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Date: 29 October 2019

## Notice of meeting

### Cabinet

**Date:** Wednesday, 6 November 2019

**Time:** 7.30 pm

**Place:** Goddard Room, Council Offices, Knowle Green, Staines-upon-Thames

<b>The members of the Cabinet</b>	<b>Cabinet member areas of responsibility</b>
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Finance
M.M. Attewell	Community Wellbeing and Housing
R.O. Barratt	Environment and Compliance
J.R. Boughtflower	Corporate Management
O. Rybinski	Economic Development, Customer Service, Estates and Transport

*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 Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## AGENDA

Page nos.

- 1. Apologies for absence**  
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 12**  
To confirm the minutes of the meeting held on 25 September 2019 as a correct record.
- 3. Disclosures of Interest**  
To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 4. Leader's announcements**  
To receive any announcements from the Leader.
- 5. A Masterplan for Staines - Key Decision** **13 - 26**  
**Councillors I.T.E. Harvey, A.C. Harman, M.M. Attewell and O. Rybinski**  
  
To consider a report on the production of a Masterplan for Staines-upon-Thames.
- 6. Council Tax Exemption for Young People Leaving Care** **27 - 32**  
**Councillor M.M. Attewell**  
  
To consider a report on a proposal for Spelthorne Borough Council to provide a council tax exemption to care leavers living in independent accommodation from 18 up until the age of 25.
- 7. Public Space Protection Orders - Unauthorised Mooring** **33 - 44**  
**Councillor R. Barratt**  
  
To receive a report on the consultation responses on unauthorised Mooring and a proposed Public Space Protection Order.
- 8. Decision making in respect of Council property and the role of the Property and Investment Committee** **45 - 50**  
**Councillor I.T.E. Harvey**  
  
To consider a report on a proposal to set up a Property and Investment Committee as a Cabinet Sub-Committee.

**9. Urgent Action**

To note urgent action undertaken by the Chief Executive.

On 8 October 2019 the Chief Executive in consultation with the Leader, agreed a letting within the Porter Building, Reading. This is not a Key Decision. The matter was considered as urgent action because the proposed tenant required completion of the letting before the Cabinet was next due to meet.

**10. Urgent items**

To consider any items which the Chairman considers as urgent.

**11. Exempt Business**

To move the exclusion of the Press/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.

**12. Exempt report: Redevelopment Costs for Harper House - Key Decision**

**51 - 68**

**Councillor M.M. Attewell**

To consider an exempt report seeking approval of the costs for the demolition and rebuild of Harper House and make a recommendation to Council.

**Reason for Exemption**

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because it would put the Authority at a competitive disadvantage to disclose the anticipated contract sum to the market prior to the tender submission and this may distort the tender process.

**13. Exempt report: Procurement of provider of housing management and resident support services at Harper House**

**69 - 74**

**Councillor M.M. Attewell**

To consider an exempt report on the procurement of a third party to provide a housing management and resident support service at Harper House.

**Reason for Exemption**

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 2 – Information relating to any individual and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because such information amounts to personal data under the Data Protection Act 2018.

**Minutes of Cabinet**

**25 September 2019**

**Present:**

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination  
Councillor A.C. Harman, Deputy Leader and Finance  
Councillor M.M. Attewell, Community Wellbeing and Housing  
Councillor R.O. Barratt, Environment and Compliance  
Councillor J.R. Boughtflower, Corporate Management  
Councillor O. Rybinski, Economic Development, Customer Service, Estates  
and Transport

**Councillors in attendance:** Councillor C. Bateson

**2630 Minutes**

The minutes of the Cabinet meeting held on 17 July 2019 and the two extraordinary meetings held on 11 September 2019 were agreed as correct records.

**2631 Disclosures of Interest**

There were none.

**2632 Leader's announcements**

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

The Council has submitted a detailed response to the Heathrow consultation making it clear that Spelthorne can only continue to support expansion if a) the 16 requirements outlined by the O&S Committee are adequately addressed b) impacted communities are properly compensated via the Wider Property Offer Zone and c) the Heathrow West proposal is explored further.

The application to develop a hostel for single homeless people on the site previously occupied by the White House on Kingston Road in Ashford was approved by the Planning Committee on 18 September. The Committee also approved an application to create a patio area for the Greeno Centre in Shepperton.

A planning application has been submitted for the redevelopment of surplus land at Ashford Hospital. The project includes 115 residential homes, some of which will be reserved for key workers.

Preparations are underway for Living Well Week which aims to encourage older adults to take up exercise. The Community Centres and Leisure Centres will be running classes and activities, some of which will be free.

The Council has secured the conviction of Tracey Bulley from Ashford for fraudulently claiming housing benefits for almost nine months. She received a 12 month community order, must carry out 100 hours of un-paid work, complete 15 rehabilitation days and repay £8544.38, plus the Council's costs of £3500.

The finalists for the Spelthorne Means Business Awards have been short-listed and a black tie dinner will be held on 17 October to announce the winners.

The 2019 Spelthorne Skills and Careers Fair was held on Thursday 19 September at Kempton Park Racecourse. Over 50 of Spelthorne's leading employers and skills providers exhibited at the event. Free buses to the event were provided from Staines and Ashford.

The Housing Options team has sent a survey to 2000 clients to gain feedback on its housing advice services as part of the Homelessness Strategy review. All councillors have been invited to attend the Stakeholder events being held on 24 September and 14 October.

The Council has been running a consultation on plans to introduce a Public Space Protection Order for mooring along the Thames. It follows an increase in the number of boats overstaying or mooring in authorised areas. The consultation closes on 30 September.

Spelthorne Leisure Centre has been declared 'outstanding' by Quest – Sport England's national quality scheme. Quest is the best-known improvement programme within the leisure industry and its rigorous assessments look at all aspects of a leisure centre's performance.

The Council has been awarded a share of a £1.2 million grant to install energy efficient measures into homes. The money will be made available to the Council and four other local authorities.

Over 1,000 year 6 pupils from 20 Spelthorne primary schools attended this year's Junior Citizen programme at Walton Fire Station which aims to help children stay safe and learn important life skills.

Sunbury Cemetery was declared the overall winner of Cemetery of the Year at the South East in Bloom awards, with Ashford and Staines Cemeteries also picking up Gold awards in the same category. There was also more good news for Sunbury, with the ever-popular Sunbury Walled Garden claiming Gold in the Small Park category.

The Council has convicted two individuals for offences related to fly-tipping. Mr Mohammed Bhatti from Hounslow pleaded guilty to one offence of 'breach of duty of care in the disposal of waste' in Hithermoor Road, Stanwell Moor in August and was fined £1172 and ordered to pay costs of £700 plus a victim surcharge of £117. Mr Dean Beldom from Slough pleaded guilty to two

offences of fly-tipping in Sheep Walk, Shepperton in May and June 2018 – he was fined a total of £4840 and his vehicles forfeited.

**2633 Overview and Scrutiny Work Programme**

Cabinet received and noted the Overview and Scrutiny Committee Work Programme for 2019/20.

**2634 Recommendation from the Audit Committee on Corporate Risk Management**

Cabinet considered the recommendation of the Audit Committee and

**Resolved** to approve the revised Corporate Risk Register.

**2635 Recommendations from the Local Plan Working Party**

Cabinet considered the recommendations from the Local Plan Working Party and noted there would be further opportunities to amend and adjust the documents as work on the Local Plan progressed.

**Resolved to agree:**

1. the Consultation Strategy, with minor amendments to be delegated to the Strategic Planning Manager and changes of any significance to be referred to the Working Party for agreement;
2. the general content and scope of the draft policies to be published for consultation, subject to the final wording of the draft policies to be agreed by the Working Party prior to consultation;
3. the draft allocations to be published for consultation, subject to inclusion of the changes agreed to at the supplementary meeting and final wording to be agreed by the Working Party prior to consultation; and
4. the evidence base documents be published to support the consultation.

**2636 Capital Monitoring Q1 (April to June)**

Cabinet considered a report on capital expenditure covering the period April to June 2019.

**Resolved** that Cabinet notes the current level of capital spend.

**2637 Revenue Monitoring Q1 (April to June)**

Cabinet considered a report on revenue expenditure covering the period April to June 2019.

**Resolved** that Cabinet notes the current level of revenue spend.

**2638 Proposed new extension to Fordbridge day centre**

Cabinet considered a report on a proposed new extension to the Fordbridge Day Centre.

The extension would increase the capacity of the dining room to seat 101 visitors and provide a flexible area for other activities such as classes, games or exercise to take place.

Alternative options considered and rejected by the Cabinet:

- Do nothing

**Resolved to**

1. **\*Recommend to Council** a supplementary capital estimate of £130,000 for the proposed extension at the Fordbridge Centre, and its inclusion in the 2019/20 capital programme;
2. Approve the capital spend of £130,000 for the extension; and
3. Agree to proceed with Option 3 as set out in Appendix 1

**Reason for Decision**

The Centre is operating at full capacity and cannot currently accommodate additional visitors. The Centre has requested a ground floor extension in order that it can accommodate more visitors for lunch and to access the Centre facilities/activities.

**2639 \*Appointment of Independent Remuneration Panel member**

Cabinet considered a report on the appointment of a member to the Independent Remuneration Panel.

**Resolved to recommend** that Council approves the appointment of Alison Osmond to the Independent Remuneration Panel.

**Reason for decision**

The Council is required to establish and maintain an Independent Remuneration Panel consisting of at least three members, none of whom is formally connected with the Council.

**2640 Urgent Action**

Cabinet noted the urgent action taken by the Chief Executive in consultation with the Leader on 3 September 2019, to agree one letting within the Thames Tower, Reading. The matter, which was not a Key Decision, was considered as urgent action because the proposed tenant required completion of the letting before the Cabinet was next due to meet.

