



**Spelthorne  
Borough Council**

Council Meeting  
Thursday, 27 February 2020





19 February 2020

*Please reply to:*

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held in the **Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames** on **Thursday, 27 February 2020** commencing at **7.30 pm** for the transaction of the following business.

Daniel Mouawad  
*Chief Executive*

Councillors are encouraged to wear their badge of past office at the Council meeting.

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Council meeting.*

**For those Councillors wishing to participate, prayers will be said in the Leader's office starting at 7pm.**

## AGENDA

Description Page nos.

**1. Minute's Silence**

The Mayor will invite all present to join her in a Minute's silence in respect for the late past Mayor Denise Grant who passed away on 15 January 2020 and for Mrs Joan Paterson-Borland, past Mayoress who also passed away in January 2020.

**2. Apologies for absence**

To receive any apologies for non-attendance.

**3. Minutes**

To confirm as a correct record the minutes of the Council meeting held on 19 December 2019.

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**4. Disclosures of Interest**

To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.

**5. Announcements from the Mayor**

To receive any announcements from the Mayor.

**6. Announcements from the Leader**

To receive any announcements from the Leader.

**7. Announcements from the Chief Executive**

To receive any announcements from the Chief Executive.

**8. Questions from members of the public**

The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 14.

*Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 20 February 2020.*

**Question from Mr A. McLuskey**

"Given the recent report by the British Heart Foundation indicating that Spelthorne suffers from 11.08 micrograms of 'particulates' per cubic metre in its air will the Council reciprocate by -

- a) Bringing in, as a matter of urgency, a Clean Air Zone for the Borough.
- b) Opposing Heathrow's potentially immensely polluting 3<sup>rd</sup> runway plan?

## **9. Petitions**

The Council has received a petition with 5,270 signatories requesting that Spelthorne Borough Council does not release 19 Green Belt areas currently identified in the Local Plan for building or other commercial purposes and to protect the entire existing Green Belt in Spelthorne for generations to come.

The matter is referred to Council for consideration and a response. In accordance with Standing Order 16.4 in the Constitution, the options available to Council are:

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

## **10. Recommendations of the Cabinet**

To consider the recommendations of the Cabinet from its meetings held on 29 January (attached) and 26 February 2020 (to follow) relating to: 25 - 26

- a) Treasury Management Strategy Statement
- b) Housing Strategy 2020/2025
- c) Pay Policy Statement 2020/21
- d) Capital Strategy 2020/2025 To Follow
- e) Capital programme 2020/21 to 2023/24 To Follow
- f) Pay Award 2020/21 To Follow
- g) Members' Allowances Scheme 2020/21 To Follow
- h) Detailed Revenue Budget 2020/21

The Budget Book (green cover) will be issued in a supplementary agenda and will reflect the recommendations considered at the meeting of the Cabinet on 26 February 2020. To Follow

## **11. Report from the Leader of the Council**

To receive the report from the Leader of the Council on the work of the Cabinet at its meetings on 29 January (attached) and 26 February 2020 (to follow). 27 - 28

## **12. Report from the Chairman of the Licensing Committee**

To receive the report from the Chairman of the Licensing Committee on the work of his Committee. 29 - 30

## **13. Report from the Chairman of the Members' Code of Conduct Committee**

To receive the report from the Chairman of the Members' Code of Conduct Committee on the work of his Committee. To Follow

- 14. Report from the Chairman of the Overview and Scrutiny Committee**  
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee. 31 - 32

- 15. Report from the Chairman of the Planning Committee**  
To receive the report from the Chairman of the Planning Committee on the work of his Committee. 33 - 34

- 16. Motions**  
To receive any motions from Councillors in accordance with Standing Order 19.

*Note: The deadline for motions to be considered at this meeting was Monday 17 February 2020 and none were received.*

- 17. Questions on Ward Issues**  
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 20 February 2020.*

One question was received by 19 February 2020.

**Question from Councillor C.L. Bateson**

“We welcome the news of further consultation and plans for a new Leisure Centre in Staines. We recognise that the new proposal is modern, with an innovative design and in an accessible location. Could the Leader please confirm how much was spent on the project to develop the new leisure centre, up to the point of cancelling the development which was proposed to be in Staines Park.”

- 18. General questions**  
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 20 February 2020.*

Two questions were received by 19 February 2020.

**Question from Councillor R.W. Sider BEM**

“Will the Leader and members of this Council join me in congratulating both council officers and staff in the organisation of the recent Holocaust Memorial Day, a service which was poignant in delivery, and which was widely attended by representatives of all faiths, and clearly demonstrated that there is no room for anti-Semitism in this borough.”

**Question from Councillor N. Cornes**

“The Programme for Preparing Local Plan Documents indicates that the Staines Masterplan will be developed between February and December 2020 and form part of the Local Plan. Could the Leader please outline what consultation will take place on the Staines Masterplan before the Local Plan regulation 19 consultation scheduled for January 2021?”

