



**Spelthorne
Borough Council**

Council Meeting
Thursday, 10 December 2020



2 December 2020

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held remotely via Skype for Business video conferencing on **Thursday, 10 December 2020** commencing at **6.00 pm** for the transaction of the following business.

Daniel Mouawad
Chief Executive

Councillors are encouraged to wear their badge of past office at the Council meeting.

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

AGENDA

Description	Page nos.
1. Apologies for absence To receive any apologies for non-attendance.	
2. Minutes To confirm as a correct record the minutes of the Council meeting held on 22 October 2020 and re-convened on 29 October 2020.	11 - 64
3. Disclosures of Interest To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.	
4. Announcements from the Mayor To receive any announcements from the Mayor.	
5. Announcements from the Leader To receive any announcements from the Leader.	
6. Announcements from the Chief Executive To receive any announcements from the Chief Executive.	
7. Questions from members of the public The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 14. <i>Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 3 December 2020.</i>	
8. Petitions To receive any petitions from members of the public.	
9. Update on financial impact of COVID-19 To receive a verbal update on the financial impact of Spelthorne Borough Council's emergency response to COVID-19.	
10. Changing to a Committee system of governance - update To receive an update report from the Constitution Review Task Group on progress with arrangements for changing to a Committee system of governance.	To Follow

- 11. Appointment of Co-opted members**
To consider the report of the Monitoring Officer on the appointment of co-opted members to the Council. To Follow
- 12. Recommendations of the Cabinet**
To consider the recommendations of the Cabinet in relation to the following items, from its meetings held on 4 November 2020 (attached) and 3 December 2020 (to follow). 65 - 66
- a) Anti-Fraud, Bribery and Corruption Strategy 67 - 72
 - b) Dog Control Order 73 - 86
 - c) Capital Monitoring Quarter 2 To Follow
- 13. Recommendation of the Audit Committee - Confidential Reporting Code**
To consider the recommendation of the Audit Committee in relation to amendments to the Confidential Reporting Code (Whistle Blowing Policy) in the Constitution. 87 - 94
- 14. Report from the Leader of the Council**
To receive the reports from the Leader of the Council on the work of the Cabinet at its meetings held on 4 November 2020 (attached) and 3 December 2020 (to follow). 95 - 96
- 15. Report from the Chairman of the Audit Committee**
To receive the report from the Chairman of the Audit Committee on the work of his Committee. 97 - 98
- 16. Report from the Chairman of the Overview and Scrutiny Committee**
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee. 99 - 100
- 17. Report from the Chairman of the Planning Committee**
To receive the report from the Chairman of the Planning Committee on the work of his Committee. 101 - 102
- 18. Motions**
To receive any motions from Councillors in accordance with Standing Order 19.

Note: The deadline for motions to be considered at this meeting was Monday 30 November 2020 and four were received.

Motion 1

Fireworks

1. To require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.
2. To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
3. To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.
4. To encourage local suppliers of fireworks to stock ‘quieter’ fireworks for Public use.

Proposed by Councillor D. Saliagopoulos
Seconded by Councillor T. Lagden

Motion 2

We would like to propose a vote of thanks to our Officers, as well as our Key Workers and Volunteers, for all their hard work during 2020 with the challenges that have arisen due to the pandemic. We hope that in the New Year of 2021 we can look forward to a return to normality and working together as a strong team to best serve the needs of our residents.

Proposed by Councillor S. Dunn
Seconded by Councillor R.W. Sider BEM

Motion 3

Spelthorne Borough Council notes with grave concern the budget cuts being forced upon Surrey Fire and Rescue Service (SFRS) by Surrey County Council’s (SCC) Fire Authority which will result in the risk to the public and firefighters soaring to an alarming and unacceptable level.

The budget cuts imposed on SFRS by SCC have resulted in a litany of hazardous consequences for firefighters, the constituents of Spelthorne and Surrey, which include the following:

- Implemented in April 2020, Phase 1 of SCC cuts removed four fire engines from night cover which includes one from Spelthorne’s night time cover. As 75% dwelling fire deaths occur at night, Spelthorne Borough Council believes this is an extremely dangerous and reckless cut. Phase 2 will cut a further three night cover fire engines effecting Egham, Banstead and Painshill, which will also have a detrimental effect on Spelthorne as Spelthorne relies on these

neighbouring areas for additional cover.

- Phase 2 of the Making Surrey Safer Plan calls for only 350 operational firefighters, which constitutes a 30% reduction in personnel since 2010.
- On top of that, many firefighters have left the service to transfer to other FRSs as they are no longer willing to work in an environment where their health and safety is endangered or accept a 12 hour shift system imposed without negotiation which has had severe impacts on their work life balance. Others have suffered imposed pay cuts which range from 6% to 26%.
- Whole-time fire engines crew have been reduced from 5 to 4 despite the fact that according to the Fire Brigade Union, the safety of people and firefighters will be severely comprised by a fire engine crewed by less than 5 Firefighters.
- SFRS has failed to comply with its own Emergency Response Standard (which has been downgraded 3 times since 2005) for the last 5 years. With a further cut of 70 firefighters and the removal of 7 fire engines from night cover this year, the possibility of compliance with its Emergency Response Standard in 2020 and beyond is becoming even more remote.
- A decrease of fire engine availability at Fordbridge Fire Station in Spelthorne from 75.8% in Jan 2020 to 38.7% in October 2020 after the Phase 1 cuts had been implemented.
- From 1-26 November, 2 engines during the day (the minimum requirement for an adequate level of safety provided by FBU) were available for just 4 days at Fordbridge. There were 0 pumps available for 2 days.
- No improvement on approximately 40% understaffing of On Call Firefighters.
- A 66% decrease in the number of Fire Protection audits carried out
- An eye-watering 388% increase from 2019 to 2020 in the number of emergency calls the London Fire Brigade have attended in Surrey revealing how under-resourced SFRS is.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) which independently assesses the effectiveness and efficiency of the fire & rescue services in the public interest, has stated that they "have concerns about the performance of Surrey Fire and Rescue Service in keeping people safe and secure and in particular, serious concerns about the service's effectiveness and efficiency" in their report Effectiveness, Efficiency and People 2018/19 – an inspection of Surrey Fire and Rescue Service.

Spelthorne Council is extremely concerned that the cuts imposed by SCC to the SFRS will result in increasing the risk of serious injury and death to residents. SCC owes a duty of care to Spelthorne residents to ensure that their fire service is discharged with optimum safety management, and hence calls on SCC, by writing to the Leader of Surrey County Council, Tim Oliver and the Cabinet Member for Communities, Denise Turner-Stewart to:

1. Reverse the Phase 1 cuts
2. Halt the Phase 2 cuts
3. Reinstate a fit for purpose budget, in agreement with the Fire Brigade Union, which will restore an optimum level of safety for the public and firefighters in Surrey.

