

MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 22 October 2020 at 5.00 pm

Present:

Councillors:

M.M. Attewell	S.A. Dunn	J. McIlroy
C.L. Barratt	T. Fidler	A.J. Mitchell
R.O. Barratt	N.J. Gething	L. E. Nichols
C. Bateson	M. Gibson	R.J. Noble
I.J. Beardsmore	K.M. Grant	O. Rybinski
J.R. Boughtflower	A.C. Harman	D. Saliagopoulos
A. Brar	H. Harvey	J.R. Sexton
S. Buttar	I.T.E. Harvey	R.W. Sider BEM
J.H.J. Doerfel	N. Islam	R.A. Smith-Ainsley
J.T.F. Doran	T. Lagden	B.B. Spoor
S.M. Doran	V.J. Leighton	J. Vinson
R.D. Dunn	M.J. Madams	

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

Apologies: Apologies were received from Councillors R. Chandler, N.L. Cornes and V. Siva and

225/20 Minutes

The minutes of the Council meeting held on 30 July 2020 and Extraordinary Meetings held on 10 and 24 September 2020 were agreed as a correct record.

226/20 Disclosures of Interest

There were no disclosures of interest.

227/20 Announcements from the Mayor

The Mayor reported that he had been busy in spite of the restrictions caused by the COVID-19 pandemic. He had been able to present some awards personally, instead of in the Council Chamber and thanked those councillors who had assisted him in this.

228/20 Announcements from the Chief Executive

The Chief Executive reminded councillors of the need to contact the ICT team to set up their authenticator app for Office 365.

229/20 Announcements from the Leader

The Leader made the following announcements:

“The Council has continued to do its utmost to support residents amid the Coronavirus pandemic. The Borough of Spelthorne has been placed in the medium tier, and I ask residents to adhere to the government guidelines. Neighbouring boroughs, including Hillingdon, Hounslow and Elmbridge, have been placed in the high tier so it is important we all continue to follow the rules to limit the spread. It is coming up to eight months since this Council moved to an emergency footing. Our website contains up to date information for residents and business on how to access support.

I am pleased to announce that the Council has made donations, totalling £71,000 to support local charities and food banks in the Borough which have all played a vital role in supporting vulnerable residents over the past few months.

Following Government instructions designed to help reduce the spread of Coronavirus, the Council will be moving Remembrance Day services online. Following the success earlier in the year of our VE Day and VJ Day virtual commemorations, a fitting tribute will be released on Sunday 8 November on our website and social media channels to ensure that residents can join us with remembering those who paid the ultimate sacrifice for our country.

The Council has declared a climate emergency for the Borough. We have always regarded climate change as a very serious threat and have made some great steps to reduce our carbon footprint. However, to avoid any doubt how serious this administration takes climate change we have taken the decision to declare a Climate Emergency. A study has been commissioned to identify our own carbon footprint and in 2021 this Council plans to launch 'Community Climate Change Forums'.

The Council's green spaces have also been honoured at a regional and national level. Sunbury Walled Garden and Staines Cemetery have, once again been awarded Green Flag status. These two sites also won gold at the South East in Bloom Awards, along with Sunbury Cemetery and Ashford Cemetery.

Spelthorne Borough Council is stepping up its battle against litter with the launch of the #NoRubbishExcuses campaign. I urge you to support our campaign and would like to take this opportunity to thank our officers who work tirelessly to clean up our parks and streets and the growing army of residents who are running regular litter pickups. The Mayor of Spelthorne is also honouring our young litter heroes for their commitment in making Spelthorne a greener and cleaner place to live.

As part of Spelthorne Borough Council's continued drive to improve community safety, a new, modern CCTV camera has been installed at Orchard Meadow car park in Sunbury. The camera will be monitored 24/7 along with cameras in Staines-upon-Thames town centre. The installation was arranged in response to concerns regarding anti-social behaviour in the area.

Entries for the third Spelthorne Business Awards have been extended until 11 December. Highstreets and local businesses across the Borough need our support now more than ever and I would encourage all members to recommend local businesses to enter the competition.

In September this Council voted unanimously to agree motions to oppose a Surrey-wide Unitary Authority. Alongside the other Surrey District and Boroughs Leaders, I continue to work towards improving the efficiency and effectiveness of the support and services residents receive. We must ensure the needs of residents are put first and the best interests of local areas and different groups within our Borough are fully represented. I look forward to continuing to work with our residents to develop a strong vision for the future of Spelthorne.

I have launched 'Resident Forums' designed to give Residents' Associations a 'stronger voice' by providing a direct link to the leaders of the Council and senior staff members. The first meeting has been held and gave us the opportunity to understand more about the issues which are causing concern for individual areas, identify the steps we can take to tackle specific problems and make positive changes for the benefit of local residents.

230/20 Motions - 30 July 2020

The Mayor explained that there were two motions to deal with which were carried over from the Council meeting held on 30 July 2020.

The first Motion was proposed at the meeting held on 30 July 2020 by Councillor R.A. Smith-Ainsley and seconded by Councillor D. Saliagopoulos and in accordance with Standing Order 28.2, was adjourned without discussion, to this meeting.

The Council considered the report from the Monitoring Officer in relation to this Motion.

Councillor R.A. Smith-Ainsley proposed and Councillor D. Saliagopoulos seconded the following amended Motion, to reflect the comments of the Monitoring Officer in her report:

"That Standing Order 8.3 little 'f' be amended to read: 'Appoint to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader (the Leader's appointment to be on a non-political basis and based upon individual Councillors' skills)'."

In accordance with Standing Order 20.13, the Council gave its consent to the alteration of the Motion.

The Motion was debated, put to the vote and carried.

Resolved that:

Standing Order 8.3 little 'f' be amended to read: 'Appoint to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader (the Leader's appointment to be on a non-political basis and based upon individual Councillors' skills)

Motion 2

Councillor L.E. Nichols proposed and Councillor B.B. Spoor seconded the following Motion:

"The House of Commons Public Accounts Committee published its report on Local authority investment in commercial property on 13th July 2020. The Council notes the following conclusions arising from the report:

- That in the view of the PAC, Spelthorne Borough Council borrowing from the Public Works Loans Board since 2016 has been excessive and undertaken against DHCLG and CIPFA guidance.
- That in some authorities there have been failings in transparency, with decision making by small groups and inadequate scrutiny.

The Council resolves to take the following actions in response to the PAC report:

- To require greater member involvement in all future investment related decisions above a defined transaction value.
- To make available to members full information on significant portfolio expenditures, lettings and contractual amendments within 14 days of the decision.
- To revise accounting structures to clearly separate the property investment portfolio from other Council activities and to make this segmentation transparent in future reporting to members.
- To establish portfolio performance measures and risk management parameters to be reported periodically to members.

The details of these actions are to be agreed by the Leader's Property Investment Task Group and submitted to the Council for ratification."

The Motion was debated and Councillor R.A. Smith-Ainsley called for a recorded vote.

The voting was as follows:

FOR: (28)	Councillors M.M. Attewell, C. Barnard, C.L. Barratt, R.O. Barratt, C. Bateson, J.R. Boughtflower, S. Buttar, J.H. Doerfel, J. T. Doran, S.M. Doran, R.D. Dunn, S.A. Dunn, T. Fidler, N.J. Gething, M. Gibson, K.M. Grant, A.C.
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	Harman, N. Islam, T. Lagden V.J. Leighton, M.J. Madams, J. McIlroy, A.J. Mitchell, L.E. Nichols, R.J. Noble, R.W. Sider BEM, B.B. Spoor and J. Vinson.
AGAINST: (8)	Councillors I.J. Beardsmore, A. Brar, H. Harvey, I.T.E. Harvey, O. Rybinski, D. Saliagopoulos, J.R. Sexton and R.A. Smith-Ainsley.
ABSTAIN: (0)	

231/20 Questions on Ward Issues

The Mayor reported that councillors were provided with written responses in advance of this meeting, to the two questions received for the Council meeting on 30 July 2020. Councillors I.T.E. Harvey and D. Saliagopoulos were given the opportunity to ask a supplementary question.