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## **MINUTES OF THE SPELTHORNE BOROUGH COUNCIL**

**Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 19 December 2019 at 7.30 pm**

### **Present:**

#### **Councillors:**

M.M. Attewell	J.H.J. Doerfel	A.J. Mitchell
C.F. Barnard (Deputy Mayor)	R.D. Dunn	L. E. Nichols
C.L. Barratt	S.A. Dunn	R.J. Noble
R.O. Barratt	T. Fidler	O. Rybinski
C. Bateson	N.J. Gething	D. Saliagopoulos
I.J. Beardsmore	K.M. Grant	J.R. Sexton
J.R. Boughtflower	A.C. Harman (Deputy Leader)	R.W. Sider BEM
A. Brar	I.T.E. Harvey (Leader)	V. Siva
S. Buttar	N. Islam	R.A. Smith-Ainsley
R. Chandler	T. Lagden	J. Vinson
N.L. Cornes	V.J. Leighton	

The Deputy Mayor, Councillor C.F. Barnard in the Chair

#### **Apologies:**

Apologies were received from The Mayor, Councillor M.J. Madams, Councillors J.T.F. Doran, S.M. Doran, M. Gibson, H. Harvey, and J. McIlroy and Mr. Murray Litvak, Chairman of the Members' Code of Conduct Committee

#### **327/19 Minutes**

The minutes of the Council meeting held on 24 October 2019 were agreed as a correct record.

#### **328/19 Disclosures of Interest**

There were no disclosures of interest.

#### **329/19 Announcements from the Deputy Mayor**

The Deputy Mayor recounted a number of events he had attended in December on behalf of the Mayor. Details of upcoming events had been sent with the Mayor's Christmas card.

### **330/19 Announcements from the Leader**

The Leader made the following announcements:

“Firstly let me express our best wishes to our Mayor who has recently had an operation and is continuing to recover at home. I’m sure all Members will join me in wishing Madam Mayor a continued and speedy full recovery.

Please let me spend a couple of minutes mentioning last week’s events.

Congratulations to our excellent MP, and good friend to many of us, Kwasi Kwarteng on his resounding victory with an increased majority, and also for Conservatives nationally in last week’s General Election. We can now get on and fulfil the will of the people, not hamstrung by undemocratic parties and indeed individual former MPs who thought they knew better than the electorate. For those who demanded a “People’s Vote”, well they have had it and the electorate has spoken. Now we can safely say that nationally, as well as in Spelthorne, Conservative administrations mean business.

Many will be aware that Kwasi is finally taking the marital plunge, and I am sure all Members will join me in wishing Kwasi and Harriet all best wishes on their wedding on Saturday.

In the words of Boris, we were hoping to be Corbyn neutral by Christmas. Well it seems we will have to wait a little longer. Talking of such matters, Members will recall that at the October Council meeting Councillors Siva, Doerfel and Nichols all stated that the target we adopted for being carbon neutral by 2050, the same as central government, was “unambitious” and “we should instead adopt 2030 to be carbon neutral”. You will recall that I responded by inviting them to jointly present their plan tonight as to how we may achieve this in an economically viable manner. Given that, as I understand it, even the Labour party, or what’s left of them, have recently abandoned 2030 as being unrealistic, it is unsurprising that they have not produced this, unless they are saving it as a surprise for us later tonight. Members will also recall that we undertook to form a Leader’s Climate Change Task Group and I am happy to confirm that this has been formed and will shortly be meeting for the first time. It will consist of four Conservatives, and one each from Liberal Democrats, Labour and Greens. It will be chaired by Councillor Noble.

Members will recall that we launched the Local Plan consultation on 5 November. By statute these consultations need to be open for a minimum of six weeks, and in recognition of the interruption of the Election, which was not known when we set the dates, has now been extended until 21 January, a total of 11 weeks. Many residents will understandably have concerns and I urge everyone to submit their responses by 21 January. There is a lot of misinformation being promulgated by what I have come to think of as the “traffic light alliance” of Reds Amber and Green, and a statement of repudiation has just been published.

Unfortunately we may ultimately have to make some tough decisions and I want everyone to understand officers have already put very significant time and effort into the emerging Plan. We will of course fully consider all feedback in the continued development of the Plan. This is an ongoing process and we are not expecting it to be finalised for about another 18 months.

Seven public events have been held to provide further information to residents and interested parties and a further event has been planned in January

The Council met with senior officials from the Ministry of Homes, Communities and Local Government to express the deep concerns over the very high housing figure calculated for the Borough using the Government's standard method for calculating 'need'. Using this method, the figure for Spelthorne is 603 homes per year. Like many local authorities in Surrey, it is incredibly challenging to find sites to meet that need. Spelthorne is 65% Green Belt and 17% is water. In fact, 26% of our Green Belt is made up of the reservoirs. The Council will continue to push the Government to bring this housing figure down so we can deliver a Local Housing Plan that is acceptable to our communities.

On Monday 11 November a Remembrance Ceremony was held here at the Council offices and we were joined by veteran Bill Sykes who helped plant a Red Oak Tree outside on the Green in readiness for commemoration of the 75<sup>th</sup> Anniversary of VE Day on 8 May 2020.

The Council has announced that it will be offering Council Tax exemptions from April 2020 to young people leaving care aged between 18 and 25. Care leavers have often had their childhoods affected by instability and trauma and they leave home earlier and have less support than other young people, which leads them to have some of the worst life chances in the County. I'm very proud that we have taken this practical step to help some of our most vulnerable residents in the Borough.

The Council has produced a written response and local impact report for The Southampton to London Pipeline Project. The proposed pipeline will pass through the Borough and while we understand the national need for the infrastructure project, our primary objective must be to ensure that sufficient protection is provided for our community and environment. The Council is looking for Esso to engage with us and our residents constructively to put in place the specific protections we seek.

Spelthorne Borough Council has launched a public consultation over the draft framework of our new Homelessness Strategy, which will address homelessness and rough sleeping in Spelthorne for 2020 to 2025. The consultation opened Monday 2 December and runs up to midday Monday 6 January. The overall aims of the strategy are to ensure nobody sleeps rough in Spelthorne, ending the use of bed and breakfast accommodation, reducing the length of time people stay in temporary accommodation, increasing the use of the private sector for homelessness prevention and investing in staff training and development to improve the Housing Options service.