Proposed by Councillor V. Siva
Seconded by Councillor J. Doerfel

Motion 4

The Staines Masterplan has evolved in administrative changes, but the document remains important as the framework to establish sustainable development of Staines Town Centre.

In recognition of this importance, this motion states that the council shall henceforth order that:

1. Any proposed development of Staines Town Centre by Spelthorne Borough Council and Knowle Green Estates shall be kept on hold until the Staines Masterplan has been approved.
2. Developers of Major applications proposed in the Staines Town Centre shall be invited to defer their applications until such time that the Council has established policy direction from the Staines Masterplan.
3. The Staines Masterplan needs significant consultation with the community of Spelthorne from the outset.

Not considering this motion now would mean development with no clear strategy that we will be having to attempt to remedy too late. Residents expect clarity for what Staines will look like in the future to ensure they can buy into a positive and ambitious future for Staines Town that respects its heritage but developed for a sustainable future.

Proposed by Councillor C. Bateson
Seconded by Councillor T. Lagden

19. Questions on Ward Issues

The Leader, or his nominee, to answer questions from Councillors on issues in their Wards, in accordance with Standing Order 15.

Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 3 December 2020.

20. General questions

The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 15.

Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 3 December 2020.

At the time of the publication of this agenda, two questions were received.

Question from Councillor Ian Harvey

“Can the Leader please confirm that all matters are on track for the transition to the Committee System, as per Council Resolution of 30th July, and that this will indeed come into effect from the Annual Council Meeting in May 2021? If not can he please explain why not?”

Question from Councillor Richard Barratt

“Evidence has been provided to me that a Councillor and others have potentially breached environmental rules in that they used land at Napper's Paddock Wheatsheaf Lane for which they are responsible to store trade waste and rubbish to the detriment of the local environment. When directed to remove it by council officers they chose to burn it on two occasions (10th and 13th November 2020) causing pollution, explosions, risk to the wildlife and environment leading to the unnecessary call out of the Surrey Fire brigade.

Local residents are deeply concerned at this alleged action by a local councillor and have complained. Apparently, the action was aggravated by alleged claims told to the fire brigade claiming they had an environmental licence to burn the waste.

1. Does the leader consider that this action is in breach of the policy recently issued by Spelthorne Borough Council declaring a climate emergency?
2. Does the leader consider this has brought the council into disrepute?
3. Does the council condone such behaviour by a serving borough councillor?
4. What action does the council intend to take, bearing in mind the unnecessary additional cost to the fire brigade and the environmental catastrophe that occurred, due to the actions of this councillor?”

21. Appointment of representative Trustees

To consider the appointment of Council representative Trustees to the following charities:

1. Staines Parochial Charity

The appointment of Mrs J. Stillwell for a four year term of office to December 2024.

2. Laleham Charities – Mary Hodgson and Mary Reeve

The re-appointment of Mr B. Morgan for a further four year period ending in December 2024 and the appointment of Ms J. Smith for a four year term of office to December 2024.

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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 deferrals, 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 deferral 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 deferrals 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 Sivyer 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 Sivyer 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 Sivyer 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’.

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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.

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MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Reconvened Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 29 October 2020 at 6.00 pm

Present:

Councillors:

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

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

Apologies: Apologies were received from Councillors N.L. Cornes, S.M. Doran, L. E. Nichols and O. Rybinski

244/20 Disclosures of Interest

There were no disclosures of interest.

245/20 Motions

The Council considered those motions received from councillors in accordance with Standing Order 19 which were adjourned from the meeting held on 22 October 2020.

Motion 3

It was proposed by Councillor B.B. Spoor and seconded by Councillor T. Fidler that:

“This Council notes: The publication by Government of the White Paper, Planning for the Future on 6 August 2020, which set out proposals on reforms to the planning process for the future.

This Council believes:

1. that existing planning procedures, as currently administered by our own team, allow for local democratic control over future development, and give local people a say in planning proposals that affect them.
2. that proposals for automatic rights to build in growth areas, and increase permitted development rights, risk unregulated growth and unsustainable communities.
3. that local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.

And this Council resolves to:

1. take part in the consultation on the planning proposals, and to make representations against the proposals as outlined in this motion.
2. write to and lobby our Member of Parliament, urging him to oppose these proposals and to circulate the reply to members.
3. highlight its concerns over these proposals with the public and local residents.

This Council is concerned that the proposals seek to:

1. reduce or remove the right of residents to object to applications near them.
2. grant automatic rights for developers to build on land identified for growth.
3. remove section 106 payments for infrastructure and their replacement with a national levy.

The vast majority of planning applications are given the go ahead by local authority planning committees, with permission granted to around 9 out of 10 applications.

And research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started.

This Council further notes: The Royal Institute for British Architects called the proposals shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes. RIBA also said that proposals could lead to the next generation of slum housing. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.”

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

Resolved that:

This Council notes: The publication by Government of the White Paper, Planning for the Future on 6 August 2020, which set out proposals on reforms to the planning process for the future.

This Council believes:

1. that existing planning procedures, as currently administered by our own team, allow for local democratic control over future development, and give local people a say in planning proposals that affect them.
2. that proposals for automatic rights to build in growth areas, and increase permitted development rights, risk unregulated growth and unsustainable communities.
3. that local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.

And this Council resolves to:

1. take part in the consultation on the planning proposals, and to make representations against the proposals as outlined in this motion.
2. write to and lobby our Member of Parliament, urging him to oppose these proposals and to circulate the reply to members.
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This Council further notes: The Royal Institute for British Architects called the proposals shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes. RIBA also said that proposals could lead to the next generation of slum housing. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.

Motion 5

It was proposed by Councillor J.H. Doerfel and seconded by Councillor J.R. Sexton that:

"According to the Royal College of Physicians an estimated 40,000 deaths a year in the UK are linked to air pollution, with engine idling contributing to this. Engine idling can release 150 balloons worth of exhaust emissions in just one minute.

As stated by the RAC “(t)hese fumes contain a number of harmful gasses including carbon dioxide, which is bad for the environment and contributes towards climate change, as well as a range of other harmful gasses including nitrogen dioxide, carbon monoxide and hydrocarbons which are linked to asthma and other lung diseases.”