1. Question from Councillor I.T.E. Harvey –

Regarding the Lendy Memorial

- Who exactly at the Council engaged this expert?
- Who is this expert? What qualifications does he or she have?
- Is this expert sufficiently knowledgeable about west African and southern African 19th century history so as to be able to make a valid judgement on the Lendy Memorial?

Response from the Leader, Councillor J.R. Boughtflower:

“Thank you for your question Councillor Harvey. Deborah Ashman and Karen Sinclair, Joint Community Heads of Community Wellbeing are responsible for contracting an appropriately qualified expert. As this question was not responded to at the July meeting, this response reflects the most up to date position on this matter.

The Council committed to review all historical information of Council owned monuments following the issues identified by the recent “Black Lives Matters” protests. The Lendy Memorial Lion which is a statue in the Walled Garden in Sunbury was identified by the campaign as a statue of concern and is one of 29 Council owned monuments.

In order to undertake this exercise and to enable Councillors and residents to be informed of the full historical background of all the monuments, it was identified that there was a need to employ the services of an appropriately qualified, impartial historian, who has experience in this type of research.. Discussions initially took place with an expert who work in a London University and has a BA Honours in English Literature and History, as well as a Masters in Historical Research (specialising in social and cultural history). This expert also has a PhD from the University of London (Institute of Historical Research). Officers contacted other academics to establish that the cost and timetable for this exercise are reasonable for the work to be undertaken.

After extensive discussions between officers and relevant experts it was identified that the cost for them to undertake the review was prohibitive (a quote was received of £28,000 for research on Lendy alone).

After an approach by Council officers, Mr Alan Doyle a long-time resident of Sunbury who is an investigative journalist by profession kindly agreed to assist the Council without charge and draft a report on the historical background to the memorial. It was decided Councillors could then consider this information and decide if any action would be necessary. Mr Doyle has been researching the Lendy family periodically for 30 years. The evidence which has been used by the "Topple the Racists" website to justify their call for the Lendy Memorial to be taken down is a brief article on a website which credits Alan Doyle as a source of research, although the article only quotes partial and selective elements of the summary written by him some 10 years ago.

I am able to advise that Mr Doyle has now completed his report and due to the detail and complexity of the information this contains, I think it only appropriate to refer the report to Overview and Scrutiny Committee so that a full and proper review can be undertaken by a cross party group of Councillors."

Question from Councillor D. Saliagopoulos

"I would like to make Council aware that the Riverside area within my Ward needs some attention please. There is a stretch of River walk which runs from Penton Hook Lock towards Staines Town. For those of you who know, we also have the large grassed area called "Silvery Sands" which has housing fronting this large open area.

Until the unfortunate onset of the Virus Pandemic, this area was clean, free of dog fouling (thanks to the fabulous campaign organised by Councillor Joe Sexton a couple of years ago) and the bins never overflowed. Now, people leave plastic bags of litter, litter has been left on the grass and riverside area. One weekend there were hundreds of empty beer cans, all cleared up by local residents.

I have to recognise the work that my fellow Councillor, Michele Gibson, who lives on the river, does every day to keep the area clean. Many residents are also doing this.

Every day there have been gatherings of people, all enjoying the River and it has been nice to see children out in the fresh air enjoying themselves. However, there's always a but isn't there? The area is now blighted by empty legal hi canisters, little small silver phials about the length of a cigarette. The users of these drugs must surely come from the nightly hoards of young people who congregate at Silvery Sands. I actually feel very sorry for those residents whose properties face directly onto this lovely area. Some have actually taken to putting up high fences and I have even heard of complete strangers walking through residents' gardens.

Crime is also on the rise with several properties being broken into. Litter, as I have mentioned and dog fouling is on the increase. Inconsiderate parking is rife. Two roads in particular, Penton Hook Road and parts of Wheatsheaf Lane are actually Private Roads - the residents pay for the upkeep of these roads, independently from the County Council. Visitors to the River In their cars were not respecting this.

The biggest complaint I hear from residents is regarding cyclists. Why are these cyclists not understanding that Pelatons do not have right of way over pedestrians. There have been many near misses, dogs being hit, and many complaints about the general attitude of cyclists. So far I have personally witnessed 2 accidents. Cyclists should at least slow down for pedestrians and give way. At the weekend you might be mistaken for thinking that 'would be' entrants to the Tour de France were out practising!

I therefore would like to hear from the Council how they will give some extra help to this area. What measures can be taken to put a stop to the continuous drug taking and loud noise at night? Are the Council willing to consider a zero tolerance policy towards youngsters doing this? Can we enforce a policy so that cyclists respect the River path and pedestrians? The Litter Campaign suggested by Councillors Rybinski and Sexton should start here!

Finally, I want to make it clear. I am not against young people having a good time. As I mentioned earlier it is nice to see young people out and about enjoying themselves. What I am extremely concerned about, especially for the residents of Riverside & Laleham is that their day to day lives are being seriously disrupted and it is just not fair.

I am sure Councillor Gibson would agree with me that we need to focus on our Riverside area to make it as nice as the River Areas in Lower Sunbury and Shepperton."

Response from Councillor R. Barratt, Portfolio Holder for Compliance, Waste and Risk:

"The area from Penton Hook Lock towards Staines Town, which includes Silvery Sands, is under the management and responsibility of the Environment Agency (EA). At the request of Cllr Gibson officers have recently been in contact with the EA about two areas in particular; Penton Island and Silvery Sands, and have provided costs to empty the bins and clear litter. The EA have not yet accepted or agreed to pay those costs.

The issues related to drug taking are a police issue. Similarly, noise generated in such public places could only be dealt with by the police under their powers to deal with public disorder or anti-social behaviour, with support as necessary from the Council's Environmental Health and Community Safety teams as part of a multi-agency approach.

Given that these are police issues, this would need to be taken up with Surrey Police, but of course any action they could take would be subject to their

resources at the time of the incident. The Council is not in a position to consider or enforce a zero tolerance policy for an issue that is not within its control.

In relation to the cyclists, any actions or enforcement along this stretch of the river would need to be undertaken by the EA as this area is their responsibility to manage.

Given your concerns, we will ensure that the points you have raised are on the agenda of the next Tasking & Co-ordinating Group meeting at which various bodies, including the police and council officers, discuss areas of concern within the borough. Where appropriate, subject to resources, we may be able to schedule some patrols. An invitation to this meeting will also be extended to the Environment Agency to discuss the specific points raised in relation to the areas managed by them.”

Supplementary Question from Councillor D. Saliagopoulos:

“Did you write the answer, Councillor Barratt?”

Response from Councillor R. Barratt, Portfolio Holder for Compliance, Waste and Risk:

“It was written in collaboration with the responsible officers, so yes, I wrote the answer.”

232/20 General Questions

The Mayor reported that nine general questions were received for the Council meeting on 30 July 2020. Written responses had been sent to councillors before this meeting. He gave an opportunity for each of the councillors to ask a supplementary question.

1. First question from Councillor R.W. Sider, BEM

“At the meeting of the full Council on the 18th of July 2019 I placed the following Motion before the Council. It was, ‘That Officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Travellers encamped when on the highway and append such charges involved to Surrey’. It was seconded by Cllr Barnard. The motion was debated and the Leader of the Council said - quote - ‘I think it is something that we can ask officers to explore and then report back to the portfolio holder. On that basis I will support your motion and ask members to do likewise. **The Motion was carried and it was Resolved ‘That officers investigate whether it is feasible to enter into a reciprocal agreement with Surrey County Council for Spelthorne Borough Council to act on their behalf to remove Traveller encampments when on the highway, and append such charges involved to Surrey County Council.’**

My question is ‘It is now one calendar year since the foregoing resolution was debated and carried, and again Travellers have encamped in Old

Charlton Lane, Shepperton, requiring officers from Surrey to deliver the relevant documentation to secure their removal. Can the Leader of the Council inform me what discussions with Surrey have taken place as required by the Motion of the 18th of July 2019, and what progress has been made in carrying out the requirements of the said resolution.”

