

Minutes of Cabinet

19 May 2021

Present:

Councillor J.R. Boughtflower, Leader
Councillor J. McIlroy, Deputy 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 S.C. Mooney
Councillor R.J. Noble, Portfolio Holder for Environment, Communications and Corporate Management

Councillors in attendance:

Councillor C. Bateson

2852/21 Minutes

The minutes of the Cabinet meeting held on 24 March 2021, and the Extraordinary Cabinet meetings held on 29 March 2021, and 14 April 2021 were agreed as a correct record.

2853/21 Disclosures of Interest

There were none.

2854/21 Leader's announcements

Spelthorne, along with the rest of the country, continues along the government's roadmap out of lockdown. From 17 May, indoor hospitality could reopen, and our Officers have been working with these businesses to ensure they remain Covid secure. We have been supporting our 'non-essential' retail since they were given the green light to reopen on 12 April. Almost £50 million in relief and grants has been provided to businesses in the Borough during the pandemic so far. This includes:

- £16m for original lockdown and discretionary business support grants
- £18m for 20-21 Business Rates reliefs for retail, leisure, hospitality, and nurseries
- £5.6m for Tiers and new lockdown business support grants (this includes £496k for the Additional Restrictions Grant paid to date)
- £3.9m for three months business rates relief and two thirds relief thereafter for rest of financial year for retail, leisure, hospitality to the tune of £7.7m

The Council held a public consultation with businesses about what support is most needed. The consultation closed on 16 May. Applications are also open for the Restart Grant scheme, under this scheme local authorities will receive funding to be allocated in one-off grants to businesses.

The Council ran a successful election on Thursday 6 May and delivered a Covid-safe environment for voters, volunteers, and staff. If I could take this opportunity to thank all those who were involved, your hard work is very much appreciated. The full results can be found on our website.

The first consultation on the Staines Town Centre Development Framework began at 9am on Tuesday 18 May and runs for six weeks until Tuesday 29 June. The Council is asking people who live, work, study, shop and spend leisure time in Staines to respond. A leaflet is being sent to every home in the Borough to make residents aware of the consultation. This Objectives and Options consultation is the first stage of consultation on the Staines Development Framework and is open to all.

This Council will be eliminating 5.7 tonnes of annual carbon dioxide emissions with the installation of solar panels at the Council's depot in Ashford. The works, which have been supported by an £11,000 grant by the Enterprise M3 Clean Growth Programme, took place in Spring.

Nominations are open for the Spelthorne Youth Awards. These are for special young people aged between 5 and 19 years living or receiving education within Spelthorne who deserve recognition. The deadline for nominations this year is Friday 28 May, with the awards evening taking place in July.

A new online Leisure Directory for 2021 has been published on our website. The directory contains a huge range of clubs, social groups, and sporting activities on offer in Spelthorne as well as halls for hire, parks and open spaces, providing a wealth of options for residents. Following a workshop undertaken with IESE in February this administration has confirmed its intention to implement its CARE priorities for the Council's forthcoming Corporate Plan:

Community
Affordable Housing
Recovery
Environment (Climate Change)

The IESE workshop also included a discussion about options for a set of values for the Council. Such values are useful for Councils to help define who we are and provide the underlying context to the way in which we do our work.

Using the options discussed it is proposed to base the new values around a relevant acronym 'PROVIDE'. In doing so, this would potentially fit well with the CARE priorities (as a Council we CARE and PROVIDE) and would assist

in the process of embedding these with staff and Councillors. The proposed values would be:

Pride in our Council, communities and borough
Responsive and flexible
Open and accountable
Value for money
Integrity
Dependable
Empowering

It is proposed that these values are incorporated into any future draft Corporate Plan, which will need to go through the new Policy and Resources Committee and Full Council for discussion/debate before any formal adoption.

Lastly, this is our final Cabinet meeting under the current structure, before we move to the Committee model of governance. I thank you for your support and look forward to this new chapter for Spelthorne Borough Council.

2855/21 Psychoactive substances public space protection order - Key Decision

Cabinet considered a report on a Public Space Protection Order (PSPO) for psychoactive substances.

Cabinet noted that Spelthorne has long encountered issues with the use, and associated littering, of Nitrous Oxide canisters and that a legal loophole meant possession and personal use is not currently covered by legislation.