As a Council that wishes to improve air quality across the borough, this council herewith decides to:-

- a) Declare a Borough-wide “Clean Air and no idling zone” by 1st January 2021,
- b) encourage all residents and businesses to stop engine idling in the Borough through awareness-raising in Council publications, communications and as part of a general awareness campaign pointing out the harm of idling and that engine idling is already liable for a penalty notice under existing legislation,
- c) encourage and assist schools, businesses, and other partners in the Borough to highlight the health hazards and environmental impact of idling and to take measures to combat idling through signage and other measures,
- d) write to Surrey County Council urging the Council to proactively address and combat idling as a matter of urgency including through the implementation of a Traffic Regulation Order to this effect, increased use of custom signage, idling penalties and increased enforcement resourcing for monitoring of idling hotspots including in busy shopping areas, car parks, near schools and in residential areas.
- e) Write to the Government urging for a substantial increase in fines for stationary idling and repeat idling through legislative reform and statutory operational guidance to authorities.
- f) Work with other local authorities to learn from best practices and work together for legislative reform.”

Councillor I.J. Beardsmore proposed the following amendment by the addition and deletion of words, which was seconded by Councillor T. Lagden:

In relation to Paragraph a) to read: “a) **seek to** declare a no idling zone **as a matter of urgency.**”

In relation to Paragraph d) to read: “d) write to Surrey County Council urging the Council to proactively address **the declaration of a Clean Air Zone**, and combat idling as a matter of urgency including through the implementation of a Traffic Regulation Order to this effect, increased use of custom signage, idling penalties and increased enforcement resourcing for monitoring of idling hotspots including in busy shopping areas, car parks, near schools and in residential areas.”

The amendment was put to the vote and carried.

Councillor N.J. Gething had left the meeting during the debate on the amendment.

The substantive motion was then put to the vote and carried.

Resolved that:

As a Council that wishes to improve air quality across the borough, this council herewith decides to:-

- a) seek to declare a no idling zone as a matter of urgency,
- b) encourage all residents and businesses to stop engine idling in the Borough through awareness-raising in Council publications, communications and as part of a general awareness campaign pointing out the harm of idling and that engine idling is already liable for a penalty notice under existing legislation,
- c) encourage and assist schools, businesses, and other partners in the Borough to highlight the health hazards and environmental impact of idling and to take measures to combat idling through signage and other measures,
- d) write to Surrey County Council urging the Council to proactively address the declaration of a Clean Air Zone and combat idling as a matter of urgency including through the implementation of a Traffic Regulation Order to this effect, increased use of custom signage, idling penalties and increased enforcement resourcing for monitoring of idling hotspots including in busy shopping areas, car parks, near schools and in residential areas.
- e) Write to the Government urging for a substantial increase in fines for stationary idling and repeat idling through legislative reform and statutory operational guidance to authorities.
- f) Work with other local authorities to learn from best practices and work together for legislative reform.

Motion 6

It was proposed by Councillor T. Lagden and seconded by Councillor V. Siva that:

Spelthorne Borough Council herewith

1. declares a climate emergency immediately.
2. decides to commission a detailed study by the end of this year identifying practical steps, precise targets and concrete courses of action that can achieve carbon neutrality as soon as possible,
3. decides to network with other local authorities and the Local Government Association with a view to learning from best practices by other Councils that have adopted carbon neutrality targets and/or other measures mitigating the effects of Climate Change,
4. decides to establish a Climate Change Citizens Assembly for residents to help address our climate emergency before the end of the year with the first meeting to be held remotely in January 2021.

Councillor R.J. Noble proposed the following amendment by the addition and deletion of words, which was seconded by Councillor R.W. Sider BEM:

In relation to Paragraph 4. to read: decides to establish a Climate Change **Residents' Fora** for **constituents** to help address our climate emergency before the end of the year with the first meeting to be held remotely in **March 2021**.

The amendment was put to the vote and as there was an equality of votes, the Mayor used his casting vote. The amendment was carried.

Councillor N.J. Gething re-joined the meeting during the debate on the amendment.

The substantive motion was then put to the vote and carried.

Resolved that:

Spelthorne Borough Council herewith

1. declares a climate emergency immediately.
2. decides to commission a detailed study by the end of this year identifying practical steps, precise targets and concrete courses of action that can achieve carbon neutrality as soon as possible,
3. decides to network with other local authorities and the Local Government Association with a view to learning from best practices by other Councils that have adopted carbon neutrality targets and/or other measures mitigating the effects of Climate Change,
4. decides to establish a Climate Change Residents' Fora for constituents to help address our climate emergency before the end of the year with the first meeting to be held remotely in March 2021.

246/20 Questions on Ward Issues

The Mayor reported that one Ward Issue question had been received, in accordance with Standing Order 15.

Question from Councillor S. Dunn

“Sunbury Leisure Centre Pool has been closed indefinitely since Lockdown. We have been liaising with Officers to ensure that residents can be informed of updates and we understand more information from a structural report will be due in early November. Once the report establishes the findings and exact costings, to return Sunbury Leisure Centre Pool to full operation, a timeline can be published.

In the meantime, can this Administration agree with us that Sunbury Leisure Centre is an important Community asset and commit to investment to reopen the facility as early as possible including future proofing to improve the Centre for many years to come”

Response from the Portfolio Holder for Leisure Services, Councillor R. Chandler

“This Administration certainly agrees that Sunbury Leisure Centre is an important community asset. We are committed to providing high quality leisure facilities for our residents and, as Spelthorne Council has the lease to the leisure centre building until 2038, we will continue to invest in this facility to ensure that it meets the needs of our residents. Unfortunately, at present the pools at the centre remain closed, although the rest of the centre is open for other sports and fitness use.

During lockdown it became evident that there were significant structural issues to the both the main pool and the teaching pool, the cause of which is still under investigation. The Council is currently working with a specialist company to determine the extent of the damage and what caused the issue. Core samples have been taken from the pool tanks and we are pushing for an interim analysis report before the end of the month to enable us to begin the procurement process.

This is unfortunately taking longer than it usually would due to COVID restrictions and limited technicians in the testing laboratory. The Council have been told to expect a detailed specialist report in November. The position with insurance will remain unknown until the cause can be determined and the Council will then need to establish responsibility. The likely cost for repairs is currently estimated at between £250,000 and £500,000 and if the Council is responsible for any of these costs a full report will be submitted to Cabinet for consideration.”

247/20 General questions

The Mayor reported that 11 general questions had been received in accordance with Standing Order 15, from Councillors R.W. Sider BEM, R.A. Smith-Ainsley, H. Harvey, I.T.E. Harvey and J.H. Doerfel.

