

Minutes of Cabinet

24 March 2021

Present:

Councillor J.R. Boughtflower, Leader
Councillor M.M. Attewell, Deputy Leader and 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 Environment, Communications and Corporate Management

Apologies:

Councillor J. McIlroy, Deputy Leader

Councillors in attendance:

Councillor R.A. Smith-Ainsley
Councillor C. Bateson
Councillor S.A. Dunn
Councillor T. Fidler
Councillor H. Harvey
Councillor I.T.E. Harvey
Councillor L. E. Nichols
Councillor D. Saliagopoulos

2836/21 Minutes

The minutes of the Cabinet meeting held on 24 February 2021 were agreed as a correct record.

2837/21 Disclosures of Interest

There were none.

2838/21 Leader's announcements

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

- It is one year since the Covid-19 pandemic forced Spelthorne to move to an emergency footing and special measures put in place to protect the Borough's most vulnerable residents. Nationally, over 125,000 people have succumbed to this deadly disease and we know that many Spelthorne residents will have lost a loved one. The anniversary provided an opportunity to come together and reflect on our collective loss, support

those who've been bereaved and hope for a brighter future. As a mark of respect, the Council's flag was flown at half-mast on 12 March.

- Spelthorne has awarded a total of £20,000 to the organisers of ten community events which have been affected by the pandemic. The recipients, which each received £2,000, are: Ashford Christmas Market, Laleham Village Fair, Lower Sunbury Christmas Market, Shepperton Big Tree Night, Shepperton Village Fair, Staines-upon-Thames Day, Staines Regatta, Stanwell Lantern Parade, Stanwell Village Fair and Sunbury Regatta.
- A resident has been successfully prosecuted for benefit fraud following an investigation by the Council. Lisa Hunt fraudulently benefitted from social housing and other benefits between 2017 and 2020 and, on 9 February, was sentenced to 16 months imprisonment, suspended for 12 months. She was also ordered to attend 12 rehabilitation activity requirement days and carry out 120 hours of unpaid work.
- The 'Send a Smile' campaign launched by the Council with the Purple Angel Ambassadors has received a good response with over 100 pictures and messages of support being sent by children for people suffering with dementia.
- Spelthorne's 2021 photography competition is now open for entries. The overall winner will see their photo as the cover of the Council's Bulletin magazine and social media pages. The deadline is 31 August.
- An estate agent has been fined by the Council for flyposting. Spelthorne operates a 'zero-tolerance' policy on flyposting and has repeatedly written to estate agencies in the Borough highlighting their individual responsibilities to remain within the law.
- The Spelthorne in Bloom Committee has launched its annual poster competition for children aged 5-11, who live or go to school in Spelthorne. The overall winning entry will be used as this year's Spelthorne in Bloom logo and feature on the front cover of the entry form and other publicity materials. The closing date for entries is Friday 9 April.
- The Council has been working with Everyone Active in anticipation of Leisure Centres getting the 'green light' to reopen from 12 April. Repairs to fix a problem with the swimming pools at Sunbury Leisure Centre will also begin soon and run until July.
- 27 new affordable homes will become available in the Borough from April with the delivery of the first phase of the Council's Benwell House development in Sunbury. Planning permission is currently being sought for phase two of the project which will provide a further 39 units (20 affordable).

- Work is underway on the Issues and Options consultation for the Staines Development Framework, which is due to start mid-April, for a period of six weeks. The consultation will set out the key areas on which the Framework will focus, such as housing, infrastructure, transportation, parking, retail, and public spaces.

2839/21 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.

2840/21 Public Space Protection Orders - Unauthorised Mooring UPDATE

Cabinet received an update on a potential Public Space Protection Order (PSPO) for unauthorised moorings.

Cabinet noted that there were currently insufficient grounds to satisfy the conditions for a PSPO to be issued and acknowledged that enforcement would continue to be undertaken by the Joint Enforcement Team (JET) and isolated cases of ASB dealt with by the issuing of community protection warning letters and notices.

Resolved to note the update on a potential moorings PSPO.

2841/21 Update on proposed injunction for unauthorised encampments

Cabinet received an update on a proposed injunction for unauthorised encampments.

Cabinet noted that in January 2020, the Court of Appeal considered the appeal against the injunction granted to the London Boroughs of Bromley and Enfield and widened the scope to look at all 38 injunctions granted to other District and Borough Councils.