**2641 Urgent items**

There were none.

**2642 Exempt Business**

**Resolved** to move the exclusion of the Press and Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**2643 Exempt report - Investment acquisition X - 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 an opportunity to acquire a site for strategic regeneration within the Borough.

The Asset Manager gave a presentation on the proposal setting out the rationale for acquisition, the costs involved, due diligence process and the business plan for the site.

Alternative options considered and rejected by the Cabinet:

- Not to submit a bid for the site.

**Resolved to:**

1. Approve the acquisition of the site for strategic regeneration within the Borough;
2. Agree the offer submitted for the acquisition, and authorise the Chief Executive in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset;
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 Property Advisors;
6. To delegate the selection of the external property manager, design team and the contractor for the Phase 1 enhancement works to the Group Head of Regeneration and Growth in consultation with the Portfolio Holder; and
7. \*To recommend to Council the approval of a supplementary Capital provision of £42m to provide sufficient headroom in the Capital

Programme for the acquisition and for the appointment of the design team and the contractors for enhancement projects.

### **Reasons for Decision**

This acquisition will enable the Council to directly address the longer term sustainability and regeneration of the Borough. It is a strategic asset which has the potential to improve the environmental and economic well-being of the area. The site is prone to be considered for numerous diversified uses all of which have the potential to help the Council achieve its strategic objectives outlined in the Corporate Plan.

### **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 3 October 2019.***

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**Cabinet****06 November 2019**

<b>Title</b>	Staines-upon-Thames masterplan		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Heather Morgan, Group Head Regeneration and Growth		
<b>Cabinet Member</b>	Cllr Harvey, Cllr Harman, Cllr Attewell, Cllr Rybinksi	<b>Confidential</b>	No
<b>Corporate Priority</b>	Financial Sustainability, Economic Development, Housing		
<b>Recommendations</b>	<p><b>Cabinet to:</b></p> <p><b>Agree to go out to tender for a Staines- Upon-Thames Masterplan</b></p> <p><b>Agree that the Deputy Chief Executive (Finance), in consultation with the Leader, be given delegated authority to enter into a contract to appoint the external advisors</b></p>		
<b>Reason for Recommendation</b>	<p><b>The production of a Masterplan for Staines-upon-Thames will help shape and develop the town alongside the new Local Plan which is being reviewed, and which will be adopted in 2021.</b></p> <p><b>It will set a clear vision and strategy for the transformation and regeneration of the centre of the town, focusing on deliverable outcomes and policies in an holistic way.</b></p> <p><b>It will set out our expectations of developers, investors and the local community and will be rooted in commercial reality.</b></p>		

**1.0 Key issues**

1.1 The Corporate Plan 2016 – 2019 highlights four key priorities:

Housing – to strive towards meeting the housing needs of our residents, providing working families and others in housing need in the borough with suitable accommodation

Economic development - To stimulate more investment, jobs and visitors to Spelthorne to further the overall economic wellbeing and prosperity of the Borough and its residents

Clean and safe environment - To provide a place where people want to live, work and enjoy their leisure time and where they feel safe to do so

Financial sustainability - To ensure that the Council can become financially self-sufficient in the near future

- 1.2 The current emerging Local Plan will look to provide a planning policy context to help address all of the above (to a greater or lesser degree). It sits alongside other documents such as the Housing Strategy which is currently under review, the Economic Strategy, and the Health and Wellbeing Strategy. Together they form a suite of over-arching policy documents which aim to ensure the priorities of the Council are delivered.
- 1.3 Spelthorne is facing a number of challenges which will fundamentally affect the way that we shape future development over the next 15 years and beyond. As a borough we need to accommodate significantly more housing than we have done in the past. Our current housing requirement (as dictated by central government) is 603 dwellings each year, and one of the roles of the emerging Local Plan is to set out how and where this can be accommodated sustainably. As part of the Issues and Options Consultation in summer 2018, the Council consulted on four main ways in which we could look to meet this significant requirement for new housing:
- (a) • Brownfield development
  - (b) • Green belt development
  - (c) • Staines development
  - (d) • Combination development
- 1.4 Following a Sustainability Appraisal, the professional opinion was that the fourth option (combination) should be taken forward, but with additional safeguards to take account of the public's views on loss of Green Belt. This was agreed by Cabinet on 27 March 2018. Within this option, the focus will need to remain very much on realising the considerable latent potential of Staines-upon-Thames (but not to the absolute exclusion of housing development anywhere else in the borough). The Strategic Housing Availability Assessment (SLAA) 2018 estimates that the 5-year housing land supply in the Borough is 3,448 units on 64 sites. Over 1,420 of these units are expected to be delivered in Staines- upon-Thames, with around 420 to be delivered on Council-owned sites.
- 1.5 The principle of a masterplan for Staines-upon-Thames is referenced in the Spelthorne Local Plan – issues and Options Consultation response Document September 2018
- “Option 4: Combination*
- A combination of the above three options by increasing densities in town centres; releasing some weakly performing Green Belt land; making use of a Master Plan for Staines but with housing as one of a range of uses.”*
- 1.6 The preferred approach of focusing on Staines-upon-Thames as the major residential opportunity area requires a Masterplan, which will focus in detail on where and how this new development can best be accommodated, in order to ensure we achieve a sustainable solution for the town.
- 1.7 Masterplans provide the opportunity to look holistically at how we co-ordinate the delivery of additional housing alongside transport infrastructure (moving around the town), as well as social infrastructure, including healthcare. Successful masterplans look at issues such as sustainability, vitality, community, identity, connectivity, legibility, quality, permeability, security and longevity.

- 1.8 Government guidance is driving towards higher density developments in sustainable locations (such as Staines-upon-Thames). It is critical that the Council are clear about the broad parameters of what we expect to see within a masterplan – in terms of opportunity zones which give some focus to the town (riverfront, leisure, hotel and conference), height and massing (in what broad locations), infrastructure and how we move around the town (public transport interchange) and the public realm (spaces which make places).
- 1.9 The proposed expansion at Heathrow (if approved) will affect our communities very differently. Cabinet will be aware that we recently re-affirmed our support for a third runway and expansion that is both appropriate and proportionate subject to sixteen requirements, that our impacted communities be properly compensated via the Wider Property Offer Zone scheme and that the Heathrow West proposal be considered further.
- 1.10 There is a clear opportunity for expansion to act as a catalyst for sustainable development in the town centre. A light rail link to Heathrow would for example provide improved links for the existing community and open up opportunities for airport businesses to relocate, as well as capturing overnight stays and airline crews.
- 1.9 One of the key areas that is consistently raised by councillors, residents, and businesses is the need to address transport and infrastructure in an holistic way. Decisions on individual planning applications are only able to address the impact of those individual schemes. This severely limits the ability of the Council to deal with the more strategic issues around parking, infrastructure and encouraging alternative provision for the whole town.

## **2.0 Options analysis and proposal**

### Do nothing and continue with ad hoc decision making

- 2.1 Cabinet can decide that it does not want to proceed with a Masterplan (including transport infrastructure proposals). Decisions on planning applications will continue to be made on an ad hoc piecemeal basis, as and when large scale schemes come through. Whilst the Local Planning Authority can assess proposals individually as they do now, it will not be in the context of a larger overall vision for the town. This approach, by its very nature, is reactive.
- 2.2 The Masterplan will form an integral part of the Local Plan. It will clearly demonstrate how the Council is looking ensure we can deliver the housing numbers that government are saying we must provide. If we cannot show we have a solid delivery plan in place, then this could potentially increase the risk that landowners and developers may submit schemes on unsuitable/green belt sites arguing that our Local plan and its main strategy is unsound.

- 2.3 This option is not recommended.

### Proceed with a Staines Masterplan

- 2.4 Alternatively, Cabinet can decide to proceed with a Masterplan (including transport infrastructure proposals) including an Implementation Plan. There are obvious advantages in taking this approach. It will:
- (a) Set out an ambitious and deliverable overall vision for the transformation and regeneration of the whole town;

- (b) Build in 'future proofing' - accessible, sustainable and take into account new transport opportunities and solutions;
- (c) Fully consider: densities, design; height/massing; and spatial zones;
- (d) Recognise Spelthorne's position as a strategic landowner in the town centre;
- (e) Take into account the increasing number of homes and give due consideration to the healthcare requirements;
- (f) Exploit the distinctive feature of the River Thames;
- (g) Set the design standard for developments, and take into account the opportunities the airport generates, including potential for SLR;
- (h) Identify opportunities for enhancement to the public realm;
- (i) Present a strong visual ambition, which is commercially realistic, financially viable, robust and deliverable;
- (j) Identify opportunities to enhance the town as a 'go to' destination for shopping as well as the night time economy, culture, arts and social and community infrastructure;
- (k) Include strategies for overcoming growth constraints, such as highway infrastructure challenges and congestion;
- (l) Identify ways and means to kick start further investment activity

2.3 This option is recommended

Deliver masterplan using in house resource

2.4 The Strategic Planning team are currently engaged in progressing the Local Plan which will be out to public consultation from 5 November 2019 to 7 January 2020. The Local Plan is scheduled to be adopted in 2021 and the team is focused on delivering this. In addition, as the proposed expansion of Heathrow moves forward the team will be involved in the development Consent Order process. They are working at full capacity.

2.5 Master planning is a very specialised area, and in order to deliver a successful masterplan we would need to bring on board expertise that we currently do not have in house such as urban design, transport and infrastructure specialists, landscape design and community engagement. On the basis that this expertise is in considerable demand, we are unlikely to be able to compete with the private sector market in terms of salaries for what would effectively be a 1 year contract. Securing staff would also take several months which would slow up progression of the masterplan. At best, this would put at risk our ability to tie in the examination of the Local Plan and the masterplan. At worst, it might mean that we have to delay the Local Plan examination with all the uncertainties and risks that this entails.