Response from Councillor R. Barratt:

“Thank you for your question, Councillor Sider. Old Charlton Lane has been the subject of four unauthorised encampments in the last two years. The first was dealt with by the Police under a section 61 Notice pursuant to the Criminal Justice and Public Order Act 1994. The next two were dealt with by Surrey County Council under section 78 Notices.

The last encampment occurred on 7 July. Notices under section 77 of the Act were served by Surrey County Council Officers on 13 July, and a hearing at the Magistrates’ Court took place on 21 July.

Enquiries of officers at Surrey County Council have not been fruitful to date. Offers of an agency type arrangement have been made but we have been advised that Surrey County Council wishes to retain control of enforcement of this area, which is County Council highway land. Surrey’s officers will continue to work in close cooperation with Spelthorne Officers to ensure that any adverse impacts are minimised.”

Supplementary question from Councillor R.W. Sider, BEM

“Can officers please provide an update as to whether any further progress has been made?”

Written response from Councillor R.O. Barratt, provided after the meeting:

“As per my previous response Surrey County Council have made it clear that they wish to remain in control of enforcement in relation to unauthorised encampments on the highway and until such time as they change this decision there are no further options for progress open to us.”

2. Second question from Councillor R.W. Sider, BEM

“After a further invasion and encampment of Travellers in the borough in mid-summer last year, I requested that officers pursued through the legal means and through the Courts, an injunction along the lines that had been secured by our neighbouring borough, which would prevent them entering Spelthorne on any occasion. After one year, can the Leader inform me of the progress that has been made by officers to secure such an injunction?”

Response from Councillor R. Barratt:

“Since this was last discussed the Court of Appeal has handed down guidance in relation to injunctions which seek to prevent unauthorised encampments across boroughs. A number of issues were considered in the case of Bromley. The judgement was handed down on 21 January 2020. In that case the court was considering a number of issues in relation to an injunction which was refused by the High Court to grant a de

facto borough-wide prohibition of encampment in relation to accessible public places, except cemeteries and highways.

The guidance set out by Lord Justice Coulson is as follows;

- There is a tension between the Article 8 rights of the Gypsy and Traveller community and the common law of trespass. The obvious solution according to the Judge is the provision of more transit sites.
- The guidance relating to the use of the statutory enforcement powers in relation to the Criminal Justice and Public Order Act 1994 does not suggest that a wide injunction is a satisfactory solution to the issues.
- Local authorities must engage with the Gypsy and Traveller community; this is a way of introducing negotiated stopping.
- If a local authority is considering such an injunction, then it will have to demonstrate proper engagement including welfare checks and an up to date Equalities Impact Assessment.

The Court of Appeal went on to comment that injunctions against persons unknown are exceptional as they may not be proportionate within the meaning of the Human Rights Act. The protected status will be given weight, and any council will have to show that they have complied with their general obligations to provide sufficient accommodation and transit sites. Councils are also required to have regard to the cumulative effect of other injunctions. The Court stated that borough-wide injunctions are inherently problematic.

On 10 July, Harlow District Council had to withdraw their application to renew a borough-wide injunction, in the light of this decision.

Wolverhampton Council is going through a similar process on 20 July in the High Court, although the facts are somewhat different as a transit site has been identified, and they were targeting specific sites, rather than a blanket approach. They have also estimated their costs would be in the region of £250,000 to £300,000 per annum.

In addition to this judgement, the effects of COVID -19 must also be taken into account. The Minister for Communities wrote to all councils in April about mitigating impacts on Gypsy and Traveller Communities during the COVID-19 pandemic. Any pursuit of a borough-wide injunction at this time could be seen as conflicting with this request and further reduce the likelihood of success.

Taking this into account, together with the recent Court of Appeal decisions and guidance given to Councils, it is highly unlikely that this authority would be successful in obtaining a borough-wide injunction in the current circumstances. Although our officers have been preparing for such an injunction, to continue to pursue this at this time could be costly for the authority and ultimately fruitless. Our officers will, however, continue to keep this under review in the event of any developments or changes in the law. In the meantime, the issue of a Surrey-wide approach to transit sites may need further consideration."

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

"Can officers please provide an update as to whether any further progress has been made?"

Written response from Councillor R.O. Barratt, provided after the meeting:

“The High Court, of its own volition, has issued an order to all Local Authorities who already have these types of injunctions. An initial hearing is likely to be held in December. The courts will be reviewing these widespread injunctions against persons unknown and inviting those authorities who already have such injunctions to participate in the Hearing. The Court has also invited the Attorney General to intervene. I can update members further after that hearing. Until the approach of the courts is settled, the Council is unlikely to be issuing any proceedings.”

3. Question from Councillor J. Sexton

“At the Cabinet meeting on 15th July the Leader stated at the very beginning ‘Can I remind everyone that mobile phones should be switched off or set to silent mode’. When Cllr. Attewell was reading one of her reports regarding homelessness she stopped and said ‘Sorry I’m reading this from my phone and someone just tried to call me’. This was followed shortly after by another interruption with Cllr Attewell saying ‘Oh gosh I’m never doing this again, I am reading this from my phone and people keep ringing me’.

Over 86 subscribers have now accessed the recording and it does not make the Spelthorne Council Cabinet look very professional. Will the Leader now ensure that Cabinet meetings are video recorded, as are the Planning committee meetings, in order to ensure that Cabinet members can be seen to be giving the role they are undertaking the attention that it deserves.”

Response from Councillor M. Attewell

“Thank you for your question Councillor Sexton. I am sure you will appreciate that we are in unusual times with meetings being held virtually. This presents difficulties for all of us when participating in such meetings and of course it is important to do whatever we can to prevent distractions.

In this instance I was not distracted by my phone; it was on silent mode and I was using it as a tool to assist my participation in the meeting. As you have brought this to the attention of our residents, I feel I must explain the reasons for my comments at the time. As I had been unable to access my notes from my laptop, I was therefore reading them from my phone. As I was doing so a call came up on my screen, this then happened a second time when they called a second time to leave a message. If the meeting had been on video, you would have seen that I was ‘giving my role the attention it deserves’, as would always be the case, and residents that know me would have no doubt about this.

It is, of course, essential that we all remain focused on the really important issues at this difficult time.

I can advise you that officers have already been discussing improvements to our webcasting facilities and this includes looking at video streaming of all Council, Cabinet and Committee meetings.”

4. Question from Councillor K. Grant

“Given the importance of the Environment portfolio to our Council Priorities and the general wellbeing of Spelthorne and its residents, can the Leader please explain why this position has not been filled in the new Cabinet? Can he begin to lay out his greener credentials that he expressed in his acceptance speech when elected Leader?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you for your questions Councillor Grant. I hope you feel I answered these to your satisfaction during my Leader’s announcements at the Council meeting on 30 July 2020.

I announced that Cllr Bob Noble was taking the role of Portfolio Holder for Climate & Environment. He is an advocate of climate change and has appointed members to the Climate Change Task Group.

The new administration takes protection of the environment for this, and future generations, seriously. Whilst the previous Administration’s approach aligned closely with delivering the Government’s target of net zero carbon emissions by 2050, we want to take steps to enable us as a Council to meet this target much sooner, so that we can pass on a better legacy to future generations of Spelthorne Residents.

To this end we recently declared a Climate Emergency and I have asked the Climate Change Task Group to make recommendations with more challenging targets and actions for the Council, which will help deliver zero net carbon emissions for this authority much sooner than the target set by the previous administration.”

5. Question from Councillor S. Dunn

“The Leader of Surrey County Council has announced that he intends to make the whole of Surrey one Unitary Authority. Can the Leader please advise us what communication or meetings have taken place to inform Spelthorne of these plans?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you for your question Councillor Mrs Dunn. I hope you feel I answered this to your satisfaction during my Leader’s announcements at the meeting held on 30 July 2020.

