

Minutes of Cabinet

18 July 2018

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor M.M. Attewell, Community Wellbeing
Councillor C. Barnard, Planning and Economic Development
Councillor J.R. Boughtflower, Corporate Management
Councillor M.P.C. Francis, Housing
Councillor O. Rybinski, Customer Service, Estates and Transport
Councillor H.R.D. Williams, Finance

2502 Minutes

The minutes of the Cabinet meeting held on 20 June 2018 were agreed as a correct record.

2503 Disclosures of Interest

There were none.

2504 Mandatory Licensing of Houses in Multiple Occupation – Fee setting - Key Decision

Cabinet considered a report on a proposed fee setting policy and fees for the licensing of Houses in Multiple Occupation (HMOs). A revised licensing scheme is required as the definition of a licensable HMO will change with effect from 1 October 2018 and consequently the number of properties in Spelthorne requiring a licence will significantly increase.

Alternative options considered and rejected by Cabinet:

- Not to adopt the HMO fees and fee setting policy
- To adopt the HMO fees and fee setting policy with amendments

Resolved to:

1. Adopt the proposed fee setting policy for the licensing of houses in multiple occupation, and
2. Agree to delegate authority to determine the fees under this policy for 2018/19 to the Leader in consultation with the Portfolio Holder.

Reasons for decision

- The proposed fee setting policy is designed to reward landlords who comply with their legal requirements, while ensuring non-compliant landlords pay for the additional Council resources used towards achieving their compliance.

- The fee setting policy directs the cost of the Council's statutory duties for licensing houses in multiple occupation to those who benefit financially from them, rather than council tax payers.

2505 *Supplementary Capital Programme Provision for Asset Acquisitions

Cabinet considered a report requesting approval of a supplementary capital estimate for property acquisitions within the Borough to facilitate sufficient income to enable the Council to deliver its housing and regeneration programme.

There were no alternative options considered by Cabinet.

Resolved to recommend to Council:

1. To approve supplementary capital estimate for property acquisitions within the Borough of £594.859m for 2018/19 to facilitate generating sufficient income to enable the Council to progress its housing and regeneration projects across the Borough;
2. To agree the revised set of prudential indicators which include increasing the operational boundary to £1,500m and £1,520m for Authorised Limit for 2018/19;
3. To agree the interim policy on Borrowing in Advance of Need until Council agrees its new Investment Strategy; and
4. To reconfirm the Council's Minimum Revenue Provision policy to ensure prudent provision is made to cover repayment of loans

Reason for recommendation:

The Council needs to be able to continue to generate additional ongoing income to deliver its ambitious housing and regeneration programme across the Borough and to help meet the needs of its residents identified in the Corporate Plan.

2506 Treasury Management Annual report 2017-18

Cabinet considered the Treasury Management Annual Report for 2017-18, covering the council's activities in the borrowing and investment market and the associated financial risks.

Resolved that Cabinet notes the contents of the report

2507 *Proposal for future arrangements for terms and conditions for Spelthorne employees

Cabinet considered a report proposing a move from nationally agreed pay awards and terms and conditions for staff to local Spelthorne arrangements for pay awards, and incorporating the current national conditions of service

that apply to Council employees into local Spelthorne terms and conditions of employment terms and conditions.

Alternative options considered and rejected by Cabinet:

To continue to apply national pay awards and national terms and conditions.

Resolved to recommend Council:

1. To agree that the Council takes steps to move to local arrangements for agreeing future pay awards for all employees;
2. To agree that the Council takes steps to move to local terms and conditions for all employees;
3. To agree formal proposals for consultation with UNISON and employees;
4. To agree a timetable and process for implementing the move to local pay and conditions from April 2019;
5. To delegate to the Chief Executive (in consultation with the Leader) authorisation to formally conclude a Collective Agreement with UNISON on local pay awards and local terms and conditions; and
6. To delegate to the Chief Executive authorisation to consult directly with staff on local pay awards and local terms and conditions if a Collective Agreement with UNISON cannot be reached by 31 August 2018. This may run in parallel with any continuing consultation with UNISON to finalise the terms of any Collective Agreement.

Reasons for recommendation

The Council will in future be more self-sufficient and able to take account of local circumstances and affordability.

2508 *Members' Allowances Scheme 2018-2019

Cabinet considered the recommendations of the Independent Remuneration Panel on the type of allowances and amounts to be paid in the Members' Allowances Scheme for 2018/19.