Initial hotspot crime analysis revealed that the problem was widespread throughout the borough, with particularly high usage noted in the town centres. It was also a problem in parks and borough car parks.

A public consultation took place between 18 January and 28 February 2021 and 97.3% of respondents were in favour of adopting a PSPO.

Cabinet acknowledged that more needed to be done to ensure that young people were better informed of the dangers of psychoactive substances and commended the work of Spelthorne Litter Pickers who have helped clear the borough of Nitrous Oxide canisters and raise the profile of the issue.

Alternative options considered and rejected by the Cabinet:

There were no alternative options considered.

Resolved to

- 1) make a Public Space Protection Order (PSPO) relating to possession and use of Nitrous Oxide, in accordance with the Antisocial Behaviour, Crime and Policing Act 2014;
- 2) adopt the Fixed Penalty Notices, for breaches of the Nitrous Oxide PSPO, which currently stand at £100;

- 3) delegate authority to the Group Head of Neighbourhood Services to issue Fixed Penalty Notices for breaches of the above PSPO.

Reasons for decision:

To reduce the possession and use of psychoactive substances for recreational consumption, to increase public health awareness of potentially dangerous substances, to reduce dangerous littering (metal nitrous oxide canisters), and to help provide a safe and clean environment for all.

2856/21 Interim Revenue Monitoring Report 2020/21 as at 31 March 2021

Cabinet considered the Interim Revenue Monitoring Report for 2020/21 as at 31 March 2021.

Cabinet noted that the recommendations in the report would utilise the forecast underspend of £3.48 million, deliver a balanced outturn, and that this prudent approach would see the Council increase its reserves to provide greater options over the next two to five years were it was anticipated that there would be some significant deficits on the annual budget due to changes to local government funding.

Alternative options considered and rejected by the Cabinet:

No alternative options were considered.

Resolved to:

Note the forecast outturn for 2020/21 as at 31 March 2021, and approve the following:

1. Appropriation of the special projects underspend to an earmarked reserve of £0.497m to enhance the Budget provision available to support Green/Climate Change initiatives.
2. Appropriation of the special projects underspend to an earmarked reserve of £0.9m to enhance the Budget provision available to support Green Belt Fighting Fund initiatives.
3. The £0.453m revenue carry forwards for 2021/22 as detailed in Appendix C.
4. Transfer of £0.538m surplus from retained business rates to business rates equalisation reserve.
5. Transfer £0.776m to the general fund.
6. To set aside £0.094m for Sunbury Swimming Pools repairs.

Noting that by approving items 1 to 6 above the surplus for the year would be reduced to £0, in other words a balanced outturn, and that the total useable reserves were £55m as at 31 March 2021.

Reasons for decision:

To utilise the forecast underspend of £3.48m and deliver a balanced outturn.

2857/21 Interim Capital Monitoring Report 2020/21 - 31 March 2021

Cabinet received the Interim Capital Monitoring Report for 2020/21 as at 31 March 2021.

Cabinet noted that prior to 31 March 2017 the Council had a modest capital programme which would see projects normally completed in the relevant financial year or carried forward into the following year, when it was completed quickly thereafter.

Since 1 April 2017 the Council's Capital Programme has evolved considerably, and the Council's financial reporting needed to evolve to keep pace with the changes. As a result finance officers are now reporting on the cumulative impact of the Council's Capital Programme from 1 April 2017 to date, for budget (original and amendments) actual expenditure and expected outturn to complete the whole project, with a variance between the approved cumulative budget and expected outturn shown.

Resolved to note the Interim Capital Monitoring Report 2020/21 as at 31 March 2021.

2858/21 Spelthorne Finance Peer Review Action Plan March 2021

Cabinet considered a report on the Spelthorne Finance Peer Review Action Plan.

Cabinet noted that officers, in consultation with the Leader and the two Deputy Leaders of the Council, had worked up a draft action plan identifying how they would address each of the 26 recommendations that came out of the LGA Finance Peer Review and that progress would be regularly reported to both the Corporate Policy and Resources Committee and the Audit Committee.

Alternative options considered and rejected by the Cabinet:

There were no alternative options considered.

Resolved to

- 1) approve the draft Action Plan, which will be maintained as a living document;
- 2) recommend that regular progress updates are provided to the Corporate Policy and Resources Committee.

Reasons for decision:

Effective management of its finances underpins everything the Council does. Addressing the Peer Review's recommendations will help support effective financial management.