On 21st July 2020, Surrey County Council’s Cabinet decided to promote the concept of a Surrey-wide Unitary Authority covering the whole County. This led to the dispatch of a letter from the County Council’s Leader to the Secretary of State, outlining this intention.

Surrey Leaders, at their meeting on 17th July, expressed their disappointment at not being consulted ahead of the County's decision to push ahead with these actions.

I joined other Borough and District Leaders across Surrey in signing a letter to the Secretary of State registering that a Surrey-wide Unitary is not the optimum solution and that we are committed to exploring what would be."

I instructed the Chief Executive to urgently investigate alternative forms of Unitary Authorities and the timing of any such reorganisation that may be more advantageous to Spelthorne and its Residents, including any opportunities to collaborate with neighbouring authorities on this issue, and an extraordinary Council was held on 24 September to discuss these."

6. Question from Councillor B. Spoor

"When is Spelthorne Council going to lead the way and put 40-50% of their planned accommodation as affordable, which will provide the impetus for developers to increase their share of affordable housing in their submissions?

And in this context, will the Council also reconsider the Thameside House development, where no affordable housing is proposed?"

Response from the Leader, Councillor J.R. Boughtflower

"The Council has made the decision to embark on a journey to deliver much needed housing (of all types and tenures) as a result of the failure of the private housing market to build what is needed for our residents. To date there are 396 units either under construction or going through the planning process. As an authority, we are already committed to delivering 185 of these at affordable rent. This will mean almost 47% of the stock will be affordable rented – meeting the 40 to 50% range which Cllr Spoor has mentioned.

To date affordable housing has been delivered up front, which no private developer would do (for example the West Wing at Knowle Green will be 100% affordable). As a major landholder we can do what a house builder cannot – apply a portfolio-wide approach rather than looking at schemes on an individual basis. This enables us to maximise the affordable provision where it is most needed.

Notwithstanding the above, a commitment was made by myself and the Deputy Leader at the ECM on 25 June that there would be a review of key decisions, policies and actions. I can confirm that this includes the Council's approach on how we can best maximise affordable housing and ensure it is secured for the long term.

Clearly this is a critically important decision and we need to ensure that everyone is clear about what we want to achieve and how best to do this.

Getting this right for the future of the borough and our residents is more important than setting an artificial deadline.

However, I can promise that any policy change will be subject to debate at the Overview and Scrutiny Committee, and Cabinet will make its final recommendations to Council so that the final decision is made by all councillors to ensure consensus and buy-in for the new direction of travel.

This will then set the framework for how the Council decides to put forward planning applications in the future, regardless of what the policies might say in the finally adopted Local Plan or as a result of a viability assessment.

I previously dealt with Cllr Spoor's question about the Council leading the way on affordable housing in my Leader's Announcements at the 30 July Council meeting, when I stated that as a Council, we have already started to deliver essential affordable units for our Residents. The new administration strongly supports this approach, but we want to go further. We believe we now have a real opportunity to increase the number of affordable units we deliver from our development schemes, which will align with the Council's policies and set an example to private developers, who unfortunately continue to fail to deliver the number and types of affordable units this Borough so badly needs.

In respect of the current application at Thameside House, as members are aware, the Council are treated no differently to any other applicant when a scheme is considered by the Local Planning Authority. Our schemes have to follow the same well-established viability regime that is applied and accepted nationally as part of the planning process.

As the Thameside House viability process is still ongoing it would not be prudent to comment or pre-empt its outcome. Once this has been concluded, the Council will then be in a position to establish whether additional voluntary housing at affordable rents can and will be made available. I would encourage you to judge this application on what ultimately ends up in front of our Planning Committee."

7. Questions from Councillor I.T.E. Harvey

1. Does the Leader still regard the Council's finances to be "in meltdown"?
2. Does the Leader agree that our Property Investment Strategy has made a profound contribution to our finances and our ability to provide and protect services to residents without financial constraints, as exemplified by our unconstrained response to the COVID19 crisis?
3. Can the Leader please explain why the following reports to cabinet have been withdrawn / postponed, and advise what meetings have been cancelled or postponed during his leadership?

- Asset Management Plan (this was originally scheduled to go to Overview and Scrutiny before Cabinet)
- Annual Asset Investment Report
- Community Asset Policy

Response from the Leader, Councillor J.R. Boughtflower:

“I have no recollection of ever having made such a comment. However, having said that I can highlight that currently, as the Chief Finance Officer reported at the 30 July meeting, the financial impact of COVID-19 on the current financial year’s Revenue Budget is looking less adverse than was the case at the time of the 21st May 2020 Council meeting, when Cllr Harvey was Leader. The recent clarification of the Government’s further significant financial support for Councils, particularly the income-loss support package, has helped improve the position.

Following the recent support announcements, it looks likely that the additional reserves usage approved on 21st May by Council will be more than sufficient to cover COVID-19 financial impacts in 2020-21. We are therefore facing a healthier position now than we were. I do also recognise that currently our commercial assets are delivering £10m per annum to support the delivery of services for our residents. However, we will face very significant financial challenges for the next few years as a result of the broader ongoing economic impacts of COVID-19. For this reason, a focus on economic recovery will be a key priority for the Council, particularly with respect to Heathrow airport, aviation, logistics and retail sectors.

The Council holds a weekly detailed monitoring meeting to review the performance of the Investment Portfolio which I, the Deputy Leader and the Finance Portfolio Holder attend. We are actively involved in reviewing the robustness of our £20m of sinking funds balances at each of these meetings. Current work is indicating that our sinking Funds are more than sufficient to protect the Council’s Revenue Budget and council tax payers for the next ten years from potential temporary reductions in rental income.

As I have previously stated, my Administration are in the process of reviewing the Capital Strategy, the Asset Management Plan and other policies before we confirm how we move forward. It is for this reason that I have set up the Leader’s Working Group reviewing Property Investments.

In recognition of the concerns of residents and interest in the Council’s property activity, I am pleased to confirm that my Administration is inviting the Local Government Association (LGA) to undertake, next month, an independent Peer Review, or ‘health check’, into our corporate finances and property activity. Such Peer Reviews are regularly used by councils to obtain a constructive and independent perspective to recognise good practice and identify opportunities for improvements.

Given the level of scrutiny the Council is currently under with respect to our assets related activity and the concerns of residents, as reflected in

some of the questions previously debated by Councillors, it is appropriate for the new Cabinet and Administration to ensure it fully understands asset related policies before they are put forward for consideration and approval by councillors. On 29 September 2020, as part of our emphasis on transparency and cross chamber working, we provided Overview and Scrutiny Committee with the opportunity to review the Asset Management Plan.”

Supplementary question from Councillor I.T.E. Harvey:

“Can the Leader please confirm whether in his view the Council’s finances were ‘in meltdown’ when he took over as Leader in June?”

Written response from Councillor J.R. Boughtflower, provided after the meeting:

“I refer to the written answer I provided at the Council meeting on 22nd October 2020. As I stated I do not recall making such a comment. As I set out in my previous answer, at the time I took over as Leader, the financial impacts of COVID-19 in the current financial year were looking particularly challenging. Fortunately since then the collection levels on our commercial rents have continued to do very well, which in part is a reflection of the hard work of our officers, and we have received additional COVID-19 grant funding which has improved the position for this year. However, as will be discussed at Overview and Scrutiny next week, as a result of COVID-19 we are facing a challenging budget for 2021-22. We have a number of options for closing the budget gaps and if we work collaboratively across the Chamber in the interests of our residents, I am sure we can balance the budget for 2021-22.

As I stated in my previous response, during the week of 2nd November, my Administration invited the LGA to undertake a Finance Peer Review to provide an independent health check on our financial performance and provide constructive feedback both on what we are doing well and to make suggestions as to where we can make improvements.”