Spelthorne's food banks provide support to those really in need to ensure they don't go hungry and the Council is keen to show our appreciation of their work and try to ease the burden during the festive season. In order to help those in need further, Spelthorne Borough Council has donated £2,000 to each of the four food banks in the Borough ahead of the Christmas period.

As Leader of Spelthorne Borough Council, I attended a Council meeting at Grand Port Mauritius on Friday 15<sup>th</sup> November to formally mark the 10<sup>th</sup> anniversary of our Twinning Charter. The visit was entirely self-funded and reflects my personal desire to reaffirm the decade long twinning. Taking time out from his annual vacation visiting family on the island, the Chief Executive - in his own time and at his own expense - also joined me on 15 November to mark this occasion. We both participated in a working session in the Grand Port Council Chamber with District Councillors and Heads of Department. The Chairman and Chief Executive of Grand Port then publically reaffirmed the relationship between the two boroughs in signing a 10<sup>th</sup> anniversary Charter declaration which is displayed in our public vestibule outside the Council Chamber. The Chairman and Chief Executive of Grand Port will be visiting Spelthorne early in 2020.

The Council have committed to their long standing plans to invest in zero emission electric powered vehicles for Council staff here at Knowle Green and at the depot. These include two electric pool cars, two electric vans for the operations team and two electric pool bicycles. The vehicles are expected to be in operation in February and underline our corporate priority to provide a clean and safe environment and develop a sustainable community for residents to live work and enjoy.

Can I thank all staff that were involved with running the General Election. At an already busy time of year for a lot of people this is a big team effort, so thank you for your ongoing support.

Many will be aware that our Head of Corporate Governance, Michael Graham is leaving us at the start of February to take up a new challenge at Reading. I am sure all members will join me in thanking Michael for his hard work and invaluable support and guidance to us in particular when we were new Councillors. I would like to welcome Karen Limmer who is here tonight and who will be joining us in the short term, subject to Council agreement later this evening, until a permanent replacement is found. Karen has recently retired from this role at Surrey Heath so is well qualified to keep us in order.

Finally may I wish everyone a very blessed Christmas and look forward to a prosperous 2020.

Thank you Mr Deputy Mayor"

**331/19 Announcements from the Chief Executive**

The Chief Executive made the following announcement:

“Thank you Mr Deputy Mayor. As this is the last Council meeting that Michael Graham will attend as Head of Corporate Governance I should like to thank him for his many years of service and wish him success in his new role at Reading Borough Council.

At this time of year, I should also like to put on record my appreciation to colleagues across this authority, from Accountancy and Audit to Strategic Planning and Streetscene, for their support in 2019 that has ensured our communities remain at the very heart of everything we strive to accomplish. I wish all staff a Happy Christmas and look forward to another productive year of public service commitment in 2020.”

**332/19 Questions from members of the public**

The Mayor reported that, under Standing Order 14, four questions had been received from members of the public.

**Question from Caroline Nichols:**

“As the building known as Ceaser Court One grows upwards to dominate the skyline in Green Street, I am wondering why the site never went to public consultation for complete redevelopment. The site could have accommodated a lower broader housing development more in keeping with the street scene and providing better privacy to the homes on the Benwell Estate. Why was there no public involvement in deciding the form and function of the development when the site was first acquired?”

**Response from the Leader, Councillor Ian Harvey:**

“Thank you for your question Mrs Nichols. As we are both aware your husband Councillor Nichols spent approximately 30 minutes discussing the project on Friday 17 May and you spent a further 45 minutes, well past finishing time the next day, also discussing this with Mr Richard Mortimer, our senior Property Manager. There is no record or recollection of either of you mentioning this proposal at those discussions.

I am frankly astonished that you would even think this a possibility. The financial cost, extended construction period, local disruption and perhaps most fundamentally of all the impact to the environment of destroying a perfectly sound structure, increasing footprint and waste of materials and unnecessary consumption of new materials makes this a non-starter.”

**Question from Caroline Nichols:**

“The next Great British Spring Clean is scheduled for 20th March to 13th April 2020 and the Keep Britain Tidy campaign gives awards to the best performing councils. In Spelthorne there are many local groups and individuals who support the Council with litter picks but there is still more to do. Would the Council be agreeable to raising the profile of the next Great British Spring

Clean and publish it prominently in the next edition of the Borough Bulletin with a view to competing for an award?"

**Response from the Leader, Councillor Ian Harvey:**

"The Spring Clean involves the community and we are fortunate in Spelthorne to have so many residents that are passionate about their environment and working with us to keep the borough a wonderful place to live. We support them by supplying litter picking equipment and helping them clear up. The River Ash is a great example of the Council and residents working together with over a dozen litter picking events happening in the last year all over Spelthorne. We also provide equipment and bags for scout groups that carry out annual litter picks in our parks and town centres. The annual Keep Britain Tidy campaign is something we participate in every year where we look at how we can improve specific places and areas in the borough to enhance our public spaces.

I can therefore confirm that the Keep Britain Tidy campaign will be advertised in the next edition of the Borough Bulletin and the Neighbourhood Services team will be discussing entering for an award with our community groups."

**Question from Martin Shortland:**

"If Spelthorne BC did not fund the costs required [airfare, accommodation, transportation, meals] for the Council Leader and Chief Executive's visit to Mauritius in November 2019 when they were officially representing the Council who did fund them and why?