2859/21 Community Letting Policy

Cabinet considered a report the Community Lettings Policy (formerly known as the Community Asset Policy).

Cabinet noted that the policy was new and that historically requests from organisations to lease surplus Council assets had been dealt with in a variety of ways.

Cabinet agreed that the new policy provided a more joined up approach, especially when considering whether surplus assets should be offered to community organisations, who provide such valuable services to residents, and will ensure there is close liaison between the assets and community wellbeing teams.

Cabinet further noted that officers had considered the request made by the Overview and Scrutiny Committee regarding what assistance could be given to smaller fledgling organisations and acknowledged that the Community Lettings Policy would apply to organisations looking to take a lease of 5 years or more but for those starting up, and looking at a lesser period of time, a licence would be considered which would allow them to build up their service offer and demonstrate that they have a sustainable business model, which would put them in a much stronger position to be able to take on a lease of a building or piece of land in future.

Alternative options considered and rejected by the Cabinet:

To continue to deal with requests from organisations in an ad hoc fashion as and when they come forward. This would not necessarily expose the opportunity to everyone within the wider community, there was also a risk that the Council may not achieve best value for money. Continuing this approach would not maximise openness and transparency and runs the risk of potential challenge.

Resolved to:

- 1) approve the Community Letting Policy attached at Appendix 1 and the Stage 1 Further Information Form, Stage 1 Matrix Scoring Form, Exceptional Circumstances Form and Flow Chart;
- 2) approve the list of properties/sites to which the Community Letting Policy applies;
- 3) approve the named roles of the Councillors who will make the final decision (as per paragraph 1.17 of the report).

Reasons for decision:

The Council regularly has calls for the use of its assets by a range of organisations and community groups. It is critical that the Council advertises any opportunities which come up for the assets that it owns and assess them in an open and transparent way. This policy sets out how the Council will achieve this.

2860/21 Corporate Debt Policy

Cabinet considered a report on the Corporate Debt Policy.

Cabinet noted that the policy had been compiled to consolidate the recovery process for all service areas within Spelthorne Borough Council and that the report included the recovery process for all invoices raised for the Council and a corporate process for all service areas to follow in relation to the collection and recovery of an outstanding debt.

Alternative options considered and rejected by the Cabinet:

No alternative options were considered.

Resolved to approve the Corporate Debt Policy.

Reasons for decision:

The Corporate Debt Policy has been compiled to consolidate the recovery process for all services areas within Spelthorne Borough Council. The policy formulates a corporate process for all invoices raised for the Council and brings together a corporate approach in relation to the collection of invoices raised, and the recovery process that will be used to secured payment.

2861/21 Local Walking and Cycling Infrastructure Plan (LWCIP)

Cabinet considered a report on the Local Walking and Cycling Infrastructure Scheme (LWCIP).

Cabinet noted that the development of LCWIPs form part of the Department for Transport's current investment strategy for cycling and walking to help deliver the Government's aim of doubling cycling by 2025. LCWIPs are a new, strategic approach to identifying cycling and walking improvements required at the local level.

Cabinet further noted that the proposed LWCIP tied in to the wider Staines transport package and leisure proposals for the River Thames scheme, which includes walking and cycling routes, and that there were health and well-being benefits as well as environmental benefits.

Cabinet acknowledged that some concerns had been expressed in relation to using the Green Initiatives budget provision to fund £20k of the initial feasibility cost before the Environment and Sustainability Committee had approved the allocation criteria for use of this budget. In recognition of these concerns Cabinet proposed an amendment to the recommendation that Spelthorne's initial £20k contribution will be funded from the Spelthorne Surrey Infrastructure Feasibility Study Reserve, which was established to help fund feasibility studies of this nature, this could subsequently be reviewed by the Environment and Sustainability Committee to consider whether they would wish to reinstate the £20k contribution. Cabinet noted that, additionally, £40k will be funded by Surrey County Council.

Alternative options considered and rejected by the Cabinet:

Not to participate in the feasibility study. It was acknowledged that all other Councils across Surrey are being programmed into LWCIPs in phases, and if Cabinet did not agree to participate there was a risk Spelthorne would be put

in a later phase and the opportunity of linking in with the River Thames scheme would be lost.