8. Questions from Councillor J. Doerfel

- How many applications for rent deferrals/rent remittals by commercial tenants has the Council received this year?
- How many of these have been granted and how many of these have been refused? How many are still outstanding for decision?
- Please provide us with information of the length of the rent periods for which rent will now not be paid by the companies in question (per company if the periods vary).
- How much is the total Council income that will now not be received by the Council during the length of those periods (i.e. the periods during which rent will not be received) and that would otherwise have been due under the pre-COVID 19 rental contracts?

Response from the Deputy Leader, Councillor J. McIlroy

“Thank you for your questions, Councillor Doerfel. I can confirm that during the calendar year (i.e. from 1 January 2020) the Council has received 17 applications for rent concessions. These include requests for rent holidays, rent deferrals or significant changes to the lease structure (e.g. moving from a fixed rent to a turnover rent mechanism).

To date, agreements have been reached with 12 tenants. Two applications have been refused by the Council, two are awaiting a decision and one is due to be submitted for recommendation imminently. Of the 12 agreements that have been reached, four have led to improved terms to the Council, by way of extended lease term and/or net rental. This is a positive outcome bearing in mind the COVID-19 situation within which we are currently operating.

Where we have agreed rent deferments, the agreements have largely required tenants to pay 50% of the rent and full service charge for the quarter, with the outstanding 50% rent for the quarter repaid over periods of between six and 12 months. In all cases the full rent will ultimately be repaid. In terms of the individual tenants the following agreements have been reached:

- Tenant 1 – 50% rent for the March quarter repaid over six months
- Tenant 2 – 50% rent for the March quarter repaid over six months
- Tenant 3 – monthly payment plan, i.e. no overall delay in quarterly payment
- Tenant 4 – monthly payment plan
- Tenant 5 – monthly payment plan
- Tenant 6 – 50% rent for the March quarter repaid over 12 months, plus 50% rent for June quarter repaid over 9 months
- Tenant 7 – 50% rent for the March quarter repaid over 9 months
- Tenant 8 – monthly payment plan

In the following three cases where leases have been extended, the rent free periods have varied between 7.5 months and 18 months depending on the additional lease commitment and are generally in keeping with market terms:

Tenant 9 – 5 year extension, 18 months’ rent free on a phased basis covering four financial years. Value £4,456,755

Tenant 10 – 3 year extension, 15 months at half rent (i.e. 7.5 months’ rent free). Value £25,000

Tenant 11 – 3 year extension, 8 months at half rent (i.e. 4 months’ rent free) – It should be noted that this was agreed with the tenant pre-COVID. Value £240,619.

Finally, there is only one tenant where a rent deferment has been agreed in addition to extending their lease:

Tenant 12 - 50% rent for the March and June quarters repaid over 12 months and a 3 year extension, 24 months at half rent (i.e. 12 months' rent free). Value £1,029,516

The overall value of rent deferments agreed to date (i.e. where rent is not collected in the relevant quarter) is £921,475. Of this, £345,053 will be outstanding by the end of March 2021 reflecting 0.7% of the portfolio rent. This sum will have been repaid by the end of 2021.

The total value of rent free granted for lease extension deals is £5,751,890 (12.24% of the annual rent income) however the value of additional income secured in return is in the order of £19,992,000."

233/20 Questions from members of the public

The Mayor reported that, under Standing Order 14, 12 questions had been received from members of the public for this meeting.

1. Question from Mr. McLuskey

"Given the decision by the Secretary of State to authorise the construction of a new, unnecessary and potentially extremely disruptive pipeline from Southampton to Heathrow and given the council's previous lacklustre response to the proposal will Spelthorne Council now commit to whole heartedly using all means possible to mount a strong legal challenge to the plan in the few weeks remaining which are available for this?"

Response from Councillor J. McIlroy:

"Thank you for your question, Mr McLuskey. The Southampton to London replacement pipeline sought by Esso was granted consent last week. It had been designated a Nationally Significant Infrastructure Project and as such was considered under the Development Consent Order process. This means that the Government had already established the principle of the development in publishing the relevant National Policy Statement (NPS); in this case the 'Overarching National Policy Statement for Energy' and the 'National Policy Statement for Gas Supply Infrastructure and Gas and Oil Supply Pipelines'. The Secretary of State for Business, Energy and Industrial Strategy considered that the proposed development was in accordance with the two National Policy Statements and therefore benefitted from the presumption in favour of oil pipelines. To challenge the principle of the development would require a challenge to the NPS itself, which is not possible as they were both adopted in 2011. By contrast, in the case of the Heathrow expansion proposal there were legal challenges against the Airports National Policy Statement within the 6-week period following the parliamentary vote and that meant the scheme has yet to reach the Development Consent Order stage.

The Development Consent Order process was largely concerned with the detail of impacts the pipeline would have and what mitigation should be secured, with particular focus on the construction period. Spelthorne played a major role throughout the process, including pre-application discussions, preparing written submissions and appearing at the hearing

sessions. We did not object to the principle of the replacement pipeline and focused our efforts on ensuring the development had the least possible impact on our communities and public spaces affected by the route, such as Fordbridge Park in Ashford. Through our engagement we were able to secure detailed construction plans for 'hot spots' in Spelthorne where there were important issues relating to trees, proximity to residential properties and access arrangements. Further detail will need to be agreed by all the affected local planning authorities and we will have powers to enforce measures required by the Order to ensure our residents and businesses are protected from any adverse impacts arising from the development. The Council can see no basis to challenge the decision and would consider it a fruitless use of our resources."

2. Questions from Ms. Mulowska

"Where does the legal power to release Green Belt land for development reside - is it with the local council, or with central government?"

"What effect does the release of a single Green Belt site for development have on how safe the others are - are they more safe or less safe?"

Response from Councillor J.R. Boughtflower:

Thank you for your questions.

"It is the local planning authority that reviews its own Local Plan and may decide to amend Green Belt boundaries to release land for development if there are 'exceptional circumstances' to do so. However, the Council must first have its Local Plan examined by an inspector who will issue a recommendation as to whether or not it is compliant with Government guidance and may require changes in order to do so.

"Any sites considered for release from the Green Belt will be assessed individually and on their own merits. Just because one site is proposed for release, it does not follow that other sites are more vulnerable as justification would need to be given through the site selection process, which includes a methodology for the assessment. This will show how and why all sites are selected, not just in the Green Belt, depending on the overall strategy for the Local Plan."

3. Question from Mr. Hollingworth

"In the light of post-COVID developments, does the council now recognise that the Local Plan must take into consideration the potential for greater office to residential development in addition to less demand for commercial usage on designated brownfield sites stemming from permanent lower demand?"

Response from Councillor J. McIlroy

"Thank you for your question, Mr Hollingworth. It is still early days in considering the long-term effects of COVID-19 on the employment sector and the need for office space. The Local Plan will be covering a 15-year period from adoption and it is too soon to conclude that the current

situation is permanent. Whilst we cannot make any assumptions at this stage about the likelihood of losing more offices to residential use, it is important that we explore this as part of the Local Plan preparation and what this might mean for sites to be allocated for residential development. We recognise that we have a high demand for housing, but we do not want to see Spelthorne become a dormitory borough and constrain the opportunities for businesses to thrive here."

4 Question from Mr. Crooks

"If the green belts sites are developed on, they will no longer provide protection against flooding. Can you guarantee that the properties built on these sites will be insurable, following the increased risk of potential flooding?"

Response from Councillor J. McIlroy

"Thank you for your question, Mr Crooks. Flood risk is an important consideration for the Local Plan. We will carefully follow national guidance and have our own local information in the Strategic Flood Risk Assessment. The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. All local planning authorities must undertake a Strategic Flood Risk Assessment to fully understand the flood risk in the area. Spelthorne's draft Strategic Flood Risk Assessment can be found on our website with other Local Plan evidence. When producing the Local Plan we will apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding is lowest. Before sites at risk of flooding are allocated, a level two site-specific flood risk assessment will be undertaken to look in detail at the individual site.