Were the details and supporting documents of this official visit published?

On which dates did the Council Leader and Chief Executive leave and return to the UK?"

**Response from the Leader, Councillor Ian Harvey:**

"Thank you for your question Mr Shortland. Officers have already answered your question on the 5<sup>th</sup> of December, so there is not much further to add. The Chief Executive and I went to Mauritius in our own time and at our own expense to mark the 10<sup>th</sup> anniversary of the Borough's twinning with the district of Grand Port. Hence, as previously advised, at nil cost to the taxpayer.

If you would like to see the official communique of the 10<sup>th</sup> anniversary, you would be very welcome to review it in the corridor outside the Council Chamber. The date of attendance is also clearly stated as 15 November 2019. The details of the trip were made public and were announced at the last Cabinet meeting. Details are on our website.

As to the private travel arrangements undertaken by individuals whilst on leave, these are not a matter of public record. In closing, I am pleased to announce that the Chairman and Chief Executive of Grand Port will be visiting Spelthorne in the New Year as part of their District's commemoration of our twinning."

**Question from Shadia Doerfel:**

“As it is understood that the Council's Monitoring Officer, Michael Graham, will be leaving Spelthorne Borough Council around February 2020 after a number of years' service, will he continue his role as Company Secretary for Knowle Green Estates Ltd (the council's property and real estate buying and selling company whom I understand can also make planning applications)?

Mr Graham is still listed as company secretary to Knowle Green Estates Ltd with other listed directors, one of whom I understand is Councillor Harman - and Spelthorne Borough Council itself is listed as a "person with active significant control" of the company - does that mean the whole council, including opposition councillors, therefore have control of this company?”

**Response from the Leader, Councillor Ian Harvey:**

“Thank you for your question Mrs Doerfel and for your interest in our property company Knowle Green Estates Ltd.

The Head of Corporate Governance is not staying on as Company Secretary and has already tendered his resignation at a recent board meeting in November. If the details have not been updated on the Companies House website so far, they will be shortly.

You are right that, in accordance with company law, the Council is noted as a person with significant control of the Company as it owns more than 75% of the allotted share capital and has the right to appoint and dismiss directors.

The shareholder function of the Council is an executive matter and is therefore delegated to Cabinet. In May 2017, the Leader of the Council was appointed as the shareholder representative for the Council.”

**333/19 Petitions**

There were none.

**334/19 Review of Polling Districts, Polling Places and Polling Stations**

Council received a report from the Returning Officer following a review of the polling stations. The report recommended a number of changes to be incorporated in the next electoral register revision. Alternative venues to schools were proposed where this was possible which would significantly reduce the number of schools used.

Councillor T. Fidler had commented on the Halliford and Sunbury West site during the review but this had not been included in the report. The Head of Corporate Governance apologised for the error. The Deputy Mayor advised that there would be an opportunity to make further comments before the review was completed on 31 January 2020.

**Resolved to**

- (a) Note the report of the Returning Officer
- (b) Request the Electoral Services Manager to incorporate the changes in the next revision of the electoral register

- (c) Authorise the Electoral Services Manager to implement the changes outlined in the report of the Returning Officer with effect from the next election.

**Reason for decision:**

To ensure that all voters have equal access to polling places and all polling stations are suitable for electors. To select alternative venues to schools for polling stations where possible.

**335/19 Appointment of Monitoring Officer**

Council considered a report from the Chief Executive regarding the appointment of a Monitoring Officer following the departure of the current post holder on 7 February. The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance.

As it was likely that there would be a period of up to six months until a new appointment could take up the post, it was considered prudent to make arrangements for cover in the interim.

**Resolved:**

- (a) To delegate authority to the Chief Executive to make an interim appointment as Group Head of Corporate Governance
- (b) To designate Karen Limmer as Monitoring Officer (on an interim basis) from 7 February 2020
- (c) To delegate authority to the Appointments Committee to designate the next Group Head of Corporate Governance as Monitoring Officer.

**Reason for decision:**

To comply with the Local Government and Housing Act 1989. It is the legal duty of the Council to have a Monitoring Officer and to designate one of its officers as such. Arrangements therefore need to be in place for the interim period until the next permanent appointment.

**336/19 Redevelopment costs for Harper House - Key Decision**

The Council considered the recommendation of Cabinet at its meeting on 6 November 2019 to approve a supplementary capital estimate of £400,000 to increase the existing capital programme provision for the demolition and rebuild of Harper House. This would enable the Council to take advantage of a time-limited grant funding programme, improve the quality and quantum of accommodation within the Borough for vulnerable homeless households and align the Council with the requirements of the Homelessness Reduction Act.

**Resolved** to approve the supplementary capital estimate of £400,000.

**337/19 Calendar of Meetings**

Council considered a recommendation of Cabinet on the proposed Calendar of Meetings for 2020/2021. The meetings have been programmed to ensure that the Council makes decisions in a timely way.



**Resolved** to approve the Calendar of Meetings for 2020/21 as attached to the agenda.

**338/19 Report from the Leader of the Council**

The Leader of the Council, Councillor I.T.E. Harvey, presented the reports of the Cabinet meetings held on 6 November 2019 and 4 December 2019, which outlined the matters the Cabinet had decided since the last Council meeting.

**339/19 Report from the Chairman of the Audit Committee**

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

**340/19 Report from the Chairman of the Licensing Committee**

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

**341/19 Report from the Chairman of the Members' Code of Conduct Committee**

In the absence of the Chairman of the Members' Code of Conduct Committee, Councillor R.A. Smith-Ainsley, presented the Chairman's report which outlined the matters the Committee had decided since the last Council meeting.