2.6 This option is not recommended.

Deliver masterplan using external expertise

2.7 An external team would be set up to deal with delivering a masterplan with the appropriate expertise. They would be expected to deliver the masterplan within the time frames required of them and would have to resource appropriately. They would have the resilience to deal with changes in

personnel which would not be available to us if we employed a couple of temporary members of staff. In addition, they would have access to other sets of experts should they need to be drawn on as the masterplan is developed.

- 2.8 Whilst there is a cost to using external advisors it would not be any less expensive to bring in temporary staff to sit within the Strategic Planning team. The advantages of using an external team are set out above. As such it is recommended that we procure external advisors. The specification is set out in **Appendix 1**.

### **3.0 Financial implications**

- 3.1 The cost of the Masterplan (including transport infrastructure proposals) is expected to fall under the threshold value for OJEU (£181,302). It will be funded from the Planned Projects Fund which was set up earlier this financial year 2019/20.

- 3.2 It is worth Cabinet being aware that having a robust masterplan in place which has been through an examination process alongside the Local Plan will provide the Council with a much firmer footing on which to:

(1) actually deliver the housing and infrastructure required by using CPO powers if we are required to do so

(2) will give us greater leverage when submitting bids to government and the Enterprise M3 LEP for significant infrastructure projects which may be required to unlock housing growth. Woking Borough Council identified their town centre as a primary location to deliver housing whilst safeguarding green space when their local plan was adopted in 2012. Key to unlocking this has been dealing with the pinch point created by the Victoria Arch under the railway station. They have recently been awarded £95m by government to deliver significant road and rail infrastructure improvements that will unlock 13 future housing development sites.

### **4.0 Other considerations**

#### Procurement

- 4.1 The timetable for appointing professional advisors is set out below.

	<b>Event</b>	<b>Date</b>
	Issue of Invitation to Tender	7 November 2019
	Deadline for receipt of Tenders	12 noon on 27 November 2019
	Evaluation of Tenders	w/c 2 December 2019
	Tenderer interviews (for Tender clarification)	w/c 9 December 2019
	Internal approval of Preferred Bidder	w/c 6 January 2020
	Confirm contract award (via recommended delegation)	w/c 13 January 2020

	Contract mobilisation period	13 – 24 January 2019
	Target service commencement date	27 January 2019

4.2 Work on the Masterplan will dovetail with the review of the Local Plan. The intention is to go out to consultation on our Preferred Local Plan in early November 2019. A number of key sites within Staines-upon-Thames have been allocated within this document as suitable for high density development to help meet our housing need. In order to ensure the masterplan is progressed in a timely manner, this report requests that Cabinet give delegated authority to the Deputy Chief Executive (Finance) in consultation with the Leader to make the final appointment.

4.3 A number of ‘industry leaders’ will be invited to tender. As part and parcel of the tender process there will be a formal presentation by the shortlisted advisors to the Leader, Deputy Leader, plus Management Team and key staff within the Council. We need to be absolutely confident that the consultants we choose to work with clearly understand our vision for the town. Advisors will need to demonstrate to the presentation panel that they have a track record of delivering masterplans which have been successfully implemented.

#### Stakeholder engagement

4.4 Stakeholder buy in will be critical, and the appointed consultants will be expected to undertake a series of workshops before producing a draft masterplan. These workshops will involve the business and retail community (including the Staines BID), as well as strategic landholders. Local knowledge will be captured by involving organisations such as Staines Town Society, and local residents in and around the town centre. The aim of these workshops will be firstly to understand issues and challenges and then to look at how we can best plan for future development using the principles of what is called a ‘Planning for Real’ exercise.

4.5 The consultants will be expected to work closely with Surrey County Council throughout on highways, transport and education, and with other strategic partners in health and community such as the North West Surrey Clinical Commissioning Group.

4.6 It is intended to set up a Member Working/Steering Group once the advisors are on board (including one ward councillor) to give strategic oversight at key points in the process. Their role will be to challenge assumptions, ‘sense check’ information, provide local intelligence and give constructive feedback. Inputs from all of the above will help shape and ensure that the eventual masterplan delivers an holistic solution.

#### Communications

4.7 A Communications Strategy will be developed which will sit alongside that of the Local Plan.

### **5.0 Timetable for implementation**

<b>Timeframe</b>	<b>Stage</b>	<b>Milestone</b>
w/c 27 January 2020		Contract awarded

w/c 3 February 2020	0	Strategic Steering Meeting with key stakeholders
End March 2020	1	The production of a report to include the draft methodology and scoping information
December 2020	2	The production of a draft Masterplan
February 2021	3	Submission of the final Masterplan
March 2021	4	Adoption

**Appendices:**

**1** Specification

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# **SPECIFICATION**

**For the provision of a  
Masterplan for Staines upon Thames**

**September 2019**

## 1. Purpose of the Masterplan

- 1.1 Spelthorne Borough Council (SBC) is seeking to appoint a Consultant for the production of a Masterplan for Staines-upon-Thames to shape and develop the town alongside our new Local Plan which is being drafted, and which will be adopted in 2021.
- 1.2 The Masterplan will set a clear vision and strategy for the transformation and regeneration of the centre of Staines, focusing on deliverable outcomes and policies. It is intended to be capable of adoption as a Supplementary Planning Document.
- 1.3 Staines-upon-Thames has the opportunity to grow and develop into a thriving town that can take advantage of its close proximity to Heathrow Airport and proposed new public transport schemes likely to enhance its connectivity further. The Council is a major landowner in the town that can help facilitate growth but a joined up approach with other landowners, developers and local businesses will be preferable.

## 2. About the Borough of Spelthorne

- 2.1 The Borough of Spelthorne has an excellent location immediately to the south of Heathrow Airport and adjacent to the River Thames in the economically buoyant area to the west of London. The Borough enjoys exceptional communication links, supporting a strong economy, and has many successful international businesses, including BP, Pinewood (Shepperton Studios), dnata and Wood Group Kenny. Spelthorne has 5,270 businesses and the Borough is number 1 for new Business Start-ups<sup>1</sup>. The gross budget for 2018/19 was £85m.
- 2.2 Spelthorne Borough Council's main purpose is to deliver services and improve our communities, and our corporate priorities, in four key areas, reflect this ambition:

**Housing:** We will strive towards meeting the housing needs of our residents, providing working families and others in housing need within the Borough with suitable accommodation;

**Economic Development:** To maintain vibrancy in the economy we will look to stimulate more investment, jobs and visitors to Spelthorne to further the overall economic wellbeing and prosperity of the Borough and its residents;

**Clean and safe environment:** Providing a place where people want to live, work and enjoy their leisure time and where they feel safe to do so will help develop sustainable communities;

**Financial Sustainability:** We will continue to ensure that the Council can become financially self-sufficient in the near future so as to maintain services for our residents.

- 2.3 Staines-upon-Thames (renamed as such in 2012 to promote the town's outstanding riverside location) is a vibrant market town in Surrey, with an excellent offer of shops,

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<sup>1</sup> (Source: Bank Search Information Consultancy Ltd- Spelthorne Business Start-Ups 2015)

bars and cafes. A fully developed Masterplan will enable us to make informed decisions to support the priorities for the regeneration and transformation of the town and the Borough, so that businesses, the economy and our communities thrive, and the long term viability of the town centre is secured.

### **3. Key Outcomes**

The Masterplan will:

- Set out an ambitious and deliverable overall vision for the transformation and regeneration of the whole town; for its visitors, residents and commercial enterprises;
- Build in 'future proofing'; the Masterplan will be accessible, sustainable and take into account new transport opportunities and solutions;
- Fully consider: densities and design parameters; height/massing; spatial zones and a 'bird's eye' plan;
- Recognise Spelthorne's position as a strategic landowner in the town centre, and take into account the housing and retail income it receives;
- Take into account the increasing number of homes and give due consideration to the healthcare requirements for residents in the town centre;
- Exploit the distinctive feature of the River Thames, its unique character, and Staines-upon-Thames' auspicious riverside position;
- Set the design standard for developments, safeguarding height restrictions for tall buildings, taking into account the town's proximity to Heathrow Airport, and also the opportunities the airport generates, including potential for southern light rail;
- Identify opportunities for enhancement to the public realm, its layout, function and legibility;
- Present a strong visual ambition, which is commercially realistic, financially viable, robust and deliverable;
- Identify opportunities to enhance the town as a 'go to' destination for shopping as well as the night time economy, culture, arts and social and community infrastructure;
- Include strategies for overcoming growth constraints, such as highway infrastructure challenges and congestion;
- Identify ways and means to kick start further investment activity

### **4. Measuring the success of the Masterplan**

The following outcomes are indicators of the effectiveness of the design of the

- All stakeholders are fully on board with the Masterplan's vision;
- The Masterplan is fully 'adopted' by landowners and developers. It is attractive to developers, setting clear and viable parameters for proposed developments;

- Development comes forward on sites and alongside the Thames, starting the process of turning the town to the river;
- Higher quality planning applications reflect the attraction of Staines-upon-Thames as a desirable location;
- Landowners and investors are proactively investing in development opportunity
- The authority is able to use the Masterplan content as robust evidential support in the new Local Plan.