Question 1 – Councillor R.W. Sider BEM

“Will the Leader and members of the council join me in congratulating the Council on being awarded the ‘Silver Award ‘ as part of the Ministry of Defence Employers Recognition Scheme, an award for organisations that pledge, demonstrate and advocate support to the Armed Forces community, and align their values with the Armed Forces Covenant. And will the council also note the hard work undertaken by Kamal Mehmood, the council’s Armed Forces Partnership Manager and the Council’s Communication team in order to achieve such a high and prestigious award.”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you, Cllr Sider. We are delighted that the Council has been recognised for the measures that have been put in place to support the Armed Forces Community. I understand that Spelthorne Borough Council is only the

second authority in Surrey to have received this accolade and I would like to join you in congratulating everyone involved for their hard work and commitment in achieving this prestigious award.

I would like to take this opportunity to affirm our commitment to the Armed Forces Community, the Armed Forces Covenant and looking forward, to achieving the Gold standard.”

Question 2 – Councillor R.W. Sider BEM

“The annual South and South east in Bloom competition is designed to encourage councils, residents and businesses to work together to improve the local environment and make towns and cities greener and cleaner for everyone. That said, will the Leader and all members of this council join me in congratulating Head of Neighborhood Services and her staff on achieving a magnificent result by way of Staines, Ashford and Sunbury cemeteries all being awarded gold, and the Sunbury Walled Garden also striking gold in the Small Park category.”

Response from the Leader, Councillor J. R. Boughtflower

“Thank you Cllr Sider and I join you in congratulating Jackie Taylor and the rest of the Neighbourhood Services Team for their hard work and commitment in achieving these prestigious awards.

I am aware that these awards are not easily won and when you consider that the borough achieves these year on year, it shows that the high standards are there for our residents and visitors to appreciate all year round, and as you have said, improves our environment for all to enjoy.

Well done to all who have made a difference and made Spelthorne a Gold winner again in the South & South East in Bloom Awards.”

Question 3 – Councillor R.A Smith-Ainsley

“In the announcements made by the Leader at his first council meeting on 30th July he stated the following regarding Task Groups:-

“Full details of this group (a Multi-Party Task Group on Governance) and all the other Task Group will be published in the next few days.”

Since then all efforts to find out the details of these Task Groups has been met with a wall of silence.

Why, two and a half months after he promised the details is the Leader deliberately withholding this information?”

Response from the Leader, Councillor J. R. Boughtflower

“Thank you Cllr Smith-Ainsley. The details of the task groups are not being deliberately withheld. The composition of the task groups and the number of the groups are still being finalised and will be published as soon as possible.”

Question 4 – Councillor R.A. Smith-Ainsley

“Leader of Spelthorne Borough Council Cllr John Boughtflower has made various statements which have been published on the council web site.

He stated on 17th August "When elected as leader, I promised that there would be an increase in cross-party working and, just over a month on, this administration is demonstrating that actions speak louder than words." At the same time the Deputy Leader, Cllr McIlroy stated with regard to the New Local Plan working party "Not only will this be the first of the new administration's promised cross-party engagement groups but, as it regards the New Local Plan which is so important to residents, it is arguably one of the most significant working groups for our Borough. This group will lead the way to prove co-operative *working over politics for the benefit of our residents*."

The emphasis on “co-operative *working over politics for the benefit of our residents*” is significant.

Can the Leader explain why he has decided to deliberately exclude every single member of the United Spelthorne Group, which is the second largest opposition group on the council from every one of his cross party working groups including the New Local Plan working party described by the Deputy Leader as “one of the most significant working groups for our Borough” and how can he justify that the group “will lead the way to prove co-operative *working over politics for the benefit of our residents*.” when everyone can clearly see that actions do indeed speak louder than words and that petty politics is front and centre of his working party selection criteria, over and above any thought about the benefits to our residents?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you Cllr Smith-Ainsley, I have selected the Councillors to be on the task groups and have included Councillors from all the different political Parties and the Independent Councillors of groups or individual members, as follows:

Cllr Sexton: KPMG working group
Cllr Brar: Climate Change Task Group
Cllr Beardsmore: Local Plan Task Group
Cllr Saliagopoulos: Staines development group
Cllr Cornes: Staines development group

As you well know, as you were part of the previous administration, the then leaders' task group had previously only been for the few and not open to many more members as it is now."

In accordance with Standing Order 15.2 Councillor R.A. Smith-Ainsley asked a supplementary question:

"In the list of Task Groups published on the day of the last Council meeting, just 1 out of the 67 councillors listed for those task groups was a member of the United Spelthorne Group (USG). The USG has no representation on the new Local Plan Task Group. As the Leader wrote to the Leader of the USG less than a month before I submitted my question stating, "as I am sure you have noticed and heard from the conservative members, we do not recognize your unelected group and therefore will not be including you on my Leader's task groups", will he now agree that he has actively discriminated against the councillors from the USG as far as the task groups are concerned?"

Councillor J.R. Boughtflower provided the following written response:

Councillors Brar and Sexton are both on Working Groups. If I was discriminating, then no members of the group you belong to would be on any Working Group.

As you well know, numbers can be twisted in many ways.

The Local Plan Task Group membership is based on one member from each ward. As members have been allocated a place on the Task Group from Laleham and Shepperton Green, Stanwell North and Ashford North, Ashford Town and Sunbury East wards, there are no vacancies for other members.

Yourself, Cllr I Harvey and Cllr H Harvey, were on the previous Local Plan Working Party to which other members were not invited. The Local Plan Task Group is progressing well with the skills of the current participants to it.

Question 5 – Councillor Helen Harvey

"Following the recent 'Lichfields' report re housing needs across the country, if their new methodology is adopted then there will be a reduction in Spelthorne's housing need requirement from 606 to 489 homes per year (due, perhaps in part, to the effective lobbying of the MHCLG by Cllr Harvey, Cllr Beardsmore and Strategic Planning Officers directly to the ministry commencing Nov 2019), this means c.1700 less residential units would be required to be built over the 15 year period of the new Local Plan. In the recent consultation it was identified that c.1650 units would need to be accommodated on Green Belt, there is now seemingly no need to build on any Green Belt in Spelthorne.

Given this, and widespread opposition from residents, will the 'leader' confirm that his new administration will remove any proposals to build on our Green

Belt from the new Local Plan and furthermore any other developer application to build on our Green Belt will not be supported by Conservative members?"

Response from the Deputy Leader, Councillor J. McIlroy

"Thank you, Cllr Mrs Harvey. Whilst I note you refer to previous lobbying, I can advise that a recommendation to Cabinet to look at housing numbers afresh has been reached by the newly constituted Local Plan Task Group which was set up by the new administration. Under my chairmanship, the officers have undertaken a lot of work on whether or not there was a prospect of revising our numbers. The cross-party Task Group have been briefed on this in the past two months and have had detailed discussions on the options around housing numbers.