He also advised members that the Members' Code of Conduct Committee unanimously agreed at its meeting in November for all members to have further Planning training which would be mandatory for all councillors (not just those on the Planning Committee). The training had provisionally been arranged for 4 February 2020.

**342/19 Report from the Chairman of the Overview and Scrutiny Committee**

The Chairman of the Overview and Scrutiny Committee, Councillor V.J. Leighton, presented her report which outlined the matters the Committee had decided since the last Council meeting.

**343/19 Report from the Chairman of the Planning Committee**

The Chairman of the Planning Committee, Councillor R.A. Smith-Ainsley, presented his reports which outlined the matters the Committee had decided since the last Council meeting.

**344/19 Motions**

In accordance with Standing Order 17 the Council received written Notice of a Motion.

Councillor V.J. Leighton moved and Councillor R.A. Smith-Ainsley seconded the following motion:

“This motion highlights Spelthorne Council’s existing Code of Conduct for elected councillors as expressed in the Council’s Constitution, Part 5, which all councillors are required to adhere to when they are elected.

The code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and is stated in point 9 as follows ...

‘You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.’

This Council agrees the existing code comprehensively promotes human rights and condemns all forms of discrimination, and the Council reiterates its commitment to the code and its onus on all elected members.”

Councillor R.A. Smith-Ainsley requested a recorded vote.

The voting was as follows:

FOR (32)	Councillors: I.T.E. Harvey, A.C. Harman, M.M. Attewell, C. Barnard, C. Barratt, R.O. Barratt, C.L. Bateson, I.J. Beardsmore, J. Boughtflower, A. Brar, S. Buttar, R. Chandler, N. Cornes, J.H.J. Doerfel, R.D. Dunn, S.A. Dunn, T. Fidler, N. Gething, K. Grant, N. Islam, T. Lagden, V.J. Leighton, A.C. Mitchell, L.E. Nichols, R. Noble, O. Rybinski, D. Saliagopoulos, J. Sexton, R.W. Sider BEM, V. Siva, R.A. Smith-Ainsley and J. Vinson.
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The motion was carried unanimously.

**Resolved** that the Council’s existing Code of Conduct for elected councillors comprehensively promotes human rights and condemns all forms of discrimination and the Council reiterates its commitment to the code and its onus on all elected members.

#### **345/19 Questions on Ward Issues**

There were no questions on Ward issues.

#### **346/19 General questions**

The Mayor reported that six general questions had been received, in accordance with Standing Order 15, from Councillors Sider, Nichols, S. Dunn and Doerfel.

#### **Question 1 from Councillor R.W. Sider, BEM:**

“Will the Leader and members of this Council join me in thanking Michael Graham for his outstanding service as Head of Corporate Governance of this Council over the past 14 years, and wish him well and every success in his

new appointment of Assistant Director for Legal and Democratic Services at Reading Borough Council”

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

“Thank you for your question Councillor Sider. As I have already mentioned we are very grateful for the outstanding support advice and service to Spelthorne afforded by Mr. Graham and I certainly join you in wishing him a very successful future. Thank you Michael.”

**Question 2 from Councillor R.W. Sider, BEM:**

“The week commencing 25 November was designated as National Tree Week. Trees have a crucial role to play in tackling the climate emergency and apart from drawing down carbon dioxide, trees create more spaces for nature, supporting hundreds of species of insects, birds and mammals. Trees are also great for public health, helping clean air, and providing access to nature that is important for our wellbeing. That said, given the space and economic viability in our borough, will the Leader support the doubling of tree cover in Spelthorne by the year 2045.”

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

“The Council is fully aware of the climate change situation and the importance of trees in helping to address the situation. I am pleased to say that we will have planted 851 trees in 2019 and are further reviewing where we can further plant in the coming year, always whilst bearing in mind the ongoing costs of maintenance. In addition, we are also promoting initiatives to work with schools, in order to encourage them to plant fruit trees, the produce from which is used in their cooking classes. This not only enhances their environmental and biodiversity knowledge, but makes them more aware of health and wellbeing at a time when obesity rates are on the increase amongst primary school children.”

**Question 3 from Councillor R.W. Sider, BEM:**

“The Local Plan has identified proposed sites in Charlton Village, Shepperton to accommodate developments of some 380 dwellings. The total number of homes in Charlton Village at present is around 470, and the local plan proposal would mean that there would be an increase of 88% in housing. Whilst the local plan is subject to consultation, and residents have already submitted a petition to the council appended with 609 names against the identified sites for development, would the Leader agree with me, and share my concerns, that such an increase in this village would destroy its character in entirety.”

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

“The two sites at Charlton Village are proposed as allocations in the new Local Plan, which is currently undergoing public consultation. There are a total of 53 sites, 19 of which are in the Green Belt, including both the sites in Charlton Village. We are seeking people’s views on all of the sites and once the consultation has concluded on 21 January 2020, the feedback received will be analysed before consideration is given as to those sites that will be taken forward and those that won’t. This is a key part of the work that will be

undertaken by officers and members of the Local Plan Working Party early next year. It is not the appropriate time for me to be commenting on the merits or otherwise of individual sites at this stage whilst the consultation is still underway and before the responses are analysed. I urge all members of our communities to have their say by responding in writing to the consultation before the deadline so that everyone's views can be taken into account."