## **5. Other Background Information**

5.1 Other documents which may contain relevant information to the Masterplan are:

- a) Strategic Land Availability Assessment 2018
- b) Employment Land Needs Assessment 2018
- c) Statement of Community Involvement
- d) Retail and Other Town Centre Uses Study Update 2018
- e) Strategic Flood Risk Assessment Draft Interim Report 2018
- f) Functional Economic Area Analysis 2017

5.2 The following background material will also be relevant in setting the background and context:

- a) Cabinet report on name change – addition of ‘upon Thames’ (22 November 2011)
- b) Staines-Upon-Thames Prospectus (summer 2014)
- c) Corporate Plan (2016-2019)
- d) Local Economic Assessment (2016)
- e) Economic Strategy (2017-2022)
- f) Promotional document (2015)
- g) The Enterprise M3 Strategy for Growth (2014)
- h) Initial Planning Brief dated March 2006
- i) Staines Town Centre – Draft Urban Design Framework (2008)
- j) Plan showing the Council’s current landownership
- k) Staines-Upon-Thames Town Centre Parking Study (2012 and 2015)

## **6. Requirements for the Proposed Masterplan**

6.1 The appointed Consultants will be required to produce a Masterplan for Staines-upon-Thames that is capable of adoption as a Supplementary Planning Document, and which in turn will support the allocation of residential and commercial uses to help meet the Borough’s identified needs. This should be in the form of capacity studies, taking account of relevant constraints and opportunities.

6.2 The Consultant will focus in particular on the transport and infrastructure projects led by Spelthorne Borough Council, its partners, the County Council, Highways England and stakeholders such as HAL (Heathrow Airport Limited). These are to be mapped as part of the study of existing capacity as a transport study to inform its impact and how the vision set out by the Masterplan can positively shape them to unlock the potential of the town.

- 6.3 The Consultant will demonstrate due consideration to the likely impact of a substantial increase in traffic as a result of Heathrow Expansion, which poses challenges in terms of additional visitors, residents and businesses to the town but also opportunities that will arise. The Masterplan should include a strategic approach to parking, bespoke to Staines-upon-Thames, that does not discourage residential, economic and tourist growth whilst making most effective use of land and aiming to limit private car ownership, subject to securing attractive alternatives and interventions. This will be based on parking review evidence provided by Spelthorne Council and supplemented by the Consultant's engagement with relevant teams in the Council and other stakeholders.
- 6.4 The Masterplan will be a living document, setting out plans and recommendations for how such constraints including challenges posed by the existing gyratory can be overcome, taking account of existing and future transport schemes that will provide better sustainable links to and from the town, such as Southern Light Rail (a light rail link from Staines-upon-Thames to Heathrow Airport, promoted by the Council), as well as prospective solutions not currently under consideration. The Masterplan should also include improved permeability and enhanced links in and around the town for pedestrians and cyclists to promote sustainable travel.
- 6.5 The work will be managed by the Strategic Planning team but the Consultant will need to work with different teams in the Council (Asset Management, Economic Development, Development Management, Neighbourhood Services and Housing) and portfolio holders, as well as a number of external stakeholders, including, but not limited to, Surrey County Council as the highway authority, neighbouring local authorities, utilities and infrastructure providers.
- 6.6 The Masterplan should be aspirational but also demonstrate that the outcomes are deliverable and viable, rooted in commercial reality. The Consultant will demonstrate the financial viability of the Masterplan by thoroughly testing the same, and presenting the outcome of the process as the Masterplan will evolve. It will identify timescales and opportunities for phasing, and will contain sufficient information to support the Masterplan's evolution. Diagrams, maps and CGI graphics will be used to present its vision in an accessible and relatable format.
- 6.7 It is essential that Staines is developed holistically and the Masterplan should consider provision for all land uses and services that make a town and its community thrive. This should include businesses; retail opportunities; social and community infrastructure; the arts; culture and leisure. The importance of the river as a key asset of the town should feature strongly in our aspirations and seek to maximise the opportunities for regeneration.
- 6.8 Public engagement and consultation will be a cornerstone of the Masterplan, with buy-in from local residents, employees, businesses, landowners and developers being critical to its successful delivery. Statutory consultation can be linked to the preparation of the Local Plan, but the Consultant will be expected to arrange and facilitate additional bespoke community workshops and engagement sessions. The Consultant will include the cost of two workshops within their proposal; any requirement above this will be delivered under a separately costed proposal, with reference to the day rates for the resources.
- 6.9 The Council will also require the Consultant to respond to stakeholder feedback and written comments following engagement events and present back to Members at the draft methodology/scoping and draft Masterplan stage. A separate rate for this work should be given.

## 7. Reports

7.1 Post contract award, the Consultant will support the following 4 key stages:

### **Stage 0 – Strategic Steering Meeting with key stakeholders**

The Consultant will facilitate a workshop with a group of Spelthorne's key stakeholders, to provide further clarity before the work commences;

**Stage 1** - The production of a report to include the draft methodology and scoping information on which the Council will seek wider views through Duty to Cooperate discussions and wider stakeholder involvement;

**Stage 2** - The production of second document which incorporates the views gained from the Duty to Cooperate discussions and stakeholder engagement. This document will be a draft of the Masterplan on which the Council will again seek views through stakeholder involvement and the Duty to Cooperate.

**Stage 3** - will be the submission of the final Masterplan. The Council will require two printed copies of the final report (one bound and one unbound) and two digital copies (one in Word and one in PDF format).

Note that the Masterplan will include a section on how stakeholders were involved and the results of that involvement including Duty to Cooperate discussions.

**Cabinet****06 November 2019**

<b>Title</b>	Council Tax Exemption for Young People Leaving Care		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Lisa Stonehouse		
<b>Cabinet Member</b>	Councillor Maureen Attewell	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	<p><b>Care Leavers living in independent accommodation be exempt from Council Tax until the age of 25 from April 2020.</b></p> <p><b>To note that from January 2020 Everyone Active, who operate Spelthorne and Sunbury Leisure Centres, will provide free swimming for children in care and care leavers up to age of 25.</b></p>		
<b>Reason for Recommendation</b>	<p><b>Care leavers who are living independently for the first time find managing their own finances extremely challenging, due to issues such as limited family support. This can mean that care leavers may fall into debt and financial difficulty.</b></p>		

**1. Key issues**

- 1.1 Corporate Parenting means that the local authority pursues the same outcomes for children in care (looked after children) as a parent. The County Council retain the legal responsibility for 'Looked After' Children and care leavers. However, The Children and Social Work Act 2017 brought about change in 2017 when it determined that all local authorities have a responsibility to be "good corporate parents". The above Act introduced seven principles of corporate parenting. One of these principles is the need to prepare children and young people for adulthood and independent living. The County's Corporate Parenting Strategy is outlined in appendix 1.
- 1.2 Care leavers have often had their childhoods punctuated by instability and trauma, they leave home earlier and have less support than other young people. As a result they have some of the worst life chances in the county. A 2016 Children's Society report found that when care leavers move into independent accommodation, they find managing their own finances

extremely challenging. With no or limited family support and insufficient financial education care leavers are falling into debt and financial difficulty.

- 1.3 At a recent meeting of the Borough and District (B&D) Safeguarding Members and Lead Officers Group, the County Council asked all B&D's if they would consider a council tax exemption for care leavers in order to have a consistent offer across all B&D's throughout Surrey. Subsequently, on 17 September, all local councils received a letter from the Children's Commissioner for England requesting that we consider a Council Tax exemption.
- 1.4 On 16 July Surrey County Council agreed that they would cover their 75.8% proportion of the Council Tax for care leavers aged 18-25. In addition, care leavers are supported to live independently until the age of 25 by Surrey County Council Social Workers.
- 1.5 Under Section 13A(1)(C) of the Local Government Finance Act 1992, local authorities have the discretionary power to reduce (or further reduce) the liability for Council Tax for a chargeable dwelling for a specified period. This discretionary power allows an authority to reduce the Council Tax liability to Zero.
- 1.6 There are 6 care leavers between the ages of 18 and 25 currently living in independent living or semi-independent living in Spelthorne.
- 1.7 There are already a number of opportunities for people to pay lower amounts of Council Tax such as single occupier discount (25% discount), council tax support (up to 100% of the liability) and student discount (offered to households where everyone living there is a full time student).
- 1.8 Woking, Mole Valley, Surrey Heath and Elmbridge B&D's have agreed a council tax exemption for care leavers. The other Surrey B&D's are considering this and it was discussed at Surrey Treasurers in September. The Children's Society are aware of around 100 authorities in England who have introduced a Council Tax exemption for care leavers.

## **2. Options analysis and proposal**

- 2.1 The proposal is for Spelthorne Borough Council to provide a council tax exemption to care leavers living in independent accommodation from 18 up until the age of 25.
- 2.2 The other options are as follows:-
  - (a) A variance on the scheme could be proposed i.e. a different level of discount, or for a shorter time.
  - (b) To not introduce a scheme, and make no changes to the current arrangements.
- 2.3 The risk of the proposal (2.1) is that the numbers of care leavers could increase, therefore increasing the cost to the council (see 3.3). The risk of the other options (2.2) is mainly reputational as we would be seen to be not supporting care leavers to the same extent or not at all. The aim is to have a consistent offer of council tax exemption for all B&D's throughout Surrey.

## **3. Financial implications**

- 3.1 Surrey County Council (SCC) have committed to paying their proportion (75.8%). Spelthorne would therefore have to contribute 24.2% to each care

leavers' council tax bill (The police have not confirmed a contribution as yet, so their element is incorporated into the Spelthorne element).

- 3.2 There are currently 6 care leavers between 18 and 25 living in independent living or semi-independent living in Spelthorne. A band C premises is currently charged £1,703 per annum for council tax. The Spelthorne element would be £412 per property. The total cost to Spelthorne would therefore be £2,472 per annum for 6 care leavers. This is outlined in the table below. The council Hardship Fund will be used to cover this cost.