Where there are no alternative sites and development needs to be in a location where there is any risk of flooding we are required to ensure development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase overall flood risk in our borough or the wider area.

As part of the Local Plan preparation the Council will consult the Environment Agency on both the proposed policy and proposed sites and changes will be made as considered necessary as result of their recommendations. However, the Council is not in a position to guarantee that any property in the borough is insurable, whether at risk of flooding or in relation to other issues. That is a matter for individual insurance companies to determine."

5. Question from Mr. Crooks

"Following the declaration of the climate emergency, will Spelthorne council now provide transparency over the membership and minutes of the climate task group?"

Response from Councillor J.R. Boughtflower

“The membership of the Council’s Climate Change Task Group, along with the composition of all the other recently appointed task groups, has been published earlier today. The Task Group will provide regular updates to meetings of the Council’s Overview and Scrutiny Committee which will be publicly available.”

6. Question from Mr. Woodward

“Following the welcome decision to declare a climate emergency, will the Council now publish the membership and minutes of the meetings of the Climate Task Group and explore ways to engage with local residents to develop a rigorous plan of action in response to climate change and biodiversity loss.”

Response from Councillor J.R. Boughtflower

“Thank you for your question, Mr Woodward.

Having declared a climate emergency, we are as a first step fully assessing and identifying our own carbon footprint and building into that assessment the activities, we have already undertaken to address climate change. From this we will develop an action plan. We recognise that our communities have a role to play in this, so we will continue to proactively work with residents, local businesses, children and schools. In 2021, this Council plans to launch ‘Community Climate Change Forums’ to help us identify ‘Green Champions’ and influence every one of the borough’s residents and visitors to take personal responsibility for becoming that little bit “greener”.

The membership of the Council’s Climate Change Task Group, along with the composition of all the other recently appointed task groups, has been published today. The Task Group will provide regular updates to meetings of the Council’s Overview and Scrutiny Committee which will be publicly available.”

7. Question from Mr. Hyde

“In documents supporting the consultation for the new Local Plan, Spelthorne Borough Council said that 1649 homes would need to be accommodated on Green Belt. Given that the new figures show that there is no need to build on any Green Belt in Spelthorne, will the Council now remove from the new Local Plan the proposals to release 19 Green Belt areas?”

Response from Councillor J. McIlroy

“As per my written reply to the question from Cllr Helen Harvey on the same subject, I can advise there will be a report considered at the Cabinet meeting on 4 November on the issue of our housing need figure, following a recommendation of the Local Plan Task Group. The reports will be available for the public to view on Tuesday 27 October.”

8. Question from Mr. Crooks

"Green belt sites perform a vital role in the wellbeing of the climate and of our citizens. Following the declaration of a climate emergency, will Spelthorne council now recognise the importance of protecting the green belt sites, regarding their importance to the wider climate crisis?"

9. Question from Mr. Hyde

"Green land provides a valuable role in carbon sequestration, and studies have also shown that being in or close to green areas is beneficial for the health and mental wellbeing of the local community. Given this, will the Council establish a new policy which requires land owners to nurture and maintain Green Belt as open green land so that it is fully meeting its potential in helping to address the climate emergency and in providing a health benefit to the community?"

Response from Councillor J.R. Boughtflower to questions 8 and 9

"Thank you for your questions, Mr Crooks and Mr Hyde. this Council takes climate change very seriously, as indicated by our decision to declare a climate change emergency. We have already undertaken a range of projects to help reduce climate change, including reducing energy usage in Council offices by 40%, introducing electric vehicles into the Council fleet and planting over 1,000 trees, recognising their value for both health and well-being and carbon sequestration (a full list of projects undertaken are provided in the written response to this question). The Council proactively ensures the value of its open spaces for residents and promotes their biodiversity.

Climate change is a very important issue that needs to be addressed in the new Local Plan, through policies and when considering sites for allocation for specific uses. However, in developing the plan there are other priorities that must also be addressed, such as the need for affordable housing, vital infrastructure and employment opportunities. The Council's Local Plan Working Party, comprised of Councillors, will take all aspects of these priorities into account and translate these into the best strategy, with associated policies, to ensure a thriving and sustainable Borough into the future.

With respect to Mr Hyde's comments about the need for a new policy which requires landowners to nurture and maintain Green Belt as open green land, it is important to note that policies in the Local Plan apply when development is proposed. There are limits to which we can require landowners to enhance areas of Green Belt within their ownership, unless this can be secured through associated development and therefore enhancement can be made a requirement of a planning permission."

10. Questions from Ms. Sanders

"Who else did the Council consider before selecting ARUP as the consultants for the Green Belt assessment, and what was the brief?"

“Given the fundamental importance of the housing numbers to the Local Plan and that the initial meeting with the MHCLG was nearly a year ago (5th November 2019), and the Officer says they have chased them, please can the Officer say what was the date of the last communication from the MHCLG and when were they last chased for an official answer?

What further work is being undertaken and what impact is the Officer expecting this work to have?

The Officer states that the planners are having to move forward with the higher figure based on the 2014 household projections (i.e. what is now 606 dpa). Why is the government delay in providing a formal response not grounds enough for delaying the planning process, especially given the events of 2020?”

Response from Councillor J. McIlroy

“Thank you for your questions Ms Sanders. In response to your first question, the Council considered tenders from seven well-established and experienced consultancies to carry out the Green Belt Assessment, that was ultimately awarded to ARUP. To summarise the brief, the purpose of the study was to assess and confirm whether the Green Belt in Spelthorne still fulfils its purpose as defined by the criteria set out in the National Planning Policy Framework (NPPF). The purpose was also to assess whether any land which is not Green Belt could meet the purposes as set out in the NPPF. The report was required to:

- include a full technical explanation of the methods employed, with any limitations noted, and clearly document all data sources to be used; and
- justify all assumptions, judgements and findings in an open and transparent manner; and
- use and report upon effective quality control mechanisms.

Responding to the remainder of your questions about Local Housing Need - our Strategic Planning Manager, Ann Biggs, informs me that there was verbal communication with senior officers from the Ministry of Homes, Communities and Local Government in the spring of this year. Since then, with the pandemic response taking priority at a local and central government level, there was no further communication but we were advised to await the publication of the Government’s ‘Planning for the Future’ white paper and the consultation on its proposals this summer, which would include an overhaul of the planning system and an update to the standard methodology for calculating housing need. Officers have reviewed the white paper and the Council will be submitting a formal response to the consultation. As per my earlier reply to the question from Cllr Helen Harvey on the same subject, I can advise there will be a report considered at the Cabinet meeting on 4 November on the issue of our housing need figure, following a recommendation of the Local Plan Task Group. The reports will be available to view by the public on Tuesday 27 October.”

11. Question from Mrs. Doerfel

"How can residents get involved with or at least attend the new Local Plan Task Group?"

12. Question from Mrs. Doerfel

"Why can't the Council enable those members of the public who wish to, to read out their own questions in full like we used to be able to before remote meetings took place?"

Response from Councillor J. Boughtflower

"Thank you for your questions, Mrs Doerfel. In response to your first question - There are a number of ways in which the public can become involved in local democracy, including the right you have exercised to ask a question at the Full Council meeting. Task Groups are not committee meetings under the terms of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and therefore there is no statutory requirement for the public to have access. Officers and elected councillors representing their constituents need to have the necessary space to discuss things in private and to have free, frank and open discussions to formulate policy. The local plan is subject to an extensive public consultation process allowing for public engagement with the process.

Although the public cannot attend the meetings, the recommendations from the Task Group are published on the Cabinet agendas, which are publicly available; and the Cabinet meetings where these are discussed and decided upon are held in public.

In response to your second question - The Council welcomes questions from the public and wishes to encourage your involvement.