Resolved to:

- a) agree to participating in the production of a Local Walking and Cycling Infrastructure Plan;
- b) agree the allocation of the available funds:
 - £20,000 towards Phase 1 of the feasibility study to be funded from the Spelthorne Surrey Infrastructure Feasibility Study Reserve (which was established to help fund feasibility studies of this nature). This can be subsequently reviewed by the Environment and Sustainability Committee to consider whether they would wish to reinstate the £20k contribution.
 - £175,000 towards the production of an LWCIP for Phase 2 to be funded from Spelthorne's Surrey Infrastructure Feasibility Study Fund but as we transition to the Committee system this project may form part of the Green Initiatives Fund work.
- c) note that in order to deliver the LWCIP future capital funds would be required over the next 5 to 10 years from the Council (match funding). The actual amounts will depend on the scale and number of schemes identified by the feasibility study and until the initial work is complete the overall potential cost can only be indicative.

Reasons for decision:

LWCIP's are blueprints to increase walking and cycling routes. They have benefits in terms of modal shift, health and well-being of residents, especially as the Council move into COVID-19 recovery and beyond, and reducing the impacts of climate change.

2862/21 Recovery Strategy Summary

Cabinet considered a report on the Summary Recovery Plan.

Cabinet noted that for some time, the Council had been taking forward a range of measures to assist the borough in recovering from the effects of the pandemic.

Cabinet further noted the summary recovery plan accompanying the report outlined the key principles and processes the Council were planning to undertake under five key themes:

1. Supporting community recovery
2. Supporting economic recovery
3. Supporting a green recovery
4. Keeping people informed
5. Delivering key services

Cabinet acknowledged that a comprehensive Action Plan was in development, which would accompany and build on the summary plan presented, that this was near completion, and would likely be taken forward by the Corporate Policy and Resources Committee.

Resolved to note the contents of the Summary Recovery Plan, which will form the basis of a more detailed Action Plan which will follow.

2863/21 Urgent Actions

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

2864/21 Urgent items

The Leader informed the Cabinet that he wished to consider an urgent item on the amendment to specific policies in the adopted 2009 Local Plan, the details of which had been circulated earlier that day.

Cabinet noted that there had been considerable concern expressed by some local residents within and around Staines-upon-Thames about current and future applications coming forward for large scale development within the town. There were also wider concerns around numbers, height and density, which were being considered as part of the review of the Local Plan. As a result Cabinet felt that urgent advice was needed to be sought on whether or not there was scope, legally, to change a number of policies in the adopted 2009 Local Plan to prevent development over 6 stories within Staines-upon-Thames.

Cabinet further noted that officers were asked to secure expert external legal advice in advance of the Cabinet meeting and that this expert legal advice stated that to amend the Local Plan 2009, even for a single issue, would require compliance with the Local Plan Regulations 2012. A proposal to include a policy preventing development over 6 stories would need to be supported by a proportionate evidence base and be subject to consultation and examination. For such a policy to be adopted soundness tests would need to be fulfilled. The external legal advice concluded that there was no likelihood that this policy would be considered sound by an inspector as one of the tests for soundness is compliance with national policy and the National Planning Policy Framework (NPPF) 2019 places an enhanced role of higher density in appropriate locations.

Cabinet discussed the advice and agreed that they felt residents needed to be heard and that a wider debate on the issue was required. Cabinet agreed that they would like Full Council to consider the issue.

Alternative options considered and rejected by the Cabinet:

To note the advice received from Counsel at confidential Appendix B, and, in light of this advice, to continue to proceed with the current process, which has been underway for the past two years, to revise the Local Plan in its entirety.

This was rejected as Cabinet did not feel satisfied that residents views would be taken into account.

Resolved that;

- a) the decision to amend specific policies within the 2009 Local Plan be deferred pending the implementation of the Committee system;
- b) the issue be considered by the Environment and Sustainability Committee, with a request that this is deferred to Full Council.

1/21 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.

2865/21 Sundry Debt Write Offs

Cabinet considered a report on Sundry Debt Write-Offs.

Cabinet noted that Sales Ledger invoices had been issued for services, reminder letters had been issued and every attempt had been made to secure payment of the outstanding invoices.

Cabinet agreed that the invoices, all over six years old, were irrecoverable.

Alternative options considered and rejected by the Cabinet:

No alternative options were considered as no further action can be taken to recover the debts.

Resolved to approve the Sundry Debt write-offs as set out in the exempt report.

Reasons for decision:

It was agreed that the debt was irrecoverable.

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 27 May 2021.**