**Supplementary question from Councillor R.W. Sider, BEM**

"Not a supplementary as such, other than to say if it goes ahead it will be nothing short of insanity"

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

"I understand that it is very emotive for all of us. I would much rather not be leading this Council through the Local Plan. There are difficult decisions. We are doing our level best to mitigate as far as we can. I have already previously said that Councillor Beardsmore, myself, and officers went to the Ministry trying to get them to accept a lower figure, the 2016 benchmark rather than the 2014 benchmark, which would have protected all of our Green Belt. Whether it is insanity or not I cannot comment. We are doing our level best."

**Question 4 from Councillor L. Nichols:**

"In August Spelthorne Borough Council advertised for non-executive directors for Knowle Green Estates. How many applications were received and how many candidates were interviewed? Have any appointments been made?"

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

"Thank you for your question Cllr Nichols. We received 40 applications for these positions, of which 4 candidates were interviewed. We have made one appointment."

**Supplementary question from Councillor L.E. Nichols:**

"According to Companies House no-one else had been appointed, that was at midday today. Given that this will be public information can we know the name of who has been appointed?"

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

"I am quite happy to confirm that the person appointed as a non-executive director was Howard Williams"

**Question 5 from Councillor S.A. Dunn:**

"The Local Development Scheme sets out a timetable for the production of the Local Plan which stretches out in to 2021. Could the Leader please set out what opportunities will be available to members to formally discuss, debate and vote on both specific aspects of the Local Plan and the final completed version?"

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

"The Local Plan is still in the preparation stage and the current consultation is not the final point at which we'll be seeking input and views from our

communities and local councillors. Indeed, the consultation is still ongoing up to 21 January 2020 so do make sure you and the residents you represent are responding to the draft Local Plan proposals as all the feedback will be taken into account as the policies and allocations continue to be developed further. Officers have engaged with all Members in advance of the consultation by inviting them to a pre-consultation briefing ahead and organising drop-in sessions afterwards to discuss specific sites and topics. These were well attended and officers have also met with and taken calls from Members during the consultation to provide further information and respond to questions. The next stage post-consultation will be for a final draft of the Local Plan to be produced and it will be the Local Plan Working Party that is tasked with leading on this work and reporting its recommendations to Cabinet before a further consultation prior to submission to the Planning Inspectorate for examination. Once examined and if found 'sound', which means the Planning Inspectorate considers the plan to be legally compliant and in accordance with national policy, the Plan will be presented to full Council for a decision on whether Spelthorne Council should formally adopt it."

**Supplementary question from Councillor S.A. Dunn:**

"Although we have Councillor Beardsmore representing on your authority on that committee, there is no-one from other opposition parties to help out"

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

"Thank you for your supplementary question Councillor Dunn.

I have a strange sense of déjà vu.

This matter was already raised in July Council. I would refer you to the answer I gave at the time: if opposition councillors want to take a greater role in the Local Plan Working Party then that is a privilege which has to be earned rather than demanded.

As I said at the time:

When councillors seek to mislead or frighten the public by wrongly suggesting that our green spaces are under threat then they highlight how unsuitable they are to serve on such a working party. We are seeking knowledge, competence and level-headedness. Councillors who demonstrate an unwillingness to take advice from officers or work collegiately with other councillors on a non-political basis rule themselves out. That remains the same.

When opposition councillors demonstrate their capacity to serve the needs of the Council and the whole Borough on the Local Plan Working Party then I will consider the matter further."

**Question 6 from Councillor J.H.J. Doerfel:**

"On 21 November I asked Council staff to provide me with information that is covered by the Freedom of Information Act namely the full contract with and instructions to the consultants Arup that informed their Green Belt assessment

which plays a central part in the current Local Plan Consultation. Both as a Councillor (who happens to be a member of the Audit and Overview and Scrutiny Committee) and as a member of the public I am entitled by law to receive this information. I asked to be provided with this information without delay, yet I have still not been provided with a copy of this information (either by email or by post) as I am entitled to under the Act. This is extremely concerning both in terms of appropriate treatment of Councillors' requests for information and in terms of the compliance with the rule of law at this Council, considering furthermore that the Local Plan consultation is due to close on 21 January 2019, that the information has already been withheld for three weeks [at the time of submission of this question] and that this information is central.

- (1) When will I be provided with a copy of the full contract for Arup (and all the specific documents that make up this contract) which I expressly requested?
- (2) What steps is the Council going to take in the future to ensure that Councillors' requests for information are complied with promptly and that the Freedom of Information Act is complied with in a spirit of openness and compliance from now on?"

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

"Officers have reviewed your correspondence and you did not make it known that your request was made under the Freedom of Information Act.

Officers have offered you assistance in relation to your request and you were advised to speak with officers in order to progress the matter. It is a shame you have not taken the advice you were offered.

I do have to correct you, you are not a member of the public, you are a councillor, and as a member of this Council you will always be provided with the information you need to perform your functions as a councillor.

If councillors think that they are entitled to more information under the Freedom of Information Act, then they are wrong. You are likely to receive less information once exempt information has been redacted. This is because councillors may be able to receive confidential information that members of the public are not entitled to.

If you wish to use the FOI route then we will of course comply with the statutory timelines as required by law, so you can expect an answer in 20 working days once your request is received.

I can understand that this is a complicated area for new councillors so I would always recommend you take advice from the Head of Corporate Governance."

