sufficient to protect the Council’s Revenue Budget and council tax payers for the next ten years from potential temporary reductions in rental income.

As I have previously stated, my Administration are in the process of reviewing the Capital Strategy, the Asset Management Plan and other policies before we confirm how we move forward. It is for this reason that I have set up the Leader’s Working Group reviewing Property Investments.

In recognition of the concerns of residents and interest in the Council’s property activity, I am pleased to confirm that my Administration is inviting the Local Government Association (LGA) to undertake, next month, an independent Peer Review, or ‘health check’, into our corporate finances and property activity. Such Peer Reviews are regularly used by councils to obtain a constructive and independent perspective to recognise good practice and identify opportunities for improvements.

Given the level of scrutiny the Council is currently under with respect to our assets related activity and the concerns of residents, as reflected in some of the questions previously debated by Councillors, it is appropriate for the new Cabinet and Administration to ensure it fully understands asset related policies before they are put forward for consideration and approval by councillors. On 29 September 2020, as part of our emphasis on transparency

and cross chamber working, we provided Overview and Scrutiny Committee with the opportunity to review the Asset Management Plan.”

8. Questions from Councillor J. Doerfel

- How many applications for rent deferrals/rent remittals by commercial tenants has the Council received this year?
- How many of these have been granted and how many of these have been refused? How many are still outstanding for decision?
- Please provide us with information of the length of the rent periods for which rent will now not be paid by the companies in question (per company if the periods vary).
- How much is the total Council income that will now not be received by the Council during the length of those periods (i.e. the periods during which rent will not be received) and that would otherwise have been due under the pre-COVID 19 rental contracts?

Response from the Deputy Leader, Councillor J. McIlroy

“Thank you for your questions, Councillor Doerfel. I can confirm that during the calendar year (i.e. from 1 January 2020) the Council has received 17 applications for rent concessions. These include requests for rent holidays, rent deferrals or significant changes to the lease structure (e.g. moving from a fixed rent to a turnover rent mechanism).

To date, agreements have been reached with 12 tenants. Two applications have been refused by the Council, two are awaiting a decision and one is due to be submitted for recommendation imminently. Of the 12 agreements that have been reached, four have led to improved terms to the council, by way of extended lease term and/or net rental. This is a positive outcome bearing in mind the COVID-19 situation within which we are currently operating.

Where we have agreed rent deferments, the agreements have largely required tenants to pay 50% of the rent and full service charge for the quarter, with the outstanding 50% rent for the quarter repaid over periods of between six and 12 months. In all cases the full rent will ultimately be repaid. In terms of the individual tenants the following agreements have been reached:

Tenant 1 – 50% rent for the March quarter repaid over six months
Tenant 2 – 50% rent for the March quarter repaid over six months
Tenant 3 – monthly payment plan, i.e. no overall delay in quarterly payment
Tenant 4 – monthly payment plan
Tenant 5 – monthly payment plan
Tenant 6 – 50% rent for the March quarter repaid over 12 months, plus 50% rent for June quarter repaid over 9 months
Tenant 7 – 50% rent for the March quarter repaid over 9 months

Tenant 8 – monthly payment plan

In the following three cases where leases have been extended, the rent free periods have varied between 7.5 months and 18 months depending on the additional lease commitment and are generally in keeping with market terms:

Tenant 9 – 5 year extension, 18 months' rent free on a phased basis covering four financial years. Value £4,456,755

Tenant 10 – 3 year extension, 15 months at half rent (i.e. 7.5 months' rent free). Value £25,000

Tenant 11 – 3 year extension, 8 months at half rent (i.e. 4 months' rent free) – It should be noted that this was agreed with the tenant pre-COVID. Value £240,619.

Finally, there is only one tenant where a rent deferment has been agreed in addition to extending their lease:

Tenant 12 - 50% rent for the March and June quarters repaid over 12 months and a 3 year extension, 24 months at half rent (i.e. 12 months' rent free). Value £1,029,516

The overall value of rent deferments agreed to date (i.e. where rent is not collected in the relevant quarter) is £921,475. Of this, £345,053 will be outstanding by the end of March 2021 reflecting 0.7% of the portfolio rent. This sum will have been repaid by the end of 2021.