It was moved and seconded that:

1. The report of the IRP be received and the Panel thanked for its work.
2. The recommendations of the Panel be accepted with the exception of increases to Special Responsibility Allowances. These should increase by the same amount as the Basic Allowance, which is by reference to the staff pay award for 2018/19.
3. The reasons for this decision be respectfully communicated to the Panel for its information.

Resolved to recommend to Council that:

1. The report of the IRP be received and the Panel thanked for its work;

2. The recommendations of the Panel be accepted with the exception of increases to Special Responsibility Allowances. These should increase by the same amount as the Basic Allowance, which is by reference to the staff pay award for 2018/19; and
3. The reasons for this decision be respectfully communicated to the Panel for its information.

2509 Use of compulsory powers to enable development - 15 London Road and an unregistered site next to it, Staines-upon-Thames

Cabinet considered a report seeking confirmation of the Council's willingness, in principle, to use compulsory purchase and / or appropriation powers in order to enable development of 15 London Road, and an unregistered site next to it, Staines-upon-Thames.

Alternative options considered and rejected:

To do nothing and allow market forces to determine whether the land is finally developed in accordance with the Council's aspirations.

Resolved:

1. To approve the principle of the Council's willingness to use compulsory powers to acquire or appropriate third party land and buildings for planning purposes, shown edged red on the plan in Appendix 1 to the report and such other incidental and adjoining interests in land which would facilitate and enable viable and deliverable development in connection with the creation of a housing development at 17-51 London Road in order to improve the Borough's economic, environmental and social wellbeing;
2. That the Head of Regeneration Growth in consultation with the Cabinet Members for Finance and Planning and Economic Development be authorised to undertake preparatory work up to an initial budget of £150,000 for the making of a compulsory purchase order; and
3. To note that the use of compulsory powers are subject to:
 - The Council using reasonable endeavours to assemble the development site by agreement or private treaty.
 - Approval by the Planning Committee of a suitable scheme for the comprehensive development of this site and 17-51 London Road
 - The Council being satisfied that there is a viable business plan and funding strategy, together with a preliminary property cost estimate detailing the costs of making and confirming any Compulsory Purchase Order and/or appropriation; and
 - In the event the Council and its development partners are unable to assemble the development land by agreement or private treaty, that a further report is presented to the Cabinet seeking authority to make a full and unconditional Compulsory Purchase Order for the site and to acquire or appropriate the site for Planning purposes.

Reasons for decision:

Knowing the Council is prepared to use compulsory purchase powers may be sufficient to bring parties to the negotiating table. However, the report also seeks specific authority to commence preparatory compulsory purchase procedures in respect of the site so that the Council will be in a position to proceed quickly to make a Compulsory Purchase Order so that it can acquire all necessary interests in the land to enable development.

Officers would be required to obtain further Cabinet Authority prior to the making of a Compulsory Purchase Order or appropriating land or rights over land.

Government guidance in Circular 10/2015 'Compulsory purchase and the Crichel Down Rules' make it clear that compulsory powers should only be exercised where there is a compelling case in the public interest.

2510 Use of compulsory powers to enable development - 116, 118 and 120 High Street, Staines-upon-Thames

Cabinet considered a report seeking confirmation of the Council's willingness, in principle, to use compulsory purchase and / or appropriation powers in order to enable development of 116, 118 and 120 High Street, Staines-upon-Thames.

Alternative options considered and rejected:

To do nothing and allow market forces to determine whether the land is finally developed in accordance with the Council's aspirations.

Resolved:

1. To approve the principle of the Council's willingness to use compulsory powers to acquire or appropriate third party land and buildings for planning purposes, shown edged green on the plan in Appendix 1 to the report and such other incidental and adjoining interests in land which would facilitate and enable viable and deliverable development in connection with the creation of a housing development at Charter Square (formerly known as Majestic House), High Street, Staines, in order to improve the Borough's economic, environmental and social wellbeing;
2. That the Head of Regeneration Growth in consultation with the Cabinet Members for Finance and Planning and Economic Development be authorised to undertake preparatory work for the use of a compulsory purchase order up to an initial budget of £150,000; and
3. To note the use of compulsory powers are subject to:
 - The Council using reasonable endeavours to assemble the development site by agreement or private treaty.
 - Approval by the Planning Committee of a suitable scheme for the comprehensive development of this site and 116, 118 and 120 High Street.