**Based on Council Tax band C premises - £1703 per annum 2019**

<b>How will the cost be split</b>	<b>Spelthorne 24.2%</b>	<b>Surrey 75.8%</b>
<b>Total cost for 1 care leaver</b>	£412.13	£1290.87
<b>Total cost for 6 care leavers</b>	£2,472	£7,745.22

- 3.3 There is a risk that the number of care leavers living independently could increase, therefore increasing the cost. Surrey suggest that the number of care leavers are expected to increase by about 10% within the next couple of years due to the new duty to support care leavers until the age of 25 and the work to keep looked after children in Surrey.

**4. Other considerations**

- 4.1 To note that as part of the proposals for young people in care and leaving care, Everyone Active who operate Spelthorne and Sunbury Leisure Centres will provide free swimming for care leavers and children in care from January 2020.

**5. Timetable for implementation**

- 5.1 It is proposed that the council tax exemption would be implemented from April 2020.  
This scheme will be reviewed regularly at the Borough and District Lead Members and Safeguarding Officers Group. This is led by County Council Officers and members.

**Background papers: There are none**

**Appendices:**

**Appendix 1** The County's Corporate Parenting Strategy

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# SURREY'S CHILDREN

Our care. Your future

Our pledge, to our children and young people.

## 1. Placements

We will do the best we can to make sure where you live is right for you.



## 2. Contact

We will help you keep in touch safely with the important people in your life.

## 3. Choices

We will tell you about options and involve you fully in making plans about your life.

## 4. Skills for life

We will support you with your education and help you grow up with good skills for life.

## 5. Safe

To keep you safe and ensure that you feel safe.

If you would like this information in large print, Braille, on tape or in another language please contact us on:

Email: [csfcommunications@surreycc.gov.uk](mailto:csfcommunications@surreycc.gov.uk)

Tel: 03456 009 009

Minicom: 0208 541 9698

SMS: 07527 182861

CARE COUNCIL



CHANGE IS ON THE HORIZON

# SURREY'S CHILDREN

Our care. Your future

Confident in care. Confident in my future.

Corporate Parenting Strategy 2015 - 2018

## Purpose

We are the corporate parents to our children and young people in care. We seek to ensure that the young people we look after grow up with the same opportunities as other young people and go on to live successful and fulfilling lives.

## Vision

As corporate parents we want every child to feel safe and confident about their future.

## Values

We are committed to:

- **Listening** to our young people and involving them fully in plans about their lives.
- Being **responsible** for looking after our young people and doing what we promise in our pledge.
- Building **trust** in our young people and our staff.
- **Respecting** the needs and wishes of our young people.

## Context

In Surrey, there are around 750-780 children and young people who are living in our care at any one time, and 420 careleavers who are moving to become more independent. There are around 120 Unaccompanied Asylum Seeking Children in care (UASC) who have often had a traumatic journey into care.

The majority of our young people are placed in foster care and the remaining children are in residential homes, or placed for adoption or in independent living.

Where we live, who we live with and how safe and happy we feel are important factors which contribute to everyone's wellbeing. We agree with young people who tell us that if you can't live in the home you'd choose, it is especially important to get the next best option right.

We know we don't have enough placement choice, not enough foster carers who live in Surrey and that too many children have to live elsewhere.

**Therefore our focus in 2015/2016 is placement choice and stability:** Young people know who they will live with and experience stable placements. They will have good relationships with those involved in their care. See our summary **Being in Care (2015)** for more information.

## Our goal is that Surrey children and young people...

### are happy where they live

Young people know who they will live with and experience stable placements. They have good relationships with those involved in their care.

↓ Fewer children have to move places three or more times a year.

#### We know that:

We have made good improvements in placement stability but a small number of young people have to move places three or more times a year. Too many changes make it hard for young people to feel they belong. We don't have enough foster carers who live in Surrey and too many young people have to live elsewhere.

#### In 2015/16 we will:

- reduce the impact of change between placements, ensuring children are informed and involved in any changes to their placement
- train carers and staff in social pedagogy to offer children emotional support with practical hands-on action
- recruit more foster carers, particularly for teenagers or for children with disabilities appropriate.

### are healthy and aware of their choices

Young people are supported to have improved health and wellbeing.

↑ More children in care will have up to date health checks that include a wellbeing health check.

#### We know that:

Young people would like more choice about where and when to have their health assessments. Some young people would like more support with their healthcare if English is not their first language. Others have said they would like more advice and guidance about healthy eating and keeping active.

#### In 2015/16 we will:

- ensure we deliver an effective health check service that includes health promotion and emotional wellbeing
- ensure there are opportunities for young people to participate in fun activities including: the Duke of Edinburgh Award scheme, clubs, music lessons, sport and leisure, and physical activity
- help young people understand events and feelings through life story work.

### are and feel safe

Young people are safe and feel safe. If they go missing they are listened to, trusted and given a say when they return.

↓ Fewer children in care go missing

#### We know that:

Sometimes children go missing from their placement because they're not happy with their plans or because they're missing friends and family. Being missing means that they're at risk and not safe. It is really important that young people living independently feel safe at home.

#### In 2015/16 we will:

- actively work with young people to understand why they go missing, including having return interviews, and to support prevention
- offer a restorative approach to children in care who offend
- ensure children feel safe from bullying.

### are making progress

Young people have the confidence and skills to live successful and fulfilling lives.

↑ Children in care achieve more, especially at Key Stages 1 and 2 results.

#### We know that:

Young people feel supported in education by those around them such as their carers, social workers and school staff. It is important that young people have the right support, including financial support, to do the best they can. We need to make sure young people and their carers are aware of opportunities available to them.

#### In 2015/16 we will:

- manage change between school settings and make timely decisions on personal education plans
- provide extra support for children in Key Stage 2
- ensure that our youngest children have access to early years opportunities
- increase the number of apprenticeships available for young people who are not in education, training or employment.

### feel confident about becoming an adult

Young people are equipped for a successful and fulfilling future.

↓ Fewer care leavers are living in unsuitable accommodation

#### We know that:

Only a small number of young people live in unsuitable accommodation. Some young people require more support to live independently. Having a job, somewhere good to live and strong relationships are key to confidence.

#### In 2015/16 we will:

- strengthen the choices of accommodation we have for young people as they move into independence at 18
- offer every young person aged 14-21 a work sponsor to help them get ready for work
- work to improve young people's experiences when moving into independent living, including providing good information about the choices they have and their support network.



**Cabinet****06 November 2019**

<b>Title</b>	Consultation responses on unauthorised Mooring and a proposed Public Space Protection Order		
<b>Purpose of the report</b>	To note		
<b>Report Author</b>	Michael Graham, Head of Corporate Governance Jackie Taylor, Group Head of Neighbourhood Services		
<b>Cabinet Member</b>	Councillor Richard Barratt	<b>Confidential</b>	No
<b>Corporate Priority</b>	Clean and Safe Environment		
<b>Recommendations</b>	Members to note the consultation responses. That the results of the initial stakeholder consultation are considered with Elmbridge BC and Runnymede BC to propose next steps and thereafter to report back to Cabinet.		
<b>Reason for Recommendation</b>	To engage with the community on a proposed change to enforcement on the River Thames. To work in partnership with other councils to achieve a consistent approach to mooring enforcement in this area.		

**1. Key issues**

- 1.1 In July 2019, Cabinet approved a consultation with the public on the issue of problem moorings on the River Thames and whether further enforcement action was warranted. We also sought views from the public about the form of future enforcement measures introducing the possibility of introducing a Public Space Protection Order for the River Thames in collaboration with Elmbridge BC and Runnymede BC.
- 1.2 This report now gives an update to members on the consultation responses.
- 1.3 Officers now propose to consider the responses to this consultation in further detail with the other councils and the Environment Agency. It is hoped that a comprehensive proposal for better targeted enforcement can be brought forward this autumn to be in place for next summer.

**2. Background**

- 2.1 Spelthorne, Elmbridge and Runnymede Borough Councils are considering options along a specified area of the River Thames due to the unreasonable and persistent nature of mooring without consent which is having a detrimental effect on those living in the locality.
- 2.2 Spelthorne BC has established a River Thames Task Group which is charged with overseeing improvements along the River for the better economic, environmental and social well-being of residents, businesses and visitors.

Consulting with other agencies and the public and introducing this type of initiative is part of the Task Group's work. The Task Group (which is non-political and has community representation) is chaired by Cllr Mrs Vivienne Leighton.

- 2.3 In recent years, there has been an increase in the number of boats moored without permission along the River Thames. With an increase in house prices some people are seeking a cheaper solution to housing and buy live aboard boats as their permanent residences. There is also a community of regular river users who go about their lives on the river as a way of life.
- 2.4 The problem has grown recently with increased enforcement in Kingston and Richmond displacing boats into Surrey, and an increase in the number of complaints received in all three Surrey boroughs. Further displacement is anticipated in future years as regular mooring areas and marinas within London are developed.
- 2.5 The Surrey boroughs have also noted an increase in associated anti-social behaviour in some areas where moorings have been established.
- 2.6 The Environment Agency (EA) is the navigation authority for the non-tidal River Thames from Cricklade in Wiltshire to the tidal boundary at Teddington in Middlesex, passing through the Boroughs of Spelthorne, Elmbridge and Runnymede. The EA have the responsibility to manage the waterway and ensure that it can be used safely by as many people as possible.
- 2.7 The EA and other landowners provide sort stay or public visitor mooring sites to encourage passing boats to stop for short periods to enjoy the peace of the waterside and use local amenities, these can prove very popular especially in town centres or close to transport links.

### **3. Evidence and experience**

- 3.1 Each of the three Boroughs, while different in scale have been facing increasing problems associated with unauthorised moorings as summarised in the initial report. It is not necessary to repeat these concerns in this report. Members are directed to the July Cabinet papers for further information.
- 3.2 The consultation response in Spelthorne highlighted the following issues from two substantial responses. Officers have added their observations on the issues raised. In addition an analysis of the responses received via the website survey is attached as Appendix 1.