The total value of rent free granted for lease extension deals is £5,751,890 (12.24% of the annual rent income) however the value of additional income secured in return is in the order of £19,992,000."

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Council – 22 October 2020

Item 18. Ward Issue Questions

Question from Councillor S. Dunn

“Sunbury Leisure Centre Pool has been closed indefinitely since Lockdown. We have been liaising with Officers to ensure that residents can be informed of updates and we understand more information from a structural report will be due in early November. Once the report establishes the findings and exact costings, to return Sunbury Leisure Centre Pool to full operation, a timeline can be published.

In the meantime, can this Administration agree with us that Sunbury Leisure Centre is an important Community asset and commit to investment to reopen the facility as early as possible including future proofing to improve the Centre for many years to come”

Response from the portfolio Holder for Leisure Services, Councillor R. Chandler

“This Administration certainly agrees that Sunbury Leisure Centre is an important community asset. We are committed to providing high quality leisure facilities for our residents and, as Spelthorne Council has the lease to the leisure centre building until 2038, we will continue to invest in this facility to ensure that it meets the needs of our residents. Unfortunately, at present the pools at the centre remain closed, although the rest of the centre is open for other sports and fitness use.

During lockdown it became evident that there were significant structural issues to the both the main pool and the teaching pool, the cause of which is still under investigation. The Council is currently working with a specialist company to determine the extent of the damage and what caused the issue. Core samples have been taken from the pool tanks and we are pushing for an interim analysis report before the end of the month to enable us to begin the procurement process.

This is unfortunately taking longer than it usually would due to COVID restrictions and limited technicians in the testing laboratory. The Council have been told to expect a detailed specialist report in November. The position with insurance will remain unknown until the cause can be determined and the Council will then need to establish responsibility. The likely cost for repairs is currently estimated at between £250,000 and £500,000 and if the Council is responsible for any of these costs a full report will be submitted to Cabinet for consideration.”

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Council – 22 October 2020

Item 19: General Questions and Responses

Question 1 – Robin Sider

“Will the Leader and members of the council join me in congratulating the Council on being awarded the ‘Silver Award ‘ as part of the Ministry of Defence Employers Recognition Scheme, an award for organisations that pledge, demonstrate and advocate support to the Armed Forces community, and align their values with the Armed Forces Covenant. And will the council also note the hard work undertaken by Kamal Mehmood, the council’s Armed Forces Partnership Manager and the Council’s Communication team in order to achieve such a high and prestigious award.”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you, Cllr Sider. We are delighted that the Council has been recognised for the measures that have been put in place to support the Armed Forces Community. I understand that Spelthorne Borough Council is only the second authority in Surrey to have received this accolade and I would like to join you in congratulating everyone involved for their hard work and commitment in achieving this prestigious award.

I would like to take this opportunity to affirm our commitment to the Armed Forces Community, the Armed Forces Covenant and looking forward, to achieving the Gold standard.”

Question 2 – Robin Sider

“The annual South and South east in Bloom competition is designed to encourage councils, residents and businesses to work together to improve the local environment and make towns and cities greener and cleaner for everyone. That said, will the Leader and all members of this council join me in congratulating Head of Neighborhood Services and her staff on achieving a magnificent result by way of Staines, Ashford and Sunbury cemeteries all being awarded gold, and the Sunbury Walled Garden also striking gold in the Small Park category.”

Response from the Leader, Councillor J. R. Boughtflower

“Thank you Cllr Sider and I join you in congratulating Jackie Taylor and the rest of the Neighbourhood Services Team for their hard work and commitment in achieving these prestigious awards.

I am aware that these awards are not easily won and when you consider that the borough achieves these year on year, it shows that the high standards are

there for our residents and visitors to appreciate all year round, and as you have said, improves our environment for all to enjoy.