- The Council being satisfied that there is a viable business plan and funding strategy, together with a preliminary property cost estimate detailing the costs of making and confirming any Compulsory Purchase Order and/or appropriation; and
- In the event the Council and its development partners are unable to assemble the development land by agreement or private treaty, that a further report is presented to the Cabinet seeking authority to make a full and unconditional Compulsory Purchase Order for the site and to acquire or appropriate the site for planning purposes

Reasons for decision:

Government guidance in Circular 10/2015 'Compulsory purchase and the Crichel Down Rules' make it clear that compulsory powers should only be exercised where there is a compelling case in the public interest.

Knowing the Council is prepared to use compulsory powers may be sufficient to bring parties to the negotiating table. However, the report also seeks specific authority to commence preparatory compulsory purchase procedures in respect of the site so that the Council will be in a position to proceed quickly to make a decision so that it can acquire all necessary interests in the land to enable development.

Officers would be required to obtain further Cabinet authority prior to the making of a Compulsory Purchase Order or appropriating land or rights over land.

2511 Annual Report

Cabinet noted the Annual Report for 2017-18 which summarised the Council's key achievements over the past year and how those achievements are measured against the Council's corporate priorities.

2512 Leader's announcements

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

Team Spelthorne are celebrating after coming third in the Specsavers Surrey Youth Games in Guildford on 23 and 24 June. Over 300 local children, aged 7 – 16, enjoyed up to seven weeks of free coaching across 12 different sports in the lead up to the event, with 161 children going on to represent Team Spelthorne at the Games.

Residents have been asked to give their views on the Council's plans to build a new leisure centre on part of Staines Park. Drop-in sessions were held at the leisure centre on 29 and 30 June but residents can also comment using the online questionnaire (available until Monday 23 July).

Following Parliament's approval for a new runway at Heathrow, the Council has reiterated its commitment to ensuring that the expansion leaves a positive

legacy for Spelthorne communities. Cllr John Boughtflower will be heading up a working group to look in detail at Heathrow's proposals as they develop.

Officers are analysing the responses to the recent Issues and Options consultation on the new Local Plan, which ended on 25 June. The Council will be now developing 'preferred options' using feedback from the consultation, before holding two more consultation stages. The plan will then be submitted to the Secretary of State who will confirm if it can be recommended for adoption. We expect this process to be completed by September 2020.

A celebration event has been held to mark the completion of the £50m Stanwell New Start regeneration project. The project has delivered 326 properties including 98 affordable rent, 18 shared ownership and 166 privately owned homes.

From 1 October houses in multiple occupation with five or more people will need to be licensed. Currently only HMOs with three or more storeys and five or more people living there need to be licensed.

The refurbishment of the toddler area at Cedar Park Recreation Ground in Sunbury-on-Thames will be completed at the end of July.

A new creative competition for children and young people aged 5 -19 has been launched by the Mayor. The children are being asked to convey what they love about Spelthorne using any creative medium such as 2D art, a film, photograph, display, or a song, and the Council is hosting some practical workshops to help the children get started.

The Council is calling for nominations for the Spelthorne Sports Awards taking place on 9 October. There are categories for coaches, players, teams and volunteers.

Over a hundred children from five local primary schools took part in the second year of Singing Picnics at Kempton Park Racecourse on 20 June. Similar events also took place in six other locations across Surrey.

Congratulations to the Swan Sanctuary and the Spelthorne Natural History Society for both being awarded the Queen's Award for Voluntary Service, the highest honour given to volunteer groups across the UK.

The Council's Meals on Wheels team have been delivering bottles of water to clients during the hot weather to ensure they stay hydrated.

Local businesses are being reminded that there is still time to enter the Spelthorne Means Business Awards (entries close 31 August). The awards will be presented at a gala dinner at Shepperton Studios on 11 October.

The summer Bulletin is being delivered to residents from 16 – 20 July and features articles on Heathrow expansion, plans for a new leisure centre, the Capture Spelthorne photography competition and Surrey County Council's

funding cuts. It also highlights events being held in Borough over the summer holidays.

Improvement works have been scheduled to start at Groveley Road shopping parade in Sunbury-on-Thames on 13 August as part of a project being undertaken by Spelthorne Council and Surrey County Council to help enhance the appearance of local shopping parades. Improvements have already been carried out at Edinburgh Drive in Staines and in the coming months work will also be taking place at Woodlands Parade in Ashford and Clare Road in Stanwell. The work at Groveley Road is expected to last for six weeks.

The Elmsleigh surface car park is being resurfaced and will be closed to overnight parkers from 16 - 23 July from 7pm each night. The car park will open as normal from 7am - 7pm.

