

Minutes of Cabinet

23 September 2020

Present:

Councillor J.R. Boughtflower, Leader
Councillor J. McIlroy, Deputy Leader
Councillor M.M. Attewell, Portfolio Holder for Community Wellbeing and
Housing
Councillor R.O. Barratt, Portfolio Holder for Compliance, Waste and Risk
Councillor S. Buttar, Portfolio Holder for Finance
Councillor R. Chandler, Portfolio Holder for Leisure Services and New Leisure
Centre Development
Councillor A.J. Mitchell, Portfolio Holder for Planning and Economic
Development
Councillor R.J. Noble, Portfolio Holder for Communications, Corporate
Management and Environment

Councillors in attendance:

Councillor C. Bateson
Councillor R.D. Dunn
Councillor S.A. Dunn
Councillor K.M. Grant
Councillor H. Harvey
Councillor I.T.E. Harvey
Councillor N. Islam
Councillor V.J. Leighton
Councillor L. E. Nichols
Councillor O. Rybinski
Councillor D. Saliagopoulos
Councillor J.R. Sexton

2754 Minutes

The minutes of the Cabinet meeting held on 15 July 2020 and the extraordinary meeting held on 22 July 2020 were agreed as correct records.

2755 Disclosures of Interest

There were none.

2756 Leader's announcements

The Leader gave the following announcements and the latest service updates from various Council departments:

Due to a continued rise in coronavirus cases, Spelthorne has now been placed on the government's COVID-19 watch list and is officially an 'area of concern'. Data shows a sustained rise in coronavirus case numbers

in Spelthorne that is out of step with the rest of Surrey and residents are being advised that their support is needed to prevent more serious interventions.

A leaflet has been sent to all homes in the Borough setting out Spelthorne's response to Surrey County Council's bid to form a single unitary authority. The leaflet includes details regarding the Extraordinary Council Meeting being held on 24 September and gives an email address for residents to share their views on the proposals.

Spelthorne is stepping up its battle against litter with the launch of the #NoRubbishExcuses campaign. The campaign focuses on streets, parks, playgrounds, the river, wildlife and roads and encourages residents to take their litter home with them.

Following concerns about anti-social behaviour, new CCTV cameras have been installed at Orchard Meadow car park in Sunbury. The camera will be monitored 24 hours a day along with cameras in Staines centre and elsewhere in the Borough.

Spelthorne Council's continued efforts to create a cleaner, greener and more colourful borough were recognised as this year's South & South East in Bloom Awards where we picked up four gold awards for Sunbury, Ashford and Staines Cemeteries and the ever-popular Sunbury Walled Garden.

The Council's application for the redevelopment of a car park on Victory Close in Ashford for new affordable homes has been validated. If approved, the development will provide a total of 127 homes comprised of 5 family homes, 8 three-bedroom family flats, 78 two-bedroom flats and 36 one-bedroom flats, all with car parking and amenity spaces. Local key workers will have priority for the new homes.

The Council has been granted a High Court Final Injunction Order against Heathrow Fencing Ltd for various breaches of planning law. The case has been ongoing since 2014, when the Council first advised Heathrow Fencing that they were in breach of planning legislation by unlawfully operating a business and using land to the rear of Gleneagles Close in Stanwell without planning permission. The defendants have been ordered to clear the land within 28 days and pay the Council's full costs of £18,796.

A consultation has been launched on extending the Council's powers to tackle dog-related problems. The new powers would require dog owners/walkers to carry the means to collect any faeces and place dogs on a lead in a public area if required to do so by an authorised officer, and also limit the number of dogs that professional dog walkers can look after in public at any one time. The consultation closes on 1 October. In light of the ongoing threat from Covid-19, the Council has taken the difficult decision to cancel public Remembrance parades and wreath laying ceremonies due to be held across the Borough on Sunday 8 November. Plans are being put in place to ensure the occasion is suitably marked with online commemorations.