I can confirm there will be a report considered at the Cabinet meeting on 4 November that concerns this issue, following a recommendation of the Local Plan Task Group. The reports will be available to view by the public on Tuesday 27 October. I would urge the public and councillors to look at this report as soon as its available."

In accordance with Standing Order 15.2 Councillor H. Harvey asked a supplementary question:

"The cabinet member for strategic planning Cllr Mitchell will be aware that the 'Very special circumstances' needed to take a piece of land out the Green belt as part of a stand-alone planning application like the Bugle nursery site is the highest bar of all for defending Green belt. As such it trumps the lower bar of 'Special circumstances' needed to take land out of Green Belt as part of the local plan process. Does he agree with me that because of this if we have to grant planning permission on the Bugle site It puts every other piece of Green belt in the borough at very serious risk?"

Councillor J. McIlroy provided the following written response:

Since this supplementary question was asked, the Planning Permission for the Bugle site has been refused. I would like to clarify that if any planning permission was granted as 'Very Special Circumstances' were demonstrated that clearly outweighed the harm, that would not mean the site is removed from the Green Belt. You'll note that the same applies to sites like Shepperton Studios. Green Belt boundaries can only be amended through the Local Plan and not through planning applications. The test for whether sites can be removed from the Green Belt is the presence of 'Exceptional Circumstances' which can include meeting housing need, whilst 'Very Special Circumstances' usually can't. This is because the circumstances need to be unique to the site and therefore 'very special' and general housing need across the borough would not be regarded as such. So granting planning permission on an individual Green Belt site has little bearing on sites under consideration for allocation as an overall strategy in the new Local Plan because the 'tests' are different.

Question 6 – Councillor Helen Harvey

“I am concerned by the apparent delays in progressing our key residential developments in particular at Ceaser Court II and Thameside House. I estimate that every month of delay costs the tax paying residents of Spelthorne c.£25k. How do you plan to recoup these losses and what action will you take to ensure that the Borough is not unnecessarily exposed to the anticipated increase in build costs post Brexit transition?”

Response from the Deputy Leader, Councillor J. McIlroy

“Thank you Cllr Mrs Harvey. I have covered your concern about Brexit implications in my previous answer. In terms of recouping losses, there is always scope to undertake value engineering at various stages in the project lifecycle. Officers do this as a matter of course, and would be asked to rigorously undertake such an exercise in order to limit any losses that arise as a result of an extended project timeline.”

In accordance with Standing Order 15.2 Councillor H. Harvey asked a supplementary question:

“According to Cllr Nichols’ assertions in last Sunday’s Observer - that your administration is bereft of financial acumen.

Can the leader reassure members therefore, that we do indeed have the necessary skills both in house and with our external team of advisors to mitigate these shortcomings?

A simple yes or no answer will suffice.”

Councillor J. McIlroy provided the following written response:

Yes. We have ensured that the assets team has at its core, expertise and experience from the private sector in delivering large scale development projects. We also bring in additional resource as required on a project to project basis, and this will vary depending on the stage a project is at. So, for example we have one member of the team who deals with projects through to gaining planning permission, and another whose expertise focuses on managing development through construction to completion.

Question 7 – Councillor Ian Harvey

“Can the “leader” please unequivocally condemn the recent leak of the KPMG “Counsels Opinion” extract outside the four Councillors it was sent to, including to an investigative journalist, and also condemn previous leaks of confidential documents, discussions or information, including for example from Cabinet and Cabinet Briefing meetings? Will the “leader” please ask the Chief Executive to immediately commission an in depth investigation to find those responsible, and support the strongest possible disciplinary action

against those identified as responsible? Does he agree that any Councillor found responsible should be required to resign immediately?"

Response from the Leader, Councillor J.R. Boughtflower

"Thank you Cllr Mr Harvey, I would condemn any leaks of confidential information. Whether an investigation takes place and any subsequent action is a matter for the Members' Code of Conduct Committee and is not at the direction of the administration."

In accordance with Standing Order 15.2 Councillor I.T.E. Harvey asked a supplementary question:

"Given that it has been made clear that the report has only been released to 4 Cllrs, himself, Cllr Buttar, Cllr Mitchell and Cllr Nichols does he not think that the culprit should immediately do the decent thing and resign forthwith? Furthermore he appears to be absolving himself from any disciplinary responsibility. As both group leader and head of the cabinet will he not commit to taking appropriate decisive action himself."

Councillor J. R. Boughtflower provided the following written response:

I refer to my previous answer.

Question 8 – Councillor Ian Harvey

"Following the oil slick that devastated the coast of our twinned District of Grand Port Mauritius at the end of July can the "leader" outline the messages of support that he has sent to his peer, Grand Port Council Chairperson Vinay Harcharan, and responses received?"

Response from the Leader, Councillor J.R. Boughtflower

"I can confirm this authority issued a press release on 11 August in support of our Twin Town Grand Port and in conjunction with the Chief Executive, we are in regular contact with our counterparts – the latest communication was received on Monday this week, 19 October. This states:

'Thank you for your concern. Here are some recent news about the present situation in Grand Port.

According to UN expert they have noted a significant improvement in the state of the coastline affected by the fuel spill from the MV Wakashio" that ran aground off the south eastern coast of Mauritius on 25 July 2020 and they reviewed progress made in the clean-up operations and rehabilitation of the environment.

Operations have been contracted out to the specialised firm, Polyeco and Floch Depollution, with support of around 60 fishermen from the area who were recruited for the task.

Cabinet took note that cleaning operations at Ile aux Fouquets, an islet off the south eastern coast of Mauritius, as well as at Pointe d'Esny public beach has been completed. Cleaning is in progress at Bambous Virieux, Bois des Amourettes, Vieux Grand Port and la Falaise Rouge. More than 310 kilometres representing 96% of Mauritian coastline remain unspoiled from the oil spilled.

Moreover, Mauritius is reopening its borders in three phases and the protection of the population remains the priority in the face of the COVID-19 pandemic.

The first phase comprises the repatriation of Mauritians stranded abroad was made until 30 September 2020. Arriving passengers will continue to be quarantined in the centers made available by the State.

The second phase which started on 01 October 2020 during which travel to and from certain destinations had been allowed. Access to the Mauritian territory had been authorised to passengers abiding by sanitary protocols. Online booking for airline tickets and hotel room reservations were available. However, priority had been given to Mauritian nationals, licensed residents, those employed in Mauritius and other visitors wishing to travel to Mauritius.

The third phase of reopening the borders will be determined in the light of the evolution of the COVID-19 pandemic.