### **4. Issues raised from Community Law Project and the National Bargee Traveller Association.**

- 4.1 **A flawed consultation** - it was suggested that this consultation itself was flawed and thus challengeable. It was also suggested that sufficient time was given for people to respond to this consultation.
- 4.2 This consultation was an early engagement with stakeholders to determine the support for any of the options, or other suggestions for dealing with the current issues. We are aware of the need for formal public consultation to consider the introduction of a PSPO. If a decision is taken to consider a PSPO at a later stage then a further, full public stakeholder consultation will be undertaken setting out exactly what the PSPO proposes and in what geographical areas.

- 4.3 **The evidence provided is paltry and, indeed, virtually non-existent** – it was suggested that not enough detail was provided about Spelthorne’s figures and data.
- 4.4 The purpose of the consultation was to present such data as the Council had and to seek views about it from the public to ascertain the context in which this issue should be viewed. As is mentioned above, this consultation was not presented with a view to implementing a particular solution – a number of issues and possible ways of dealing with this issues were canvassed. This has been a useful consultation exercise as it has allowed a number of stakeholders to express their opinions on the proposal.
- 4.5 **The paltry evidence provided fails to show a detrimental effect on quality of life.**
- 4.6 There is some evidence from the consultation responses that there is a detrimental effect on the quality of life for those living on or near the river and those visiting the River. Whether the extent of this is sufficient to consider new powers will now be considered by officers in partnership with others councils and a further report presented to members.
- 4.7 **It is not shown that any behaviour is likely to be persistent or continuing or is unreasonable.**
- 4.8 There is some evidence from the consultation responses that the behaviour is persistent, continuing and unreasonable. Whether the extent of this is sufficient to consider new powers will now be considered by officers in partnership with others councils and a further report presented to members.
- 4.9 **This proposed PSPO is mainly targeted at those boat dwellers who do not have a licence. This may be through no fault of their own and, in any event, is not by itself an instance of ASB.**
- 4.10 A specific PSPO was not proposed in the consultation. It was provided as one of the possible solutions. An example PSPO was attached to the Spelthorne consultation to illustrate to stakeholders how such a power might be interpreted or utilised. None of the powers mentioned in the July report were particularly seeking to address the issue of unlicensed boats. This is an EA function and the EA are not party to this consultation and the councils would have no powers to enforce EA powers. It may be that there is an overlap between the unlicensed boats and the boats causing anti-social behaviour – this will be considered further by the councils with the EA. The purpose of the councils in launching this consultation was to examine the issue anti-social behaviour, its nature and its extent and how it is viewed by the public.
- 4.11 **No account has been taken of the right to respect for private, family life and home under Article 8 of the Human Rights Act 1998. This is not even referred to.**
- 4.12 The Council always considers Human Rights Act 1998 in all of its functions. The organisation making this response has not suggested how Article 8 is engaged by this consultation or the proposal to tackle anti-social behaviour. The Council is open minded to the possibility of Article 8 being engaged and if further proposals are brought to Cabinet then this will be considered in more detail and in the context of whatever is proposed.

- 4.13 **Nor is it clear that this consultation has been properly targeted to boat dwellers. What steps have been taken to ensure that this community are consulted?**
- 4.14 The consultation was brought to the attention of a wide range of river users and residents. The consultation was also brought to the attention of the National Barge Travellers Association who responded in detail and have raised the following points:
- 4.15 **A proposed PSPO could interfere with the Public Right of navigation on the Thames.**
- 4.16 Were the Council minded to introduce a PSPO then it would be mindful of the rights of river users in the ordinary course of navigation and to moor in accordance with this right. Officers will give consideration to those instances where mooring looks to be a settled pattern of habitation rather than as a result of ordinary navigation. Members will be advised further.
- 4.17 **A proposed could be ultra vires if it seeks to undermine the lawful rights of boaters and usurp the powers of the navigation authority.**
- 4.18 Nothing has thus far been suggested which would undermine the lawful rights of boaters, nor was any proposal submitted to undermine the EA. The consultation sought advice on the instances where boaters are unlawfully moored and creating anti-social behaviour. The purpose of the consultation is to consider the appropriate ways of dealing with the consequences of unlawful moorings.
- 4.19 **There is nothing inherently anti-social in mooring a boat that is your home on a river bank.**
- 4.20 This is agreed. However, the evidence suggests that there is a strong correlation between unlawfully moored boats and various forms of anti-social behaviour.
- 4.21 **Mooring without the consent of the landowner clearly does not satisfy the statutory definition of Anti-Social Behaviour. The simple act of mooring a boat on a river bank does not of its nature have a detrimental effect on quality of life.**
- 4.22 The evidence from the community seems to suggest that mooring without consent is also correlated with anti-social behaviour and does have a detrimental effect on the quality of life. The Council is entitled to deal with anti-social behaviour from people whether they are in a place with consent or otherwise. Officers will consider the detriment suffered by the community.
- 4.23 **A PSPO would violate the rights of boat dwellers to respect for their homes under Article 8 of the European Convention on Human Rights. The sanctions are grossly disproportionate to the level of any alleged offence, especially given that river banks have boats mooring on them all the time.**
- 4.24 The Council will always abide by the Human Rights Act 1998. If any enforcement is proposed or new restrictions are introduced then the Council will ensure that these are in accordance with the law and are necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for

the protection of health or morals, or for the protection of the rights and freedoms of others.

- 4.25 **Visual amenity cannot be described as anti-social and the report provided contains insufficient evidence to conclude that the activities detailed within it do indeed have a significant detrimental effect on quality of life.**
- 4.26 The matter was put to consultation for advice from the public and river user groups. River users have provided their evidence on this. See Appendix 1 for examples. Whether this is justification for further enforcement is a matter which officers will now consider in conjunction with the other councils.
- 4.27 **The scale and scope of the PSPO are disproportionate to the perceived problems.**
- 4.28 It is important to reiterate that this was not a formal consultation on a PSPO. It was a wide ranging consultation to check with stakeholders about the nature and extent of the problem and explore whether further enforcement may be appropriate. If officers recommend a PSPO after further consultation with the other councils and the EA then it would of course be designed to be proportionate to the actual problems.
- 4.29 **In seeking to displace Bargee Travellers in favour of what the councils refer to as "genuine leisure cruisers" the PSPO is discriminatory in its effect**
- 4.30 It is not suggested how the Council is discriminating. It should be noted that the consultation did not suggest that leisure cruisers who litter or pollute the river would be exempt from enforcement action. The main focus of the consultation was the growth of informal mooring, but this does not mean that any new enforcement policy will be confined to this group. The Council will look at the evidence to see where the majority of problems arise and how to deal effectively with those issues.
- 4.31 **The PSPO will cause widespread homelessness amongst the Bargee Traveller community.**
- 4.32 This is an assertion which has not been justified or evidenced. It does not logically follow that enforcement against anti-social behaviour will lead to homelessness. In any event the Council is alert to its homelessness prevention duties and these were noted in the original report.
- 4.33 **The number of boats suggests a total population of between 315 and 504 adults and children, a proportion of whom will be elderly, disabled, pregnant, children of school age or people who are vulnerable for other reasons. The consultation has failed to propose any measures that would protect these vulnerable people, and therefore the proposals fail to meet the tests set out in the Anti-social Behaviour, Crime and Policing Act 2014**
- 4.34 These assertions are not evidenced and do not at the present time accord with the Council's perception of the scale of the issue. Officers will consider whether further survey work is necessary. It is not accepted that elderly, disabled, pregnant women or school age children of boaters have any more right to engage in anti-social behaviour than those who live on land. If the Council proposes new enforcement powers it will also propose an

enforcement policy to deal with vulnerable groups including welfare assessments for those people who may have nowhere else to go.

- 4.35 **In addition, nowhere in the consultation do the councils propose carrying out welfare assessments of these boat dwellers, given that local authorities are required to consider the welfare needs of Travellers on land before taking steps to evict them, and not to evict at all if welfare needs are identified.**
- 4.36 Nowhere in the consultation was it proposed to evict boaters, so this comment does not appear to be relevant.
- 4.37 **Banning or restricting mooring with the steep criminal penalties for overstaying mooring time limits would compromise navigational safety by forcing boaters to navigate in unsafe river conditions. This could result in boats sinking and loss of life.**
- 4.38 There is no suggestion in the Council's consultation or the July report that boaters would be forced to navigate in unsafe river conditions. The Council is aware of the usual warnings when it is safe for boaters to move away from moorings. Such considerations have been taken into account in previous enforcement action.
- 4.39 **Option two regarding bylaws - the text of any bylaw proposal has not been provided.**
- 4.40 The Council already has a mooring bylaw and it does not subvert the right to moor pursuant to the public right of navigation on the River Thames.
- 4.41 **Bylaws with strict mooring time limits would compromise navigational safety by forcing boaters to navigate in unsafe river conditions. This could result in boats sinking and loss of life.**
- 4.42 The bylaws have been in operation since at least 1992 and there has been no case of boats sinking or any loss of life by requesting overstayers to move. They are asked to move on when it is safe to do so.
- 4.43 **In seeking to curtail mooring for a reasonable period of time any such bylaws will be seeking to rescind the public right of navigation and thus seeking to rescind Article 29 of the Magna Carta of 1215.**
- 4.44 This is disputed. Existing bylaws are already in effect and prosecutions have been agreed by the Courts.
- 4.45 **Option three managed moorings - the suggestion is made that boats will be required to move when the river or weather conditions are unsafe.**
- 4.46 The suggestion does not follow from the Council's consultation.
- 4.47 **It is suggested that private enforcement companies are incentivised to bully and harass boaters to pay a steep £100 per day mooring fines because this is how they make their profit.**
- 4.48 This does not follow from the Council's consultation and is unhelpful supposition. The level of mooring fee has not been suggested nor has the identity of a civil enforcement partner. Comments have been made about one company which undertakes work in this field. It does not follow that this is the scheme which the Council would propose to bring into effect if this option were followed.