**Supplementary question from Councillor J.H.J. Doerfel:**

"Is Councillor Harvey aware of the following advice by the Information Commissioner guidance? Everyone has a right to request information from a

public authority, you have two separate duties when responding to that request:

- To tell the applicant whether you hold any information falling within the scope of their request; and
- To provide that information.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. And the timeline is 20 days which is today. I have made the request 20 days ago and received nothing. I will take this to the ICO if I do not receive the requested information this week”

**Response from Councillor I.T.E. Harvey:**

“The information I gave was based on legal advice. I will be seeking clarification and you will receive a written response.”

Following the meeting a written response was provided:

“Thank you for your supplementary question Cllr Doerfel. I am aware of the advice given by the Information Commissioner as are officers of the Council. You should also be aware of the advice given by the Information Commissioner that not every request for information needs to be treated as a Freedom of Information Act request. There is a concept of “business as usual” requests where in the normal day-to-day operations of a local authority information is requested and provided without the need for any consideration of the Freedom of Information Act. Your request to officers was one such example of a business as usual request because it is expected that councillors will ask for information they need to perform their duties and this will be provided by officers. Officers sought to clarify your request with you but you ignored the advice given to speak to the Head of Corporate Governance to resolve the matter. Instead, you chose to grandstand in the Council Chamber in order to try and score some political point. This is not the way that councillors are expected to conduct business in this Council. As I said in Council, the Head of Corporate Governance has now issued an advice note to all councillors to confirm the way in which we will deal with councillors making FOI requests.”

**347/19 Urgent Action**

Council noted the urgent action taken on 9 December 2019 by the Chief Executive in consultation with the Leader to designate the Running Horse Public House as a new polling place in the Sunbury Common ward for the General Election on 12 December. This was not a Key Decision.

The matter was considered as an urgent action because the venue previously used as a polling station in this ward had declined its use at this election and it was necessary to ensure there were sufficient polling places in the district before the Council was next due to meet.

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## **Recommendations of the Cabinet**

### **Cabinet meeting held on 29 January 2020**

- 1. Treasury Management Strategy Statement 2020/2021**
  - 1.1 Cabinet considered a report updating Members on the current Treasury Management position and on the setting of the Treasury Management Strategy for 2020/21.
  - 1.2 The Council had taken advice from its Treasury advisers, Arlingclose, to ensure a prudent and robust approach in the Strategy, which considers the external financial context and provides information on the local context in terms of current investment and borrowing.
  - 1.3 It is believed that the proposed Strategy represents an appropriate balance between risk management and cost effectiveness.
  - 1.4 Cabinet recommends that Council approves the Treasury Management Strategy Statement for 2020/21.**
- 2. Housing Strategy 2020-2025**
  - 2.1 Cabinet considered a report proposing the adoption of a Housing Strategy for the period 2020 to 2025. Whilst it is not a legal requirement to have a Housing Strategy, the Council has continued to publish one due to the importance of access to suitable affordable housing in the borough.
  - 2.2 The Strategy is based upon the findings of an independent review of the Council's performance in affordable housing delivery and sets out three key areas of focus. The draft framework of the new Strategy was open to public and stakeholder consultation.
  - 2.3 Cabinet recommends that Council approves the Housing Strategy 2020-2025.**
- 3. Pay Policy Statement 2020-21**
  - 3.1 Cabinet considered a report on the Annual Pay Policy Statement 2020-21. The statement sets out the Council's policies on a range of issues relating to the pay of its workforce, particularly its senior staff and the lowest paid employees.
  - 3.2 Cabinet recommends that Council approves the Pay Policy Statement for 2020-21.**

Councillor Ian Harvey  
*Leader of the Council*

**27 February 2020**

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## **Report from the Leader of the Council on the work of the Cabinet**

### **Meeting held on 29 January 2020**

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main business considered by the Cabinet at its meeting on 29 January 2020. However, it should be noted that three items of business; Treasury Management Strategy Statement 2020/21, Housing Strategy 2020-2025 and Pay Policy Statement 2020/21 were recommendations to Council and therefore these have already been considered earlier on this agenda.

#### **1. Petition on the Local Plan**

- 1.1 Cabinet considered 6 petitions relating to 5 locations in the Borough, which had been submitted in response to the consultation on the Local Plan. We heard from 4 petitioners and one ward councillor.
- 1.2 I stressed to the petitioners that this was a genuine consultation and no conclusions had yet been reached. The Strategic Planning portfolio holder responded to the petitioners and explained the constraints the Council had to work under and thanked them for their representations which would be carefully considered in the analysis of all the consultation submissions.
- 1.3 The Cabinet agreed to note the petitions and ask the Local Plan Working Party to review the matters that they raised.

#### **2. Spelthorne Borough Council (off Street Parking Places) Order 2020 – Key Decision**

- 2.1 We considered a report on the implementation of a new Off-Street Parking Places Order 2020.
- 2.2 We agreed to proceed with the proposed terms and conditions for use of Council owned car parks, and the charges and penalties to apply to those using the car parks as set out in the report. We also gave authority to the Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance to consider and address any objections and to amend the proposals if necessary following public consultation.

#### **3. Spelthorne Leisure Centre Consultation**

- 3.1 We considered a report on revised proposals for a replacement Spelthorne Leisure Centre and agreed to run a consultation exercise from 28 February to 27 March 2020 on a revised location.
- 3.2 We gave authority to the Council's Leisure Centre Development Working Group to consider the results of the consultation exercise and decide on the business case for any amendments to the proposals for a new Spelthorne Leisure Centre based on the

consultation responses, prior to seeking approval from Cabinet to proceed with any planning application.