Citizens who are directly affected by the restrictions, currently put in place, including hotel taxis and tourist operators, will continue to receive financial assistance from the Government.

Moreover, I wish to inform you that the election of village Council has been scheduled on Sunday 22 November 2020'.

In accordance with Standing Order 15.2 Councillor I.T.E. Harvey asked a supplementary question:

“Thank you, and furthermore, Cllr Boughtflower, you will recall that there were discussions in both November 2019 and January 2020 when our peers visited, about arranging a larger civic exchange. Acknowledging COVID-19 has rather got in the way will the leader commit to seeking to facilitate such a visit of members at their own cost of course, when conditions allow?”

Councillor Boughtflower responded with an affirmative at the meeting.

Question 9 – Councillor Ian Harvey

“Can the “leader” please confirm that he now understands that the “Leader of the Council” does not, as he has stated, have a sole and unfettered mandate to spend multi hundred millions of pounds of Spelthorne Council money? Will he please state this publicly, and withdraw his previous misleading comments accordingly?”

Response from the Leader, Councillor J.R. Boughtflower

“Thank you Cllr Mr Harvey. Constitutionally the Leader does not have the ability to spend multi hundreds of millions of pounds alone. I continue to work with the administration to ensure that there is more inclusivity around any spending decisions.”

In accordance with Standing Order 15.2 Councillor I.T.E. Harvey asked a supplementary question:

“As he well knows the maximum capital sign off for the leader alone is and was during my time as leader, £20k. Can the leader then please explain why he said; “no single person will ever again have authority to spend tens of millions of pounds without the scrutiny that residents expect and deserve”

He either made this statement without any clue of the facts, or deliberately lied, to denigrate my administration and in so doing has brought the Council into disrepute, which is unlawful. Either way, this is a resigning matter. Will he please apologise and resign now?”

Councillor Boughtflower responded at the meeting that “as many former Cabinet members will know, a lot of the decisions were not taken by the Cabinet but they were put to a sub group of which most were Councillors Harvey and Williams (the then Finance Portfolio Holder). But today on the BBC News, on which Councillor Harvey was interviewed, it was said that former Leader, Ian Harvey approved the deals to buy up office blocks. So, I am a bit more confused, but I will provide a written answer.”

Subsequent to the meeting Councillor J.R. Boughtflower provided a written response:

The Property Investment Task Group will look into these matters, as your recollection of Cabinet Meetings does differ from that of other previous Cabinet members.

Question 10 – Councillor Helen Harvey

“During the Cabinet meeting of 23rd September; which I attended, you considered the exempt report Ceaser Court 2 construction costs Key Decision. No discussion at all took place between Cabinet members and the motion carried was to pass the decision to the next Full Council for all members to vote on. Yet the unapproved minutes state the following:

‘Subject to officers providing some additional information and clarification within the report, with such information and technical clarification being provided to the Leader and Deputy Leader prior to publication on 22nd October.’

This was not actually said in the meeting and did not form part of the Cabinet paper.

Mysteriously this urgent matter is missing from the Full Council Agenda published 14th October!

The Cabinet papers advised that the planning application was expected to be determined in Oct/Nov. Indeed the current status of the planning application is that the application is under review, awaiting further information from the applicant to address the unresolved planning issues which are - the required pedestrian crossing, proposed use of the ground floor space and quantum of Affordable Housing which I understand are very close to soon being resolved.

1. Why is this Key Decision missing from this Full Council Agenda?
2. What is this 'additional information' ?
3. This Key Decision was abdicated by Cabinet and the responsibility passed to all members therefore we should be consulted and our agreement reached if this Key decision is not to be heard in the 22nd October Full Council. Can the leader justify his actions in omitting this agenda item?
4. Please can officers clarify what are the financial and other risks to the project of not making this decision on 22nd October Full Council?"

Response from the Leader, Councillor J.R. Boughtflower

"Thank you Cllr Mrs Harvey. A conversation has taken place with staff regarding the additional information and technical clarifications required. During that meeting officers were instructed to undertake further work, which has only just been completed. It is likely that as a result of this work the matter will have to be considered further by Cabinet. As Leader, I therefore made the decision that it was not appropriate for the report to be brought forward to Council on 22 October for a financial decision, as the financial element might change in the future. There is no requirement for me to consult other councillors on this matter.

The financial and other risks were set out in the report to Cabinet. The preferred bidders have agreed to hold their price until the end of 2020. If a decision is made at the next Cabinet and Council meeting in December and the contract is signed before 31 December, then the price for the work 'as bid for 'holds. If, as is likely, the financial dynamics change, then we would need to renegotiate the build contract which would take us into 2021. Officers would make best endeavours to limit any price increases and any Brexit clauses being added which might seek to transfer associated risks to us as the client.

Not making a decision on the finances at Council this evening has no impact on the planning timeframe, which is dealt with via a completely separate process, unless the further work impacts on scheme design. It does potentially impact on the overall project delivery timescale if contracts are delayed. We would look to limit any such delay as far as possible through very active management of the contractors and the construction timetable."

In accordance with Standing Order 15.2 Councillor H. Harvey asked a supplementary question:

“How long do you anticipate your delay to Ceaser Court 2 will be, do you think it is justified to deprive our residents of this much needed rental accommodation which will be in, even more demand henceforth as a result of Covid?”

Councillor Boughtflower responded at the meeting that “the final layout and plan for Ceaser Court Phase 2 would come before all members to vote on soon. It was not just a matter for a few members.”

Question 11 – Councillor Jan Doerfel

“How does the council leadership consider that releasing green belt in the local plan is consistent with having declared a climate emergency?”

Response from the Leader, Councillor J.R. Boughtflower

“As Councillor Doerfel will know from being a member of the Local Plan Task Group, 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.

He will also know, however, that there are other priorities that also need addressing, such as affordable housing, vital infrastructure and employment opportunities as well as consideration of greenbelt issues. It is imperative that the Local Plan aims to balance all these priorities against each other to find the best strategy to take our borough forward. The Local Plan Task Group will be at the forefront in producing a Plan that meets the needs of our communities and I look forward to Councillor Doerfel’s continued participation. The Council’s climate change emergency declaration demonstrates our commitment to addressing this major issue for society.”

In accordance with Standing Order 15.2 Councillor J. Doerfel asked a supplementary question:

“Considering that Spelthorne Borough Council can decide to build 1755 housing units less and had previously insisted that 1649 housing units would have to be built on green belt why is the council still pursuing green belt release?”