Well done to all who have made a difference and made Spelthorne a Gold winner again in the South & South East in Bloom Awards."

Question 3 – Dick Smith-Ainsley

"In the announcements made by the Leader at his first council meeting on 30th July he stated the following regarding Task Groups:-

"Full details of this group (a Multi-Party Task Group on Governance) and all the other Task Group will be published in the next few days."

Since then all efforts to find out the details of these Task Groups has been met with a wall of silence.

Why, two and a half months after he promised the details is the Leader deliberately withholding this information?"

Response from the Leader, Councillor J. R. Boughtflower

"Thank you Cllr Smith-Ainsley. The details of the task groups are not being deliberately withheld. The composition of the task groups and the number of the groups are still being finalised and will be published as soon as possible."

Question 4 – Dick Smith-Ainsley

"Leader of Spelthorne Borough Council Cllr John Boughtflower has made various statements which have been published on the council web site.

He stated on 17th August "When elected as leader, I promised that there would be an increase in cross-party working and, just over a month on, this administration is demonstrating that actions speak louder than words."

At the same time the Deputy Leader, Cllr McIlroy stated with regard to the New Local Plan working party "Not only will this be the first of the new administration's promised cross-party engagement groups but, as it regards the New Local Plan which is so important to residents, it is arguably one of the most significant working groups for our Borough. This group will lead the way to prove co-operative *working over politics for the benefit of our residents*.

The emphasis on "co-operative *working over politics for the benefit of our residents*" is significant.

Can the Leader explain why he has decided to deliberately exclude every single member of the United Spelthorne Group, which is the second largest opposition group on the council from every one of his cross party working groups including the New Local Plan working party described by the Deputy Leader as "one of the most significant working groups for our Borough" and

how can he justify that the group “will lead the way to prove co-operative *working over politics for the benefit of our residents.*” when everyone can clearly see that actions do indeed speak louder than words and that petty politics is front and centre of his working party selection criteria, over and above any thought about the benefits to our residents?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you Cllr Smith-Ainsley, I have selected the Councillors to be on the task groups and have included Councillors from all the different political Parties and the Independent Councillors of groups or individual members, as follows:

Cllr Sexton: KPMG working group
Cllr Brar: Climate Change Task Group
Cllr Beardsmore: Local Plan Task Group
Cllr Salliagopoulos: Staines development group
Cllr Cornes: Staines development group

As you well know, as you were part of the previous administration, the then leaders’ task group had previously only been for the few and not open to many more members as it is now.”

Question 5 – Councillor Helen Harvey

“Following the recent ‘Lichfields’ report re housing needs across the country, if their new methodology is adopted then there will be a reduction in Spelthorne’s housing need requirement from 606 to 489 homes per year (due, perhaps in part, to the effective lobbying of the MHCLG by Cllr Harvey, Cllr Beardsmore and Strategic Planning Officers directly to the ministry commencing Nov 2019), this means c.1700 less residential units would be required to be built over the 15 year period of the new Local Plan. In the recent consultation it was identified that c.1650 units would need to be accommodated on Green Belt, there is now seemingly no need to build on any Green Belt in Spelthorne.

Given this, and widespread opposition from residents, will the ‘leader’ confirm that his new administration will remove any proposals to build on our Green Belt from the new Local Plan and furthermore any other developer application to build on our Green Belt will not be supported by Conservative members?”

Response from the Deputy Leader, Councillor J. McIlroy

“Thank you, Cllr Mrs Harvey. Whilst I note you refer to previous lobbying, I can advise that a recommendation to Cabinet to look at housing numbers afresh has been reached by the newly constituted Local Plan Task Group which was set up by the new administration. Under my chairmanship, the officers have undertaken a lot of work on whether or not there was a prospect of revising our numbers. The cross-party Task Group have been briefed on

this in the past two months and have had detailed discussions on the options around housing numbers.

I can confirm there will be a report considered at the Cabinet meeting on 4 November that concerns this issue, following a recommendation of the Local Plan Task Group. The reports will be available to view by the public on Tuesday 27 October. I would urge the public and councillors to look at this report as soon as its available."