**4. Selection of supplier of a refuse collection vehicle**

- 4.1 We agreed to delegate the selection of the supplier of a refuse collection vehicle to the Group Head of Neighbourhood Services in consultation with the portfolio holder, to ensure that the procurement of the vehicle could progress as soon as possible due to the long lead in time for delivery.

**5. Review of Knowle Green Estates Ltd**

- 5.1 We considered a report proposing a new corporate structure for Knowle Green Estates Ltd following a 3 year operational period, in keeping with the Council's ambitious development plan.
- 5.2 We also considered recommendations from the Overview and Scrutiny Committee in relation to the Business Plan. We accepted the recommendations and agreed to ask the Directors of Knowle Green Estates Ltd to furnish further information to Cabinet on a mission statement and a protocol for asset valuations and transfers.
- 5.3 We agreed to give authority to the Head of Corporate Governance to:
1. establish a group holding company – Knowle Green Estates Group Ltd and a subsidiary Lettings Agency;
  2. appoint the Directors of Knowle Green Estates Ltd as the Directors of Knowle Green Estates Group Ltd and the new letting agency company;
  3. recruit an additional independent Director for the Group; and
  4. establish Limited Liability Partnerships with Knowle Green Estates Group Ltd for its current residential developments.
- 5.4 We also agreed to delegate the Head of Corporate Governance to undertake the function of Company Secretary and appointed the Leader of the Council as the Shareholder representative, for Knowle Green Estates Group Ltd and all subsidiary companies.

**Councillor Ian Harvey**  
*Leader of the Council*

**27 February 2020**

## **Report of the Chairman on the work of the Licensing Committee**

There has been two Sub-Committee meetings since my last report. Details of the Sub-Committee meetings are set out below.

### **Licensing Sub-Committee – 30 January 2020**

A Licensing Sub-Committee considered a report to determine whether or not Mr A. Niazi was a fit and proper person to hold a Hackney Carriage driver licence. The Sub-Committee resolved to take no further action with regards to the driver's Hackney Carriage licence for the reasons set out in the decision notice.

### **Licensing Sub-Committee – 13 February 2020**

A Licensing Sub-Committee considered a variation application in relation to the Premises Licence at The Phoenix, Thames Street, Sunbury-on-Thames. The applicant proposed to extend the hours for the sale of alcohol from the outside bar.

The Sub-Committee was persuaded that the applicant had taken residents' concerns seriously and introduced measures to improve the business and build a good relationship with the local community. The application was granted for the reasons set out in the decision notice.

Councillor Robin Sider  
*Chairman of the Licensing Committee*

**27 February 2020**

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## **Report of the Chairman on the work of the Overview and Scrutiny Committee**

This report gives an overview of the main issues considered at the meeting held on 21 January 2020.

### **1. Treasury Management half-yearly report**

- 1.1 The Committee considered the report which set out the treasury activity for the period March to September 2019 and the associated monitoring and control of risks
- 1.2 The Deputy Chief Executive agreed to provide further detail to the Committee following the meeting on long and short term borrowing movements and also how KGE investment would appear in the capital expenditure summary.

### **2. Houses in Multiple Occupation (HMO)**

- 2.1 The Committee received an update from the Planning and Environmental Health teams who had monitored HMOs in the borough since the introduction of new legislation last year.
- 2.2 The Committee noted that the number of HMOs in Spelthorne was very small in comparison to other areas and that a further report would be brought before them should the number and/or nature of complaints regarding these significantly increase.

### **3. Review of Knowle Green Estates (KGE)**

- 3.1 The Committee considered an exempt report that outlined the history of KGE, the planned future direction and the management of the company.
- 3.2 The Committee scrutinised the report in detail. Howard Williams, Non-Executive Director, and Terry Collier, Deputy Chief Executive, responded to a number of questions about the structure and remit of the Board, and the management and financial arrangements of KGE.
- 3.3 The Committee recommended to Cabinet:
  - 3.3.1 That a mission statement setting out the purpose and aims of the company should be considered alongside the proposed Business Plan.
  - 3.3.2 That the asset valuation and transfer process in the business plan needed greater clarification.
- 3.4 It was agreed that a further update would be provided to the next meeting of the Committee in March 2020.

### **4. Work Programme – formation of new task group**

- 4.1 The Committee agreed to set up a task group to consider the provision of a Celebration of Life Centre in the borough.

**Councillor Vivienne Leighton**

*Chairman of the Overview and Scrutiny Committee*

**27 February 2020**

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## **Report of the Chairman on the work of the Planning Committee**

The Planning Committee has met on two occasions since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key items considered by the Committee at its meetings on 8 January and 5 February 2020.

### **1. Planning Committee meeting – 8 January 2020**

- 1.1 The Committee considered one application.
- 1.2 Application 19/01070/FUL: This application sought approval for the demolition of the existing building and erection of an apartment block comprising 14 no. flats over three floors of accommodation with associated access, car parking, landscaping and amenity space. There were two public speakers. The Committee approved the application.

### **2. Planning Committee meeting – 5 February 2020**

- 2.1 The Committee considered two applications.
- 2.2 Application 19/01297/FUL: This application sought approval for the demolition of the existing commercial building and the erection of a 4 storey building to provide 14 flats consisting of 7 no. 1 bed and 7 no. 2 beds with associated parking and amenity space. Two public speakers took the opportunity to address the Committee. The Committee approved the application.
- 2.3 Application 19/01676/FUL: The application sought approval for the erection of a single storey front extension to the existing building and remodelling to the entrance lobby. There was one public speaker. The Committee approved the application.

**Councillor Richard Smith-Ainsley**  
*Chairman of Planning Committee*

**27 February 2020**

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