- 4.49 **The imposition of daily charges of £100 violates the right to more for a reasonable time within the public right to navigate which is codified in section 79 of the Thames Conservancy Act 1932. This action is unlawful.**
- 4.50 The council has made comment above about the public right of navigation and this will be considered with the Environment Agency.
- 4.51 **Comments have been made on the debt recovery process.**
- 4.52 Such comments are irrelevant at this point. The question which has been posed in the consultation is whether a civil scheme would help address the issues which have been identified in the consultation.
- 4.53 **The Do Nothing Option - do nothing is the option which the NBTA favours.**
- 4.54 The status quo is unsatisfactory for other stakeholders. The analysis of the consultation shows that other individuals are suffering a detriment to their quality of life which is persistent and continuing. Unless the council can remedy this situation in some way then “do nothing” does not appear to be an attractive solution.
- 4.55 **Alternative proposals NBT a favours a network of temporary moorings for bargee travellers with durations of between two weeks and twelve weeks. These moorings should be managed by a permit system which is only available to people whose only home is their boat. The permit system needs to be genuinely affordable in line with the public right of navigation. All such moorings should include an initial free of charge 14 days. In addition the local authority should provide facilities for boaters for potable water, rubbish disposal and chemical toilet sewage disposal. The provision of additional permanent moorings should not be made by utilising existing mooring sites as this will force more bargee travellers under permanent moorings and therefore destroy their nomadic way of life.**
- 4.56 No suggestion has been made as to where these sites could be provided or how they will be paid for. Although this is recognised as an attractive proposition for boaters it would require all the local authorities to devote scarce public resources to such a proposal. Members will therefore consider this in accordance with their other priorities and guide officers as whether this is an area they wish to consider further.
- 4.57 **Section 124 of the Housing and Planning Act 2016 places a duty upon local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of places on inland waterways where houseboats can be moored.**
- 4.58 Spelthorne commissioned consultants ORS to undertake a Gypsy and Traveller Accommodation Assessment. The fieldwork for the study was completed between December 2016 and January 2017 and the report published in April 2018. This duty under the Housing and Planning Act is recognised in paragraph 3.32 and footnote 8 of their report. An assessment of need for Travellers that do not meet the planning definition can be found in Appendix C of their report.

## **5. Options**

- 5.1 There still appear to be four options at this time which were discussed in the original report.
- (a) Public Space Protection Order
  - (b) Undertake a Review of Byelaws
  - (c) Implement a managed moorings project
  - (d) Do nothing
- 5.2 In addition the NBTA recommend an increase in council provided facilities for boaters – including free of charge facilities. Interestingly, they have not suggested how these facilities can be identified, provided or paid for.
- 5.3 Officers will now liaise with the other local authorities and the EA to recommend a way forward.
- 5.4 The other issue which all three councils need to consider is consistency of any future enforcement. Enforcement effort needs to be (a) policy driven (b) visible and (c) consistent. However the councils will need to identify the nature and extent of the enforcement which can be undertake in their area and also how this is to be paid for.

## **6. Equality Impact Assessment**

- 6.1 The Council must take care to ensure compliance with the Public Sector Equality Duty under the Equality Act 2010. A full equalities impact assessment will be carried out as part of the next stages. Information to assist with this was collected in the initial consultation. This will help assist if further consultation is required once a preferred option is known.

## **7. Risk Implications**

- 7.1 No further risks are identified at this point.

## **8. Financial implications**

- 8.1 There are no direct financial implications at this stage.

## **9. Environmental implications**

- 9.1 Any controls for unauthorised moorings will assist police and council colleagues in maintaining good public order and thereby supporting the environmental and economic sustainability of Spelthorne, Elmbridge and Runnymede and the quality of life and social well-being for all river users and nearby residents.

## **10. Legal implications**

- 10.1 There are a number of legal issues raised by the different options. These were raised in the initial report. Some other issues have been raised in this report. Once a further option is proposed then the legal implications will be further reviewed and reported to members.

### **Background papers:**

- (a) Response from Community Law Project
- (b) Response from National Bargee Travellers Association

### **Appendix: Analysis of Consultation Responses**

# Analysis on ‘Public Space Protection for Moorings’ Survey

Compiled 1<sup>st</sup> October 2019

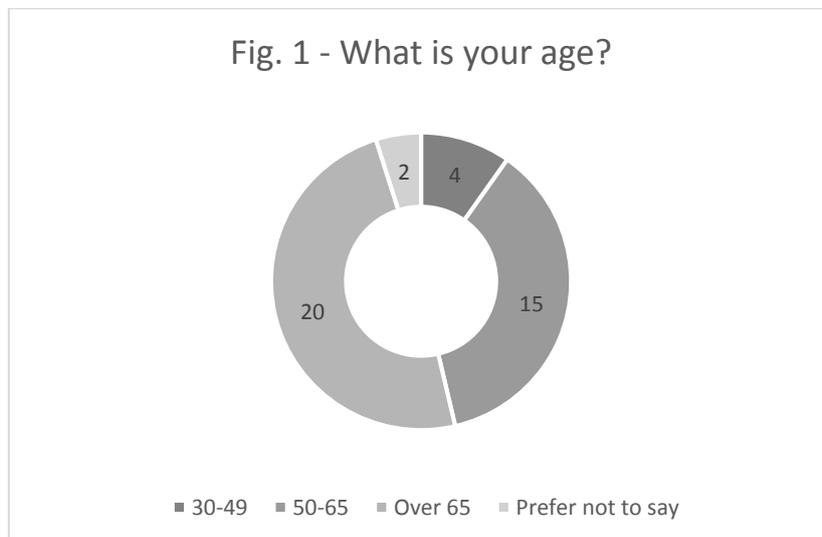
## Contents of Analysis

- 1- Demographics of Survey Group
- 2- Response Analysis

### 1 - Demographics of Survey Group

A total of 53 responses were collected during the survey period.

The age of respondents was primarily over 50, with 20 respondents over the age of 65 (Fig. 1).

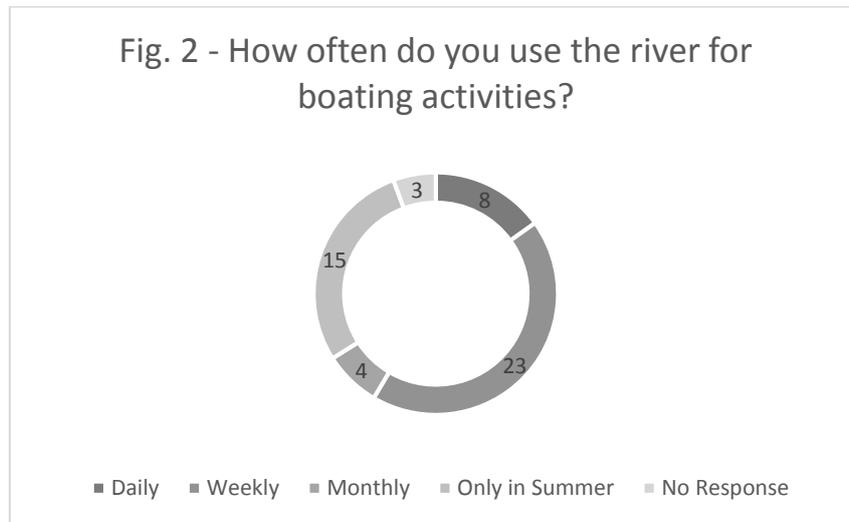


Over half of those surveyed (31 respondents) use the river for boating activities every week or more often. A considerable number (15 respondents) only use the river in the summer (Fig. 2).

Most respondents (32) are resident within Spelthorne. Of the 18 who responded as living elsewhere, 10 live in Elmbridge.

3 respondents work in Spelthorne and 48 do not.

Almost all of the respondents (52) live on land. The one other respondent gave no answer to this question.



9 responses were received on behalf of organisations, namely:

- 1<sup>st</sup> Cuddington Sea Scouts
- Nauticalia Ltd
- Reclaim Our Riverbank 2
- Staines Town Society
- Thames Motor Yacht Club
- Thames Scout Cruising Club
- The International Yachting Fellowship of Rotarians, Thames Fleet
- Walton Rowing Club
- Staines Boat Club

## 2 – Response Analysis

### **Question 1 – Do you have any comments about the Anti-Social Behaviour issues identified in the Council’s July 2019 report?**

There were several (8) comments that praised or agreed with the report itself. One respondent described it as ‘well researched and constructive’, another said it was ‘comprehensive’.

At this early stage of the survey, respondents already expressed several issues with both anti-social behaviour and illegal mooring and abandonment of vessels. 12 respondents expressed some problem with anti-social behaviour and 20 respondents raised concerns about illegal mooring and abandonment.

### **Question 2 – Do you agree that the behaviours identified in the report should be subject to further enforcement?**

52 respondents agreed with this question. The one respondent who did not agree suggested that ‘those of us fortunate enough to live on, near, or beside the river should be more tolerant’.

**Question 4 – Do you have any further comments on the scope of a proposed PSPO?**

Responses here were varied with some common themes.

- 11 respondents stressed that, if brought in, it is vital that the PSPO is enforced consistently.
- 2 respondents remarked that a combined effort with other local authorities is required to prevent unwanted boats being handed to or from other areas.
- 2 respondents suggested that a focus on ensuring that boats are correctly licensed and insured would be helpful, specifically in the case of those being used for overnight accommodation.

**Question 5 – If you think that some other method of enforcement is desirable, please say why below.**

Some common themes were present.