2513 Urgent item - Meals on Wheels vehicle procurement

Cabinet considered an urgent report on the procurement of new vehicles for the Meals-on-Wheels service, seeking to exempt Contract Standing Orders and award the contract to Apetito to ensure that the Council is able to provide continuation of services with a fit for purpose fleet of vehicles.

The report was urgent because the lead in time to instruct Apetito to order new vehicles for delivery by 14 January 2019, had only recently been confirmed as 16 weeks. This meant the order must be placed by no later than 1 September 2018 which is before the next scheduled meeting of Cabinet.

Alternative options considered and rejected:

To undertake a tender exercise to see whether any other providers are able to provide the vehicles required.

Cabinet requested further details of the contract and leasing arrangements to be circulated before making its decision.

Resolved:

1. that subject to further details of the current arrangements being circulated to Cabinet,
2. to delegate approval of an exemption to Contract Standing Orders to the Portfolio Holder for Community Wellbeing, in consultation with the Leader or the Portfolio Holder for Finance, to enable officers to make an order for specialised vehicles for the Meals-on-Wheels contract with Apetito.

Reason for decision

The specification required for this service is considered quite niche to Apetito as the Council requires meals that can be cooked whilst in transportation due to lack of kitchen facilities.

2514 Exempt Business

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

2515 Exempt report - Tender for Staines Market - 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 management of Staines Market as the current contract is due to expire in November 2018.

Alternative options considered and rejected:

To directly employ staff to manage the market.

Resolved to:

1. Authorise the Group Head of Neighbourhood Services to progress with a tender exercise for a contract to operate Staines-upon-Thames market on behalf of the Council; and
2. Delegate the selection of the shortlist of tenderers and the selection of the contractor to the Group Head of Neighbourhood Services in consultation with the Portfolio Holder.

Reason for decision:

Contracting out the management of the market will maintain the current income levels from the market whilst retaining control over how the market operates.

2516 *Exempt report - White House construction advisors and design team - 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 recommending capital expenditure for a design team for the redevelopment of the White House site across 2018/19 and 2019/20.

Alternative options considered and rejected:

To formally withhold approval of the budget for the design phase.

Resolved to:

1. **Recommend to Council** approval of the budget for the design phase of the project for the creation of a target of 28 affordable units on part of the White House site;
2. Authorise the Head of Corporate Governance to enter into any legal documentation necessary to implement the redevelopment project; and
3. Delegate the appointment of the advisors and design team to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder.

Reasons for recommendation and decision

Redevelopment of the site will provide affordable housing for Borough residents and the ongoing revenue stream (once the works have been completed) will assist in the future long-term financial stability of the Council.

Approval will be sought subsequently for the construction Capital budget.

2517 Exempt report - Investment Acquisition (N) - 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 'N'.

Alternative options considered:

Formally agree not to submit a bid

Resolved to:

1. Approve the acquisition of the investment assets identified in this report;
2. Formally agree the offer submitted, and authorise the Chief Executive (and delegated Officers) to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);
3. Authorise the Chief Finance Officer to decide (i) the most financially advantageous funding arrangements for the purchase, (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable;
4. Authorise the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset; and
5. Agree to exempt Contract Standing Orders in respect of our advisors.

Reason for decision:

It will bring in a steady income stream for the term of the multiple leases with different durations.

In order for the Council to deliver its ambitious housing and regeneration programme across the Borough to help meet the needs of its residents, the Council needs to generate additional income to offset the revenue impacts of undertaking these projects across the Borough.

2518 Exempt report - Investment Acquisition (O) - 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 'O'.

Alternative options considered:

Formally agree not to submit a bid

Resolved to:

1. Approve the acquisition of the development and investment asset identified in this report;
2. Formally agree the offer submitted, and authorise the Chief Executive (and delegated Officers) to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);
3. Authorise the Chief Finance Officer to decide (i) the most financially advantageous funding arrangements for the purchase, (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable;
4. Authorise the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset;
5. Agree to exempt Contract Standing Orders in respect of our Advisors;
6. To delegate the selection of the design team and the contractor to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder; and
7. **Recommend to Council** the approval of the budget for the design team and the contractor for the development of the site.

Reason for recommendation:

It will bring in a steady income stream once the site is developed in order for the Council to deliver its ambitious housing and regeneration programme across the Borough to help meet the needs of its residents. The Council

needs to generate additional income to offset the revenue impacts of undertaking these projects across the Borough.

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 25 July 2018.**