Spelthorne's Community Centres are operating socially-distanced outdoor cafés to give members the opportunity to meet up.

Spelthorne is proud to have been awarded the Silver Award as part of the Defence Employer Recognition Scheme. The award is for organisations which demonstrate support for the armed forces community and align their values with the Armed Forces Covenant. Only one other local authority in Surrey (Woking) has achieved the award.

Spelthorne's Leisure Centre reopened their doors on 1 August after four months of closure due to the UK wide lockdown. The reopening measures, including one-way systems, enhanced cleaning regimes and structured sessions have been received with great positivity from members. Numbers through the doors show that members were keen to get back in the gym, with over 8,500 fitness suite visits across both centres since the start of August. The team has also seen upwards of 250 new members joining across both venues.

Thanks to the work of the River Thames Task Group, a new jetty for passenger tour boats has been installed on the river in Staines which the Council hopes will bring more visitors to the town.

The Council is the first borough in Surrey to use Community Protection Warnings and Notices as a way of tackling fly-tipping.

Work is underway on a series of improvements to the Council's visitors' car park to improve safety and accessibility and provide greener travel options for staff.

Despite the challenging economic climate, the Council has collected 94% of the rents due from its commercial property tenants for the second financial quarter (July – September).

The Council honoured a number of local volunteers at this year's Spelthorne Civic Trust Awards. The Trust recognises individuals who have given at least 12 years' service to volunteering in the Borough. Between them, this year's award recipients have given well over 100 years of service to Spelthorne.

The Council's new administration has undertaken a review of Spelthorne's working groups to ensure more cross-party cooperation.

2757 Recommendation of the Audit Committee on Corporate Risk Management

Cabinet considered the recommendation from the Audit Committee on the Corporate Risk Register.

Resolved to approve the Corporate Risk Register as submitted.

Reason for the decision:

The Register summarises the Council's most significant risks. It sets out the controls which have been put in place and identifies any further action which might be necessary to mitigate risks.

2758 *Recommendation of the Audit Committee - Anti-Fraud, Bribery and Corruption Strategy

Cabinet considered the recommendation of the Audit Committee on amendments to the Anti-Fraud, Bribery and Corruption Strategy.

Resolved to recommend the Anti-Fraud, Bribery and Corruption Strategy, as amended, to Council for approval.

Reason for Decision:

The Strategy forms part of the Council's Constitution and is in line with best practice. The Strategy continues to underpin the Council's commitment to prevent all forms of fraud, bribery and corruption, demonstrating the important role it plays in the overall Corporate Governance framework.

2759 Recommendations from the Local Plan Task Group

Cabinet considered the recommendation from the Local Plan Task Group to approve the Consultation Response Document for publication.

The Consultation Response Document summarised the representations to the Preferred Options consultation held between November 2019 and January 2020 and included officer responses to the comments made. The Document represented a rearward view by setting out the reasons why policies were drafted and sites selected in the manner agreed upon at the time of the consultation. It does not make any decisions on the future direction of the Local Plan and the sites that will or will not be selected to progress to the next stage.

To reflect some of the comments of the Task Group a section had been added to set out the purpose of the document and explain that it would be for the Task Group to develop the Local Plan in light of the responses to the consultation.

Resolved to approve publication of the Consultation Response Document.

2760 Recommendations from the Property and Investment Committee

Cabinet considered a recommendation from the Property and Investment Committee on the acquisition of property 'AA', a key retail unit in the High Street, Staines upon Thames providing an opportunity for strategic regeneration within the Borough.

Resolved to:

1. Approve the acquisition of the site (property 'AA') 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; and
4. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset.

Reason for Decision

This regeneration acquisition directly supports the Council's longer term sustainability vision for the town centre, enabling reduced reliance on mainstream retail and a transition towards more diversified uses including residential. Moreover, it enables the Council to attain control of a key High Street unit that is currently integrated and focal to the shopping centre, and strategically important to the wider Staines-upon-Thames town centre and the Council's regeneration aspirations. The acquisition provides a long term residential led, mixed-use development opportunity for the Council.