The Constitution provides 30 minutes for members of the public to ask their questions at Council. If we stuck rigidly to that provision and allowed the public to put their full statements as well as ask their question, those who submitted their questions at the last minute may not have the opportunity to ask them at all. We prefer to let everyone have their say and to do that it has been necessary to isolate the question from the preceding statements. I am not aware of any instance when a question has been abridged, as it is the preceding statement which has to be abridged to give context to the following question. The full questions are set out on the Council agenda for all to see and the full question and response are included in the minutes.

We have decided at the current time not to allow the public to ask their question in person because we are currently using Skype video conferencing, and not everyone is as familiar with this as with other conferencing platforms.

We do not at present have the resources to assist the numbers of public asking questions to use our existing conferencing facilities. The Council is moving to Microsoft Teams in the next month and will review the situation once this has been introduced.”

234/20 Petitions

The Mayor advised that the Council had received a petition with 1800 signatories requesting that Spelthorne Borough Council and Surrey Police give their full assurance that:

(1) The Lendy Memorial Lion will not be removed, dismantled, or toppled from its current location at Sunbury’s historical Walled Garden (The Walled Garden, Thames Street, Sunbury-on-Thames, TW16 6AB),

(2) the heroic and valiant efforts of Charles Fredrick Lendy Captain R.A and Edward Augustus William Lendy, D.S.O, to which this memorial was erected, will not be marred with a plaque or sign bringing into disrepute their upstanding moral integrity, and

(3) that the memorial will be protected by the police from the threat of vandals, thugs, and terrorists.

In accordance with the Council’s Petition Scheme, the matter was referred to Council for consideration and a response.

Mr Philip Sivyler presented the petition, which now had over 2000 signatories, and referred to the ‘Topple the Racists’ website which identified the Lendy Memorial as one of the statues which should be toppled. The justification for this was the belief that the Lendy brothers were “both responsible for murdering African tribes with machine gun fire.”

He explained the reasons why the Council should not agree to this request: Edward Lendy was decorated for bravery in rescuing 4 of the black soldiers under his command from drowning and was awarded the DSO for his actions against slave traders in West Africa and freeing 250 slaves, and Charles Lendy was defending his men from attack when he opened machine gun fire against a 6000 strong tribal ambush. Mr Sivyler concluded that the Lendy Lion memorial is not an endorsement of every action of the Lendy brothers or conflicts they were involved in.

Councillor R.O. Barratt responded to the petition as follows:

“Thank you, Mr Sivyler for your petition and for sharing the understandably strong views of residents.

I expect that you are aware that the Council committed to review all historical information of Council owned monuments following the issues identified by the recent “Black Lives Matters” protests.

The Lendy Memorial Lion statue in the Walled Garden was identified by the campaign as a statue of concern and is one of the 29 Council owned monuments under review.

In order to undertake this exercise and to enable Councillors and residents to be informed of the full historical background of all the monuments, it was identified that there was a need to employ the services of an appropriately qualified, impartial historian, who has experience in this type of research.

It is the Council's intention that once this was undertaken, the information could then be used by Councillors to review the future of an identified monument if it is established to have sensitive connections.

Following extensive discussions between Officers and relevant experts it was identified that the cost for them to undertake the review would be a cost of approximately £28,000, for research on the Lendy Memorial Lion alone.

After an approach by Council Officers, Alan Doyle a long-time resident of Sunbury who is an investigative journalist by profession kindly agreed to assist the Council and draft a report on the historical background to the memorial.

It was intended that once the report was received it would be for Councillors to consider the information and decide what, if any action would be necessary. The very detailed report has now been completed."

Councillor Barratt proposed that the petition, along with the detailed report, be referred to the Overview and Scrutiny Committee so that a full and proper review could be undertaken by the cross-party members on the Committee.

The proposal was seconded by Councillor J. McIlroy.

The Motion was debated, put to the vote and unanimously carried.

Resolved that the Lendy memorial petition, along with the detailed report, be referred to the Overview and Scrutiny Committee so that a full and proper review can be undertaken by the cross-party members on the Committee.

235/20 Replacement of Spelthorne Leisure Centre

The Council considered the recommendation of the Cabinet on the replacement of Spelthorne Leisure Centre.

It was moved and seconded that Council approves a supplementary capital estimate outlined in the confidential Appendix 5 to the report (attached as an exempt item) to cover the projected costs of developing the new centre.

Councillor Nichols indicated that he had a question in relation to the exempt information in Appendix 5 to the report to Cabinet. The Mayor advised that the question would be taken in a Part 2 session at the conclusion of this meeting.

236/20 Exempt Report - Victory Place Construction Costs - Key Decision

Council considered the recommendation from the Cabinet in relation to Victory Place construction costs.

It was moved and seconded that Council approves the increase in Capital spend for construction works, from £16.25m to £25.93m.

Councillor Nichols indicated that he had a question in relation to the exempt report to Cabinet. The Mayor advised that the question would be taken in a Part 2 session at the conclusion of this meeting.

237/20 Changing to a Committee system

The Council considered the report of the Monitoring Officer on a change to the Committee system.

Councillor J.R. Boughtflower proposed:

1. the objectives as set out in paragraph 4 of the report are adopted to achieve the desired change;
2. this is recognised as a flagship project for the Council;
3. the indicative budget is allocated for this flagship project and on-going structure as set out in this report; and
4. this project proceeds without a meaningful public consultation exercise built into the timetable, as it is acknowledged that to undertake such an exercise may result in the timetable extending beyond the May 2021 date for implementation.

The proposal was seconded by Councillor J. McIlroy.

Councillor R.A. Smith-Ainsley proposed and Councillor I.J. Beardsmore seconded the following amendment by the addition and deletion of words, to Paragraph 4 of the Motion:

“this project proceeds with a meaningful public consultation exercise built into the timetable, it is acknowledged that to undertake such an exercise may result in the timetable extending beyond the May 2021 date for implementation.”

Having sat for three hours, it was moved, seconded and agreed to suspend Standing Order 5 to continue the business on the agenda until 10pm or close of business, whichever was sooner.

Councillor R.J. Noble called for a recorded vote on the amendment.

The result of the vote was:

FOR (14)	Councillors C. Bateson, I.J. Beardsmore, A. Brar, R.D. Dunn, S.A. Dunn, H. Harvey, I.T.E. Harvey, T. Lagden, O. Rybinski, D.
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	Saliagopoulos, J.R. Sexton, R.A. Smith-Ainsley, B.B. Spoor and J. Vinson.
AGAINST (20)	Councillors M.M. Attewell, C. Barnard, C. Barratt, R.O. Barratt, J.R. Boughtflower, S. Buttar, J.T. Doran, S.M. Doran, T. Fidler, N.J. Gething, M. Gibson, K.M. Grant, A.C. Harman, N. Islam, V.J. Leighton, M.J. Madams, J. McIlroy, A.J. Mitchell, R.J. Noble and R.W. Sider BEM.
ABSTAIN (2)	Councillors J.H. Doerfel and L.E. Nichols

The amendment was lost and the original Motion was open to debate.
Councillor R.J. Noble left the meeting following the vote on the amendment.

Councillor J.H. Doerfel proposed and Councillor I.J. Beardsmore seconded the following amendment by the addition and deletion of words, to Paragraph 4 of the Motion:

“This project proceeds with a meaningful public consultation exercise built into the timetable, as agreed by Council on 30 July 2020.”

The Monitoring Officer confirmed that the timetable agreed by Council on 30 July 2020 was to change to the Committee system at the Annual Council meeting on 27 May 2021.

The Leader, Councillor J.R. Boughtflower advised that it was his intention that all councillors would be invited to agree the questions to be posed in the public consultation.

The amendment was debated, put to the vote and unanimously carried.

The substantive Motion was put to the vote and it was:

Resolved

1. the objectives as set out in paragraph 4 of the report are adopted to achieve the desired change;
2. this is recognised as a flagship project for the Council;
3. the indicative budget is allocated for this flagship project and on-going structure as set out in this report; and
4. this project proceeds with a meaningful public consultation exercise built into the timetable, as agreed by Council on 30 July 2020.