Councillor J.R. Boughtflower provided the following written response:

As Councillor Doerfel is aware, the Local Plan Task Group, on which he sits, is considering the options open to the Council on how to meet housing need and are now reviewing those in light of the lower housing figure we are now working to. It was over a year ago now that the Preferred Options consultation commenced and much has changed since then. Further evidence has been produced, particularly on local housing need, viability and infrastructure, plus work is now progressing on the Staines Development Framework. This means

we have a better idea of the impact our new Local Plan will have on affordable housing, the type and mix of homes, the capacity of Staines to take extra development and what infrastructure is needed and where. All this evidence is being considered by the Task Group, which will need to agree on the most appropriate strategy to take forward in the Local Plan and whether that includes any development of Green Belt sites.

248/20 Exempt Business

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

249/20 Replacement of Spelthorne Leisure Centre

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

This item was considered in private to consider questions from councillors in relation to the confidential Appendix 5.

Council considered the recommendation of the Cabinet on a supplementary capital estimate for the replacement of Spelthorne Leisure Centre.

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

Resolved to agree a supplementary capital estimate outlined in the confidential Appendix 5 to cover the projected costs of developing the new centre.

250/20 Exempt Report - Victory Place Construction Costs - Key Decision

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

Council considered the recommendation from Cabinet on the construction costs for Victory Place, Ashford.

The increase in capital spend for construction works would deliver an additional 19 units over and above the initial feasibility for much needed key worker (a version of affordable) and S106 affordable, housing primarily for our Borough's key workers including adjacent NHS staff.

Resolved to approve the increase in Capital spend for construction works, from £16.25m to £25.93m.

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Recommendation of the Cabinet

Cabinet meeting held on 4 November 2020

1. Anti-fraud, Bribery and Corruption Strategy

- 1.1. We considered a recommendation from the Audit Committee to approve the changes to the Anti-fraud, Bribery and Corruption Strategy following its annual review.
- 1.2. The Strategy forms part of the Council's Constitution and is in line with best practice. The Strategy continues to underpin the Council's commitment to prevent all forms of fraud, bribery and corruption, demonstrating the important role it plays in the overall Corporate Governance framework.
- 1.3. **Cabinet recommends that Council approves the amendments to the Antifraud, Bribery and Corruption Strategy, as attached at Appendix 1**

2. Dog Control Order – Public Space Protection Order

- 2.1. We considered a report recommending adoption of a Public Space Protection Order (PSPO) relating to dog control in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 and the imposition of fixed penalty notices for breaches of the PSPO.
- 2.2. The PSPO will encourage responsible dog ownership and the promotion of excellent dog care and control, create high levels of enjoyment and provide a safe environment for all users of Spelthorne's parks and open spaces.
- 2.3. **Cabinet recommends that Council:**
 - (a) **makes a Public Space Protection Order (PSPO) relating to dog control with the listed offences set out in Appendix A to the report (attached), in accordance with the Anti-social Behaviour, Crime and Policing Act 2014;**
 - (b) **adopts the Fixed Penalty Notices for breaches of the Dog Control PSPO which currently stand at £100; and**
 - (c) **delegates authority to the Group Head of Neighbourhood Services to issue Fixed Penalty Notices for breaches of the above PSPO.**

Councillor John Boughtflower
Leader of the Council

10 December 2020

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ANTI FRAUD, BRIBERY AND CORRUPTION STRATEGY

Introduction

1. This strategy is applicable to Members and staff. The Borough of Spelthorne is committed to providing a high standard of service and accountability. An important aspect of this is a strategy which protects against fraud, bribery and corruption within the Council itself and from external sources.

In this context

Fraud means - the illicit gaining of cash or other benefit by deception;

Corruption means - the dishonest influencing of actions and decisions.

Bribery means – the offering, giving or soliciting of an inducement or reward which may influence a person to perform a function or activity improperly.

2. The Council recognises that it is already subject to a high degree of external scrutiny of its affairs by a variety of parties. This includes the general public, Council Tax / Business Rates payers, service users, The European Institute for combatting corruption and fraud (TEICCAF), the Local Government Ombudsman, Central Government, in particular, HM Revenue and Customs, the Ministry of Housing, Communities and Local Government and the Department for Work and Pensions.
3. ~~It also has The Council's~~ external auditors ~~who advise whether have a role in advising~~ the Council ~~as to whether it~~ has in place adequate arrangements for the prevention and detection of fraud, bribery and corruption. External auditors may require details of any suspected fraud investigations and undertake work on any high risk public fraud.
4. While this external scrutiny assists in protecting against fraud, bribery and corruption the Council believes a clear statement of its own strategy is needed.
5. The key elements of the Council's strategy to combat fraud, bribery and corruption are:
 - An open and honest culture
 - Adequate preventative measures
 - Systems for detection and investigation
 - Understanding and awareness within the Council and the adoption of a "whistleblowing" policy

Culture

6. The Council expects Members and staff at all levels to behave with integrity and propriety and to act within the law and the regulations, procedures and practices laid down in relation to the conduct of the Council's business. The Council believes this is achieved best through the promotion of an atmosphere of honesty and openness.
7. ~~The Council encourages~~ It is the duty of Members and staff to raise any concerns they have about fraud, bribery and corruption immediately as they occur. It will treat all concerns raised, seriously and in confidence.
8. The Council has three senior officers who have particular responsibility for regulating the conduct of the Council and its activities. These are:

<p>Chief Finance Officer (currently Terry Collier)</p>	<p>Responsible for the financial management, audit and financial probity of the Council and also for its proper personnel policies and practices.</p>
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<p>Monitoring Officer (currently Michael Graham)</p>	<p>Responsible for the legal probity and avoidance of maladministration or injustice by the Council.</p>
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<p>Chief Executive (currently Daniel Mouawad)</p>	<p>Responsible as Head of Paid Service for the overall management and direction of the Council and for ensuring adequate staff resources for services.</p>
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9. In addition each Group Head and senior manager have responsibility for the proper organisation and conduct of their service area. It is important that Managers and officers at all levels do not become complacent about the risk of fraud as this may have an impact in terms of the robustness of controls applied in practice. Please refer to the section on systems below.
10. Concerns should be raised with any of the above officers under section 8 or with the Council's Internal Audit Manager (Punita Talwar).
11. More detailed guidance and advice on how to raise any concerns is contained in the Council's Confidential Reporting Code (whistleblowing policy).
12. If anyone feels they are unable to raise their concerns through any of the above routes they may contact 'Protect' ((0203 1172520 – advice line), a registered charity whose services are free and strictly confidential.

Prevention

13. The adoption of proper and adequate measures to prevent fraud, bribery and corruption is the responsibility of Members, Chief Executive, Deputy Chief

Executives, Group Heads and other managers. Preventative measures can be classified under two broad headings - Codes/Procedures and Systems.