2761 Affordable housing at the former Brooklands College site, Ashford - Key Decision

Cabinet considered a report seeking approval for the payment of a grant to A2Dominion to support the provision of 26 homes on the former Brooklands College site, Ashford, for Affordable Rent. This was a complex case concerning liability for the Community Infrastructure Levy as a result of the transfer of the site from Brooklands Helix to A2Dominion.

Alternative options considered and rejected by Cabinet:

- Do nothing
- Consider the use of Neighbourhood CIL to fund the affordable housing. This was rejected as it was likely to be a lengthy process

Resolved to approve the payment of grant to A2Dominion as detailed in the report, to support the delivery of 26 homes for Affordable Rent, subject to the completion of a legal agreement which will allow the Council to reclaim the grant should Brooklands Helix successfully challenge the Council's decision in relation to the CIL demand.

Reason for Decision:

The Council is committed to enabling the delivery of more affordable homes in Spelthorne, and this will secure the delivery of 26 new homes for Affordable Rent in the centre of Ashford, for local residents in housing need.

2762 Capital Monitoring Q1 (April to June)

Cabinet considered a report on the current level of capital spend covering the period April to September 2020.

Resolved to note the current level of capital spend.

2763 Revenue Monitoring Q1 (April to June)

Cabinet considered a report on the current level of revenue spend for the period April to September 2020.

Resolved to note the current level of revenue spend.

2764 Annual Asset Investment Report

Cabinet considered the Annual Investment Report (AIR) 2020 which sets out the performance of the investment and regeneration portfolio as at the end of March 2020. It fully reflects the impact of COVID-19 in the last few weeks of March.

Alternative options considered and rejected by Cabinet:

- To not approve the report.

Resolved to approve the Annual Investment Report.

Reason for Decision

The report sets out a clear picture of the Council's investment and regeneration assets as at the end of the financial year March 2020 ensuring there is full transparency of the portfolio and its performance.

2765 Asset Management Plan

Cabinet considered the Asset Management Plan (AMP) which sets out how the Council will support the delivery of its Capital Strategy which was approved by Council in February 2020. The Asset Management Plan was written prior to COVID-19 and subsequently amended to include an opening paragraph regarding this.

The purpose of the Plan is to ensure that the property assets owned by the Council are used, developed, fit for purpose and managed effectively thus representing value for money for the Council's residents.

Alternative options considered and rejected:

Not to approve the AMP – this would result in the Council not being in a position to clearly set out and define its intentions on how it will be managing its assets or development programme.

Resolved to:

1. Approve the Asset Management Plan (AMP) for the period 2020 to 2025; and

2. Delegate authority for any annual updates which may be required (excluding any substantive changes in approach) to the Group Head for Regeneration and Growth in consultation with the Deputy Leader who has responsibility for Asset Management.

Reason for Decision

The Asset Management Plan will minimise long term risk and help sustain the local economy and ensure continued and effective delivery of Council services.

2766 Community Asset Policy

Cabinet considered a report on the proposed Community Asset Policy which set out how the Council will advertise any opportunities which arise for the use of its assets to organisations and community groups, and how applications would be assessed in an open and transparent way.

The Leader invited Councillor V.J. Leighton, Chairman of the Overview and Scrutiny Committee, to address the Cabinet on the recommendations from the extraordinary meeting held on 22 September 2020. The recommendations were:

1. This Committee invites Cabinet to order a reconsideration of the policy taking into account Overview & Scrutiny Members' views and come back with a revised report and score card, to better reflect supporting organisations, including small and young organisations, of value to the community, giving Overview & Scrutiny members 10 days to make submissions.
2. That further work is done to collate a full list of all assets to which this policy relates and that this will be appended to the policy.