Question 6 – Councillor Helen Harvey

"I am concerned by the apparent delays in progressing our key residential developments in particular at Ceaser Court II and Thameside House. I estimate that every month of delay costs the tax paying residents of Spelthorne c.£25k. How do you plan to recoup these losses and what action will you take to ensure that the Borough is not unnecessarily exposed to the anticipated increase in build costs post Brexit transition?"

Response from the Deputy Leader, Councillor J. McIlroy

"Thank you Cllr Mrs Harvey. I have covered your concern about Brexit implications in my previous answer. In terms of recouping losses, there is always scope to undertake value engineering at various stages in the project lifecycle. Officers do this as a matter of course, and would be asked to rigorously undertake such an exercise in order to limit any losses that arise as a result of an extended project timeline."

Question 7 – Councillor Ian Harvey

"Can the "leader" please unequivocally condemn the recent leak of the KPMG "Counsels Opinion" extract outside the four Councillors it was sent to, including to an investigative journalist, and also condemn previous leaks of confidential documents, discussions or information, including for example from Cabinet and Cabinet Briefing meetings? Will the "leader" please ask the Chief Executive to immediately commission an in depth investigation to find those responsible, and support the strongest possible disciplinary action against those identified as responsible? Does he agree that any Councillor found responsible should be required to resign immediately?"

Response from the Leader, Councillor J.R. Boughtflower

"Thank you Cllr Mr Harvey, I would condemn any leaks of confidential information. Whether an investigation takes place and any subsequent action is a matter for the Members' Code of Conduct Committee and is not at the direction of the administration."

Question 8 – Councillor Ian Harvey

“Following the oil slick that devastated the coast of our twinned District of Grant Port Mauritius at the end of July can the “leader” outline the messages of support that he has sent to his peer, Grand Port Council Chairperson Vinay Harcharan, and responses received?”

Response from the Leader, Councillor J.R. Boughtflower

“I can confirm this authority issued a press release on 11 August in support of our Twin Town Grand Port and in conjunction with the Chief Executive, we are in regular contact with our counterparts – the latest communication was received on Monday this week, 19 October. This states:

‘Thank you for your concern. Here are some recent news about the present situation in Grand Port.

According to UN expert they have noted a significant improvement in the state of the coastline affected by the fuel spill from the MV Wakashio” that ran aground off the south eastern coast of Mauritius on 25 July 2020 and they reviewed progress made in the clean-up operations and rehabilitation of the environment.

Operations have been contracted out to the specialised firm, Polyeco and Floch Depollution, with support of around 60 fishermen from the area who were recruited for the task.

Cabinet took note that cleaning operations at Ile aux Fouquets, an islet off the south eastern coast of Mauritius, as well as at Pointe d’Esny public beach has been completed. Cleaning is in progress at Bambous Virieux, Bois des Amourettes, Vieux Grand Port and la Falaise Rouge. More than 310 kilometres representing 96% of Mauritian coastline remain unspoiled from the oil spilled.

Moreover, Mauritius is reopening its borders in three phases and the protection of the population remains the priority in the face of the COVID-19 pandemic.

The first phase comprises the repatriation of Mauritians stranded abroad was made until 30 September 2020. Arriving passengers will continue to be quarantined in the centers made available by the State.

The second phase which started on 01 October 2020 during which travel to and from certain destinations had been allowed. Access to the Mauritian territory had been authorised to passengers abiding by sanitary protocols. Online booking for airline tickets and hotel room reservations were available. However, priority had been given to Mauritian nationals, licensed residents, those employed in Mauritius and other visitors wishing to travel to Mauritius.

The third phase of reopening the borders will be determined in the light of the evolution of the COVID-19 pandemic.

Citizens who are directly affected by the restrictions, currently put in place, including hotel taxis and tourist operators, will continue to receive financial assistance from the Government.

Moreover, I wish to inform you that the election of village Council has been scheduled on Sunday 22 November 2020'.