238/20 Appointment of representative Trustees Ashford Relief in Need

It was proposed by Councillor J.R. Boughtflower and seconded by Councillor J. McIlroy and **resolved** that Mrs. M. Bushnell be reappointed as a Council

representative trustee to serve on Ashford Relief in Need for a four year term of office until October 2024.

Ashford Sick and Needy Charity

It was proposed by Councillor J.R. Boughtflower and seconded by Councillor J. McIlroy and **resolved** that Mr. A Hatchman, Mr. M. Mulford and Mr. D Shenton be reappointed as Council representative trustees to serve on Ashford Sick and Needy Charity for a four year term of office until October 2024.

Laleham Charities – Village Hall and Recreation Ground

It was proposed by Councillor J.R. Boughtflower and seconded by Councillor J. McIlroy and **resolved** that Mr. C. Squire OBE be reappointed as a Council representative trustee to serve on Laleham Charities – Village Hall and Recreation Ground for a four year term of office until October 2024.

239/20 Report from the Leader of the Council

The Leader of the Council, Councillor J.R. Boughtflower presented the report of the Cabinet meeting held on 23 September 2020, which outlined the matters the Cabinet had decided since the last Council meeting.

240/20 Report from the Chairman of the Licensing Committee

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

241/20 Report from the Chairman of the Overview and Scrutiny Committee

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

242/20 Report from the Chairman of the Planning Committee

The Chairman of the Planning Committee, Councillor T. Lagden, presented his report which outlined the matters the Committee had decided since the last Council meeting.

243/20 Motions

The Mayor advised that in accordance with Standing Order 17 the Council had received six written Notices of Motions.

The Monitoring Officer advised that Motion 4, proposed by Councillor Siva, could not be considered by the Council as it was unlawful.

Motion 1

The Council considered the Report of the Monitoring Officer on the Motion to make changes to the Constitution.

Councillor A.J. Michell moved and Councillor R.O. Barratt seconded the following motion:

“That the Constitution be amended as follows:

a. Part 4 Section (d) – Financial Regulations

i. Para B24 be amended as follows:

‘Capital expenditure on a scheme not included in estimates or budgets may only be incurred after full evaluation of that scheme by the Leader (if under £20,000) or Cabinet (between £20,000 and £1million) Any proposed capital expenditure over £1 million must be evaluated and agreed by majority of Council Members’.

The paragraph will continue as detailed- ‘This will include a statement.....’

A final sentence to be added: ‘This paragraph (B24) shall take priority over any other clause or paragraph within this Constitution that may be, or appear to be, in conflict.’

ii. Para A38 be amended as follows:

The Leader is authorised to approve a total supplementary expenditure in a year not exceeding 5% of the approved net revenue budget and £20,000 on any approved capital scheme.

b. Part 4 section (c) Who May Make Cabinet Decisions

i. Who may make cabinet decisions: Para 2.1 be amended as follows:

‘The arrangements for the discharge of Cabinet functions may be set out by the Leader. The Leader may, after full consultation and agreement of the majority of Cabinet members, provide for Cabinet functions to be discharged by: The list (a) to (g)

ii. Quorum: Para 6.1 be amended as follows:
The quorum for a meeting of the Cabinet is 5.

c. Part 4a Standing Orders

That Standing Order 4(a) be amended to read:

‘The quorum of the Council is one quarter of the total number of councillors (and in the case of Cabinet shall be 5 members) and no business shall be considered unless a quorum is present.’

In accordance with Standing Order 20.13 the Council gave its consent to the alteration of the Motion on notice.

The motion was debated, put to the vote and carried.

Resolved that the Constitution be amended as follows:

a. Part 4 Section (d) – Financial Regulations

i. Para B24 be amended as follows:

‘Capital expenditure on a scheme not included in estimates or budgets may only be incurred after full evaluation of that scheme by the Leader (if under £20,000) or Cabinet (between £20,000 and £1million) Any proposed capital expenditure over £1 million must be evaluated and agreed by majority of Council Members’.

The paragraph will continue as detailed- ‘This will include a statement.....’

A final sentence to be added: ‘This paragraph (B24) shall take priority over any other clause or paragraph within this Constitution that may be, or appear to be, in conflict.’

ii. Para A38 be amended as follows:

The Leader is authorised to approve a total supplementary expenditure in a year not exceeding 5% of the approved net revenue budget and £20,000 on any approved capital scheme.

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ii. Quorum: Para 6.1 be amended as follows:
The quorum for a meeting of the Cabinet is 5.

c. Part 4 section (a) Standing Orders

That Standing Order 4(a) be amended to read:

‘The quorum of the Council is one quarter of the total number of councillors (and in the case of Cabinet shall be 5 members) and no business shall be considered unless a quorum is present.’

Motion 2

Councillor R.A. Smith-Ainsley moved and Councillor I.J. Beardsmore seconded the following Motion:

“Members will undoubtedly have noticed the growth in the number of small silver canisters lying around in our borough. These are Nitrous Oxide gas cylinders which are not being used for the purpose that they were manufactured but are being used by youngsters to give themselves an instant ‘high’.

The gas does unfortunately have side effects. It is very dangerous to inhale nitrous oxide directly from the canister and doing it in an enclosed space is also very dangerous. If you take too much nitrous oxide you risk falling unconscious and/or suffocating from the lack of oxygen. People have died this way.

This is a psychoactive drug and is covered by the 2016 Psychoactive Substances Act, which means it’s illegal to give away or sell. There’s no penalty for possession unless you’re in prison. Supply and production can get you up to 7 years in prison, an unlimited fine or both.

In order to try to protect our residents from the effect of this drug:-

This Council resolves to:-

- a) Hold an advertising campaign to
 - i) remind local businesses of the legislation regarding supply of these canisters.
 - ii) remind parents/guardians of the harm that inhaling Nitrous Oxide from these cylinders will cause for their children.
- b) ask schools and youth organisations to highlight the dangers of inhaling Nitrous Oxide from these cylinders.
- c) use our JET team to carry out test purchases in the same way we do for licensed premises
- d) write to the Home Secretary to ask that the Psychoactive Substances Act be reviewed to remove loopholes which prevent prosecutions and increase fines for illegal importation and sale.”

Councillor J.R. Sexton called for a recorded vote on the Motion.

The Motion was put to the vote which was recorded as follows:

FOR (20)	Councillors C. Bateson, I.J. Beardsmore, A. Brar, J.H. Doerfel, J.T. Doran, S.M. Doran, R.D. Dunn, S.A. Dunn, T. Fidler, K.M. Grant, H. Harvey, I.T.E. Harvey, L.E. Nichols, O. Rybinski, D. Saliagopoulos, J.R. Sexton, R.W. Sider BEM, R.A. Smith-Ainsley, B.B. Spoor and J. Vinson.
AGAINST (15)	Councillors M.M. Attewell, C. Barnard, C. Barratt, R.O. Barratt, J.R. Boughtflower, S. Buttar, N.J. Gething, M. Gibson, A.C. Harman, N. Islam, T.

	Lagden V.J. Leighton, M.M. Madams, J. McIlroy and A.J. Mitchell.
ABSTAIN (0)	

The Motion was carried.

Resolved to:

- a) Hold an advertising campaign to
 - i) remind local businesses of the legislation regarding supply of these canisters.
 - ii) remind parents/guardians of the harm that inhaling Nitrous Oxide from these cylinders will cause for their children.
- b) ask schools and youth organisations to highlight the dangers of inhaling Nitrous Oxide from these cylinders.
- c) use our JET team to carry out test purchases in the same way we do for licensed premises
- d) write to the Home Secretary to ask that the Psychoactive Substances Act be reviewed to remove loopholes which prevent prosecutions and increase fines for illegal importation and sale.”

The meeting adjourned at 10pm with the remaining business on the agenda deferred until 29 October 2020.