Councillor Leighton reported that the principle of the introduction of a policy for open and transparent assessment of the borough's municipal assets was welcomed across the Committee.

However, the Committee expressed concern that the points-based system of evaluating applications for leases of assets was weighted towards established organisations with existing funding. Whilst the committee understood the need for a proper assessment of the potential viability of applicants to ensure best use of the Council's assets and resources, smaller or newer organisations with potentially much to offer would not fare so well if the decision rested on the matrix result. The committee therefore felt that score should be balanced by greater weight being placed on criteria such as value to the borough. Councillor Leighton explained the request that Overview and Scrutiny Committee might have an additional opportunity to make submissions before a final decision was made by Cabinet, reflected the depth of concern.

The Committee also agreed that for clarity and transparency, the list of assets should be updated to include all community assets owned by the Council and that this was appended to the policy.

The Deputy Leader, Councillor J. McIlroy, who had attended the Overview and Scrutiny Committee welcomed their comments and agreed they were valid points for consideration.

He was content with the second recommendation which would ensure everyone understood which of the Council's buildings would be offered out to the community.

He agreed there was an opportunity to refine the policy and the scorecard to better reflect supporting smaller and younger organisations of value to the community. However, he felt it was not necessary for the revised policy and scorecard to then be re-circulated back to Overview and Scrutiny Committee members for their views as he and the officers were confident they understood what changes the Committee was seeking.

He said it was important that the policy (as revised) was implemented as soon as possible so that community groups could start to bid for and access these opportunities as soon as they arose.

Councillor McIlroy recommended that the Cabinet did not make a decision on this report at this meeting and instead agreed for it to be deferred.

Resolved to defer the item to the next Cabinet meeting on 4 November 2020.

2767 Urgent Actions report

Cabinet noted urgent actions taken by the Chief Executive in consultation with the Leader since the last Cabinet meeting in July 2020.

2768 Replacement of Spelthorne Leisure Centre

Cabinet considered a report on the replacement of Spelthorne Leisure Centre.

The current Spelthorne Leisure Centre in Staines-upon-Thames had served the borough well, but was likely to be nearing the end of its useful life by the end of 2021. In view of the importance of this Centre to the community, a feasibility exercise was undertaken to assess options for replacing the current facility. Cabinet had made a decision in January 2020 to pursue the development of a new leisure centre which met modern standards and today's customer expectations.

A consultation exercise on the Council's revised proposals was undertaken from February to April 2020, building on the information gathered from the first consultation undertaken in summer 2018.

Alternative options considered and rejected by Cabinet:

- pursue development of a leisure centre which does not meet the full Passivhaus standard
- propose an alternative option for the development of a new leisure centre
- not to proceed with the development of a new leisure centre

Resolved to:

1. Note the results of the consultation exercise on proposals for a new Spelthorne Leisure Centre ('the new centre') undertaken in February – April 2020, seeking the views of residents, businesses and other stakeholders on proposals for:
 - The revised location,
 - The proposed design and facilities mix for the new centre;
2. Approve the amendments to the design of the new centre as outlined in Appendix 4;
3. Approve modifications to the design of the new centre to meet the full Passivhaus standard;
4. Agree to the submission of a planning application for the development of the new centre on the proposed site outlined in Appendix 1, with the proposed facilities mix outlined in Appendix 2;
5. To delegate the decision regarding the selection of the contractor for the construction of the new centre to the Leader and Portfolio Holder for Leisure in conjunction with the Deputy Chief Executive; and
6. ***Recommend to Council** a supplementary capital estimate outlined in the confidential Appendix 5 to cover the projected costs of developing the new centre.

Reason for Decision

To ensure that the Council can progress with proposals to develop a new Spelthorne Leisure Centre before the current facility becomes unviable to operate.

2769 Urgent items

There were none.