Question 9 – Councillor Ian Harvey

“Can the “leader” please confirm that he now understands that the “Leader of the Council” does not, as he has stated, have a sole and unfettered mandate to spend multi hundred millions of pounds of Spelthorne Council money? Will he please state this publicly, and withdraw his previous misleading comments accordingly?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you Cllr Mr Harvey. Constitutionally the Leader does not have the ability to spend multi hundreds of millions of pounds alone. I continue to work with the administration to ensure that there is more inclusivity around any spending decisions.”

Question 10 – Councillor Helen Harvey

“During the Cabinet meeting of 23rd September; which I attended, you considered the exempt report Ceaser Court 2 construction costs Key Decision. No discussion at all took place between Cabinet members and the motion carried was to pass the decision to the next Full Council for all members to vote on. Yet the unapproved minutes state the following:

‘Subject to officers providing some additional information and clarification within the report, with such information and technical clarification being provided to the Leader and Deputy Leader prior to publication on 22nd October.’

This was not actually said in the meeting and did not form part of the Cabinet paper.

Mysteriously this urgent matter is missing from the Full Council Agenda published 14th October!

The Cabinet papers advised that the planning application was expected to be determined in Oct/Nov. Indeed the current status of the planning application is that the application is under review, awaiting further information from the applicant to address the unresolved planning issues which are - the required pedestrian crossing, proposed use of the ground floor space and quantum of Affordable Housing which I understand are very close to soon being resolved.

1. Why is this Key Decision missing from this Full Council Agenda?
2. What is this ‘additional information’ ?

3. This Key Decision was abdicated by Cabinet and the responsibility passed to all members therefore we should be consulted and our agreement reached if this Key decision is not to be heard in the 22nd October Full Council. Can the leader justify his actions in omitting this agenda item?
4. Please can officers clarify what are the financial and other risks to the project of not making this decision on 22nd October Full Council?"

Response from the Leader, Councillor J.R. Boughtflower

"Thank you Cllr Mrs Harvey. A conversation has taken place with staff regarding the additional information and technical clarifications required. During that meeting officers were instructed to undertake further work, which has only just been completed. It is likely that as a result of this work the matter will have to be considered further by Cabinet. As Leader, I therefore made the decision that it was not appropriate for the report to be brought forward to Council on 22 October for a financial decision, as the financial element might change in the future. There is no requirement for me to consult other councillors on this matter.

The financial and other risks were set out in the report to Cabinet. The preferred bidders have agreed to hold their price until the end of 2020. If a decision is made at the next Cabinet and Council meeting in December and the contract is signed before 31 December, then the price for the work 'as bid for' holds. If, as is likely, the financial dynamics change, then we would need to renegotiate the build contract which would take us into 2021. Officers would make best endeavours to limit any price increases and any Brexit clauses being added which might seek to transfer associated risks to us as the client.

Not making a decision on the finances at Council this evening has no impact on the planning timeframe, which is dealt with via a completely separate process, unless the further work impacts on scheme design. It does potentially impact on the overall project delivery timescale if contracts are delayed. We would look to limit any such delay as far as possible through very active management of the contractors and the construction timetable."

Question 11 – Councillor Jan Doerfel

"How does the council leadership consider that releasing green belt in the local plan is consistent with having declared a climate emergency?"

Response from the Leader, Councillor J.R. Boughtflower

"As Councillor Doerfel will know from being a member of the Local Plan Task Group, climate change is a very important issue that needs to be addressed in the new Local Plan, through policies and when considering sites for allocation.

He will also know, however, that there are other priorities that also need addressing, such as affordable housing, vital infrastructure and employment opportunities as well as consideration of greenbelt issues. It is imperative that

the Local Plan aims to balance all these priorities against each other to find the best strategy to take our borough forward. The Local Plan Task Group will be at the forefront in producing a Plan that meets the needs of our communities and I look forward to Councillor Doerfel's continued participation. The Council's climate change emergency declaration demonstrates our commitment to addressing this major issue for society."