- 5 respondents called for stricter enforcement of the rules.
- 5 respondents suggested a managed or controlled mooring system, wherein moorings must be paid for on a nightly basis.
  - One respondent referred to the successful adoption of such a scheme in Windsor, Cookham, Marlow, Henley, and Abingdon.
- 3 respondents expressed concern that the Environment Agency were currently failing in their role and should be called upon to enforce current rules more actively.

**Question 17 – Have you ever been affected by illegal mooring in the area of the Thames that runs through Spelthorne?**

41 respondents said that they have been affected by illegal mooring in the area of the Thames that runs through Spelthorne, representing over three quarters of the total group surveyed.

**Question 18 – If you answered ‘yes’ to this question, how frequently have you been affected?**

16 respondents are affected daily, 11 weekly, 9 monthly and 5 more frequently.

**Question 19 – If you were affected, please explain in the space where this happened and how this affected you?**

Various concerns were raised here.

- 13 respondents mentioned anti-social behaviour including, but not limited to, violence, foul language, public urination, drunken behaviour, theft, drug taking, loud music, and littering on towpaths.
- 12 respondents are concerned about the lack of mooring spaces available for legitimate vessels, particularly at some ‘short-stay’ moorings which are occupied for long periods of time.
- 10 respondents are concerned about the unsightly nature of some vessels.
- 6 respondents raised issues with pollution of the River Thames, both from rubbish thrown overboard and sewage allowed to run into the river.
- 2 respondents worry that the number of illegally moored vessels on some stretches of the river leads to unsafe navigation for all river users.

**Question 21 - Do you think that this proposal will affect you differently because of your personal characteristics as set out below?**

One respondent suggested they were affected differently on account of their sex, as ‘The horrible use of language offends my female ears’. There were concerns raised elsewhere in the survey from other respondents about the particular focus of drunken behaviour and abuse seeming to be towards women, however these respondents did not note those concerns here.

Another respondent noted that, on account of their age, they feel threatened by the presence of illegal moorings on the riverside.

# Cabinet

06 November 2019



<b>Title</b>	Decision making in respect of Council property and the role of the Property and Investment Committee		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Michael Graham – Head of Corporate Governance		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	<b>To approve the set up and Terms of Reference of the Property and Investment Committee as a Cabinet Sub-Committee</b>		
<b>Reason for Recommendation</b>	<b>To update and streamline the decision making process for dealing with asset transactions whilst providing a clear audit trail for decisions</b>		

## 1. Key issues

- 1.1 The Council’s property portfolio has changed dramatically over the last few years and in order for the Council to continue to proactively and effectively manage both its municipal and investment property portfolios, it has become necessary for officers to undertake a review of the current process for decision making to ensure it is ‘fit for purpose’. The current delegated powers available in respect of disposals and acquisitions are as follows:

<b>Delegation</b>	<b>Authorised Officer or Member</b>
To approve freehold and leasehold disposals and acquisitions of land or interests in land not exceeding an estimated value of £50,000 per transaction	Group Head - Regeneration and Growth in consultation with the Chief Finance Officer
To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100,000 per transaction	Chief Finance Officer in consultation with the Cabinet Member with responsibility for Asset Management

Any acquisition or disposal exceeding these values needs Cabinet approval.

- 1.2 In addition to the above, on 26 September 2018 Cabinet agreed a new delegation giving authority for the Chief Executive, in consultation with the Leader, to transfer property to and from Knowle Green Estates Limited (KGE), on such terms as he thinks fit. This was for administrative efficiency in order to allow for timely transfers to and from KGE, as and when required.
- 1.3 Whilst this process of decision making has been appropriate and sufficient for many years it is now apparent that it is no longer 'fit for purpose'. This is due to a number of issues but mainly:-
- a) Rentals from lettings on the investment properties are much higher than those on the municipal portfolio and are likely to significantly exceed the levels set in the delegations which means that it is likely that every lease to be granted by the Council will require Cabinet authority.
  - b) Whilst the delegation referred to at 1.2 above has been necessary for the effective management of the transfer of property between the Council and KGE it would be prudent to make these decisions part of the remit of a formal committee, thus providing a transparent process and a proper audit trail.
- 1.4 As a result of the above, officers have been considering how we structure decision making in the future to ensure that the Council can make fully informed and transparent decisions but at a speed that is acceptable within a fast moving and commercial environment.

## **2. Options analysis and proposal**

### **2.1 Option 1 (preferred option)**

The Property and Investment Committee (PIC) is currently a working group set up to consider strategic acquisitions and receive reports on the management of strategic investments. Its attendees are senior officers of the Council with the Leader and Portfolio Holder for Finance. This group does not have power to make decisions.

Option 1 therefore seeks to formalise PIC as an official sub-committee of Cabinet, giving it the power to make decisions on lettings and make recommendations on acquisitions in respect of properties in both the investment and municipal portfolios as well as agreeing to the transfer of assets to and from KGE.

The proposed powers under this preferred option are as follows: -

Portfolio	Power	Decision Maker
Investment and Municipal	1) To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of <b>£50,000</b> per transaction  2) To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of <b>£100,000</b> per transaction  3) To approve any leasehold disposals (lettings) in respect of the investment and municipal properties which exceed the levels delegated to officers/members  4) To consider and make recommendations to Cabinet on acquisitions or freehold disposals which exceed those delegated to officers/members  5) To consider and make recommendations to Cabinet and/or Council in respect of any proposed development opportunities	Group Head - Regeneration and Growth in consultation with the Chief Finance Officer  Chief Finance Officer in consultation with the Cabinet Member with responsibility for Asset Management  PIC  PIC  PIC
Residential	Subject to receiving valuation advice, to approve the transfer of assets to or from Knowle Green Estates Limited, as required	PIC

*(Please note the delegations to officers and members shown at points 1) and 2) above remain unchanged)*

2.2 It is intended that the Chief Finance Officer maintains lists of properties for each of our three “funds” investment, municipal and residential (via Knowle Green Estates Ltd).

2.3 The proposed changes to the Terms of Reference for PIC are set out in the **Appendix**

2.4 **Option 2**

Leave arrangements as they are. This is not an advisable option particularly in respect of the new lettings. The Council needs to grant these leases to fill the voids in our investment portfolio. The commercial lettings market moves quickly and in order to secure tenants on tight timescales officers will have to

use urgent action procedures to avoid losing a potential tenant who is not prepared to wait for a meeting to take place within the Council's Cabinet cycle.

**3. Financial implications**

- 3.1 The changes proposed do not have any direct financial implications, the proposal is seeking to streamline the decision making process whilst ensuring all decisions are documented and transparent.

**4. Other considerations**

- 4.1 Whilst this approach formalises a standing informal working group, and therefore involves more process and paperwork, it does give better transparency and a better audit trail for all stakeholders.

**5. Timetable for implementation**

- 5.1 If Cabinet are mindful to agree to the proposals set out in this report, the Committee Services team will be able to start the process of diarising the meetings for the next year (these dates will need to be advertised as it is likely that, due to the commercially sensitive content, they will all need to be held in private).

**Background papers: There are none**

**Appendix:**

**Draft Terms of Reference for PIC**

### TERMS OF REFERENCE

#### PROPERTY AND INVESTMENT COMMITTEE

A Cabinet Sub-Committee

##### Membership

3 Members of Cabinet

**Members:** - Usually the Leader as Portfolio Holder for Strategic Assets, Portfolio Holder for Finance and the Deputy Leader or as selected by the Leader.

**Substitutes:** - In the case where any member of the Committee gives apologies for a meeting or is otherwise indisposed, the Leader may substitute any other member of Cabinet to attend in place of that Member.

**Attendance:** - Members are not obliged to attend in person and may attend the meeting by electronic means via conference call or similar.

**Quorum.** Notwithstanding Council Standing Orders Part 4 Section (a), the quorum for this meeting is two Members.

**Officers in attendance:** - Chief Executive, Deputy Chief Executive (s 151), Head of Corporate Governance, Property and Development Manager and any other officer by invitation.

##### Responsibilities

###### Acquisitions

Where officer/member delegation financial limits are exceeded, to receive recommendations from officers with regards to potential new acquisitions and give initial steer on whether to further investigate investment opportunities. To approve and make recommendations when a new acquisition opportunity should be referred to Cabinet for decision.

###### Disposals

Where officer/member delegation financial limits are exceeded, to receive recommendations from officers with regards to potential freehold disposals of assets and give initial steer on whether to further investigate. To approve and make recommendations when a disposal opportunity should be referred to Cabinet for decision.

###### Management of Strategic Investments

- 1) To approve leasehold disposals (lettings) in respect of the Investment properties which exceed the officer/member delegation financial limits.

- 2) To approve the transfer of assets in the residential fund to or from Knowle Green Estates Limited if deemed necessary for the appropriate and effective management of the asset.
- 3) To receive quarterly reports on the management of investment assets to include details on rental income, potential new letting opportunities, significant assignments and any other estates management issues officers consider necessary for discussion.
- 4) To receive reports at key stages on individual assets when tenancies are coming up for review.

### **Management of Municipal Portfolio**

- 1) To approve leasehold disposals (lettings) in respect of municipal properties which exceed the officer/member delegation financial limits.

### **Development**

- 1) To receive reports from officers for discussion regarding options for the development of sites owned by the Council. To approve whether a new development opportunity should be referred for decision through Cabinet and/or Council, as appropriate.
- 2) To receive quarterly reports on progress of development programme.

### **Frequency**

Fortnightly meetings (dates agreed in advance in the Council's calendar of meetings). Where meetings are not necessary for lack of business they will be cancelled.

### **Decisions**

Decisions of PIC are Executive decisions and are subject to the call-in procedure of the Overview and Scrutiny Committee

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