2770 Exempt Business

Resolved to move the exclusion of the Press and Public for the following items in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by

the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

2771 *Exempt Report - Victory Place Construction Costs

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

Cabinet considered an exempt report on the construction costs for Victory Place, Ashford.

Alternative options considered and rejected by the Cabinet:

- Delay works
- Do nothing

Resolved to:

1. **Recommend to Council** to approve the increase in Capital spend for construction works, from £16.25m to £25.93m. This increase delivers an additional 19 units over and above the initial feasibility;
2. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement this construction project; and
3. Approve the appointment of the contractor to undertake these works as contained in this paper.

Reasons for Decision

- To facilitate the development of much needed key worker (a version of affordable) and S106 affordable, housing primarily for our Borough's key workers including adjacent NHS staff. The site also has a history of antisocial behaviour and our proposals will contribute towards the regeneration of this area.
- To reflect the Council's firm intention to provide more affordable housing in the Borough.
- To meet the needs of local residents by improving the quality and quantum of residential accommodation within the Borough.
- To increase the provision of well managed and affordable rental properties within the Borough.

2772 *Exempt Report - Ceaser Court Phase 2 - Construction Costs

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

Cabinet considered an exempt report on the construction costs for Ceaser Court Phase 2, Sunbury-on-Thames.

Alternative options considered and rejected by the Cabinet:

- Delay works
- Do nothing

Resolved to:

1. **Recommend to Council** to approve the increase in spend for the construction works from £13.3m to £18.913m (cost for both Phases I and II). This increase delivers an extra 34 residential units and community space on the ground floor;
2. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement this construction project; and
3. Approve the appointment of the contractor to undertake these works as contained in this report,

subject to officers providing some additional information and technical clarification within the report, with such information being provided to the Leader and Deputy Leader prior to publication for Council on 22 October 2020.

Reasons for Decision

- To facilitate the development of much needed rental and affordable housing in the Borough. The scheme provides a total of 36 apartments and will contribute a minimum of 8 affordable units (subject to planning). There is clear intention to provide further affordable units, once technical planning viability negotiations have been completed.
- The ground floor will provide a new community facility.
- To increase the provision of well managed rental properties within the Borough .
- To provide a long term income stream for the Council.

2773 Exempt Report - White House and Harper House Managed Services

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

Cabinet considered an exempt report on the tenders for the managed service provider of White House and Harper House.

Following a successful procurement exercise, a preferred bidder was identified to deliver a Managed Service at White House and Harper House which will consist of specialist housing management and intensive resident support for some of our most vulnerable homeless residents.

Alternative options considered and rejected by the Cabinet:

- Do nothing
- Award the tender to one of the other bidders

The Leader invited Cllr C. Bateson, as ward councillor to speak on the item. Cllr Bateson commented that there was still huge concern from residents as to how the White House would be managed. He noted the cost difference

between the preferred bidder and one of the other tenders and asked whether the preferred bid would meet the Council's needs, how the Council would monitor the performance of the provider and the provisions within the contract.

Officers responded that they were satisfied the preferred bidder had addressed the requirements in the high level specification document that formed part of the tender, in many instances exceeding those. The Council was also satisfied that the preferred bidders' plans and ability to move clients onto settled occupation, would be met. They confirmed that there were robust Key Performance Indicators (KPIs) within the contract and bidders were aware of these at the time they submitted a tender. The contract had also been drafted with mechanisms to monitor performance and should any be in default, the contract included termination provisions.

Resolved to:

1. Agree to award the tender for the Managed Service Provider at White House and Harper House to the provider named in this report;
2. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to formalise the appointment; and
3. Note the financial implications of the award of the tender, which will be addressed as part of annual budget setting for the 2021/22 financial years onwards.

Reasons for Decision

The provider will bring a wealth of experience and expertise to the service. The services have been competitively tendered for and represent good value to the Council.

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 1 October 2020.***