The Judge decided that the injunction to restrain trespass on Council sites was disproportionate and indicated that any further Injunctions brought before the Court would be rejected pending resolution of the injunctions mentioned. Once the judgement is published this matter can be considered again.

Resolved to note the update on the proposed injunction for unauthorised encampments.

2842/21 Urgent Actions

Cabinet noted urgent actions taken by the Chief Executive in consultation with the Leader since the last Cabinet meeting in February 2021.

2843/21 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.

2844/21 Exempt report - Transfer of properties from Spelthorne Borough Council to Knowle Green Estates Ltd.

Cabinet considered a report on the transfer of properties from Spelthorne Borough Council to Knowle Green Estates (KGE) Ltd.

Alternative options considered and rejected by the Cabinet:

Not to transfer. This would contravene all relevant policies and strategies as laid down by in the KGE Ltd Business Plan as agreed by Cabinet on 29 January 2020.

Resolved;

1. to note the advice on State Aid which has been provided by Counsel, as part of original reports provided to Cabinet January 2020 (Confidential Appendix A).
2. subject to receiving up to date valuation advice prior to transfer, to delegate authority to the Chief Executive in Consultation with the Leader, Portfolio Holder for Finance (or the Deputy Leader if he is not available) and Chief Finance Officer, to transfer the following Council properties into the ownership of Knowle Green Estates Ltd (KGE) for nil cash consideration:
 - a. Benwell House Phase 1
 - b. Knowle Green West Wing
3. that both Benwell House Phase 1 provides a mix of affordable rental (roughly 60%), keyworker rental (20%) and private rental (20%); and West Wing on a 100% affordable rental basis.
4. to note that any funding requirement will be provided under the Loan and Drawdown Agreement approved by Cabinet on 11 May 2017.
5. to approve the extension of this Loan and Drawdown Agreement (dated 29 March 2019) from £10m to £30m.
6. to delegate to the Group Head of Corporate Governance to enter into all documentation required to give effect to these transfers and loans.

Reasons for Decision

To comply with the Council's policy that all residential assets (except those where external grant funding criteria require the assets to be owned by the Council) should be owned by KGE Ltd, as specified in the KGE Ltd Business plan.

2845/21 Urgent items

There were none.

2846/21 *Exempt report - Re-opening of Spelthorne Leisure Centres – request for funding - Key Decision

The Cabinet considered an exempt report on a request for funding to enable the re-opening of Spelthorne Leisure Centres.

The Cabinet noted that the Council's two leisure centres in Sunbury-on-Thames and Staines-upon-Thames play a very important role in supporting the health and wellbeing of many of the borough's residents. Both centres are popular with users and catered for a wide range of needs.

Sports and Leisure Management Limited (SLM), one of the biggest leisure centre operators in the UK, had a contract with the Council to operate these two sites. The exempt report outlined some of the background leading up to a request from SLM for financial assistance from Spelthorne.

Following extensive discussions with SLM on the level of support needed to reopen the Council's Leisure Centres from 12 April (or the date allowed by the Government's COVID-19 route map), and analysis of their forecast figures, Council officers had formulated all the options available in the report before Cabinet.

Alternative options considered and rejected by the Cabinet:

1. Provide no financial support to SLM and enforce the requirements of the contract.
2. Agree to forgo the monthly Management Fee payable to the Council under the current contract for a specified period of time of three months.
3. Agree to provide additional funding to open just one leisure centre.
4. Agree to provide additional funding to keep both leisure centres open.
5. Agree a proposal based on a combination of Options 2-4 above.
6. Not to accept any of the above options and undertake further negotiations with SLM to seek an alternative agreement

Resolved to:

1. approve the proposed financial support package with Sports and Leisure Management Ltd. as outlined in the report, to enable the reopening of the Council's Leisure Centres from 12 April 2021;
2. note that at the end of the three month period a review will be undertaken to determine what, if any, further funding will be provided and if so at what level, and;
3. note the update on the works to Sunbury Leisure Centre swimming pools.

Reason for Decision

Sports and Leisure Management have indicated that without financial support from the Council they will not be able to reopen the leisure centres and that they may have to remain closed indefinitely due to the limitations placed on them by the Government's guidance to prevent the spread of COVID-19.

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 April 2021.***