1. Codes/Procedures

All Members and staff need to be aware of, and have ready access to, the Council's agreed policies and procedures eg. Financial Regulations, Standing Orders, Codes of Conduct, Code of Corporate Governance and any relevant practice and procedure documents. ~~A planned review of the Council's Constitution is scheduled for 2019, being led by the Head of Corporate Governance~~ A future review of the Council's Constitution will be led by the Group Head of Corporate Governance. The Governance Framework has been developed and enhanced to reflect the increasing commercial asset acquisitions and investments.

In particular staff must observe the Council's Code of Conduct for Staff (a copy of which is made available to all staff) and any relevant professional codes.

References will be taken up for all permanent and temporary staff to verify their suitability, honesty and integrity.

Members will in particular observe the Spelthorne code of conduct adopted on the 27 June 2012 and subsequently revised on 25 June 2013 any other local Spelthorne code. The Members Code of conduct is kept under review by the Members Code of Conduct Committee. Members will be supplied with a copy of any relevant code, policy and procedure and advised of their responsibilities.

~~Spelthorne have signed up to a Benchmark package with 'Protect' (December 2018) to assess the effectiveness of its whistleblowing arrangements against best practice. This is being led by the Head of Corporate Governance.~~

A review of the Confidential Reporting Code (Whistleblowing Policy), using a benchmarking tool to assess the effectiveness of whistleblowing arrangements has highlighted some areas for improvement (reported to Audit Committee November 2019) and the policy will be further developed.

2. Systems

The Council has and will maintain in place systems and procedures which incorporate internal controls, including adequate separation of duties to ensure that, as far as possible, errors, fraud, bribery and corruption are prevented.

The Chief Finance Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper administration of the Council's financial affairs. Financial procedures detail key financial systems and provide guidance which underpins the Council's Financial Regulations.

Chief Executive, Deputy Chief Executives, Group Heads and managers are responsible for ensuring that appropriate internal controls are properly maintained to minimise the risk of errors, fraud, bribery and corruption.

A detailed analysis of the risks associated with any service should be carried out by managers ~~(with assistance from Audit Services as necessary)~~ and this is being promoted as part of developing risk management to ensure that fraud, bribery and corruption is minimised.

Detection and investigation

14. Concerns should be reported to one of the individuals referred to in paragraphs 8 and 10 above or in accordance with the Council's whistleblowing policy.

A detailed investigation of any concerns raised will be undertaken with the assistance of the Council's Internal Audit Service. The Head of Corporate Governance holds responsibility for responding to allegations of bribery and corruption. The Council will deal with any instances of fraud, bribery or corruption swiftly. Disciplinary action will be taken if appropriate after the police have been informed/involved, and the relevant Cabinet Member informed where necessary. Where the Council has adopted a prosecution policy for any business area (eg Housing Benefit Fraud or Housing register) this will be followed. Any lessons learnt from Investigations undertaken relating to systematic weaknesses will be highlighted and should feed back into improving fraud prevention/detection measures.

In the event that fraud is suspected on the part of contractors' employees or internally, by staff involved in agency or contract work on behalf of other bodies, procedures and responsibilities for reporting and initial investigation are the same as for staff. The Council will inform and involve employing contractors or agencies when appropriate.

Counter Fraud measures - Given the significance of corporate fraud in national and local statistics and the cost to the taxpayer, the Council recognises the continued importance of collaborative working arrangements with other Councils/Partners to help deter, detect and investigate fraud, providing access to specialist skills and greater capacity to investigate fraud. The strategy to target areas which are likely to generate greater financial payback (Business Rates and Housing) will continue and is led by the Internal Audit Manager. Such initiatives have demonstrated positive financial fraud returns for Spelthorne (notional and cashable savings) in the areas of Housing, Business Rates and Council Tax and continue to do so. These savings could be enhanced further through the use of Financial Investigator Resource to recover losses/assets (where appropriate). Counter fraud measures also contribute to the delivery of wider social benefits, enabling more social housing to be available to those people who are genuinely in need of a home, leading to a reduction in housing applicant waiting times, reduced temporary accommodation costs and ultimately the need for fewer houses to be built. Positive results are publicised periodically to serve as a deterrent.

External groups are attended with Surrey Partners including the Surrey Counter Fraud Board (SCFB). This enables the sharing of best practice and approaches in tackling public fraud, and provides opportunities to pursue joint counter fraud initiatives such as data matching. The importance of engaging with members of the public to join the fight against fraud is recognised. Spelthorne's fraud returns are collated quarterly and reported to the Surrey Counter Fraud Board, which enables some benchmarking and comparison across Surrey Partners.

Awareness The Council recognises the continuing effectiveness of the Anti Fraud, Bribery and Corruption Strategy depends largely on the awareness and responsiveness of Members and staff. It is essential that both Members and staff are made aware of the strategy when they join the Council and receive a copy for inclusion in their personal records and, in addition, have ready access to all other relevant documents, policies and procedures which regulate the Council's activities. Action will be taken on a regular basis to remind both Members and staff of the importance the Council places on preventing fraud and corruption and investigating irregularities. Effective methods for mandatory training and raising awareness including face to face and online shall be periodically explored and delivered.

In accordance with the Government's Serious and Organised Crime Strategy, local Police representatives have provided two awareness raising sessions for staff and Members during 2018 to identify areas where Spelthorne is at most risk of being targeted by serious and organised crime and highlight known vulnerabilities. During these sessions the importance of sharing intelligence with Law Enforcement Partners has been encouraged. Organised crime includes drug trafficking, human trafficking, child sexual exploitation, high value fraud and cyber-crime. Further consultation with the local police is ongoing and red flags /known risks will continue to be highlighted. Group Heads and Managers are responsible for assessing governance arrangements in place to combat risks in this area for their respective functions.

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Spelthorne Borough Council

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 4, Section 59

The Spelthorne Public Spaces Protection Order (Dog Control)

Spelthorne Borough Council ('the Council') in exercise of the power under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ('the Act') and being satisfied that the conditions set out in section 59 have been met, makes the following order.

This order comes in force on2020 and will remain in force for a period of three years from the date unless extended by further order under the Council's statutory powers.

Offences

1. Dog exclusion areas

A person in charge of a dog shall be guilty of an offence if, at any time, they take the dog onto, or permit the dog to enter or remain on, any land described in Schedule 1 of this Order (which includes specified children's play areas, ball courts, multi games court, tennis courts etc.) unless:

- (a) that person has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has given consent (generally or specifically) to them failing to do so; or
- (c) that person is subject to the exemptions listed in paragraph 7 below.

2. Dog Fouling

A person shall be guilty of the offence if they are in charge of a dog, who defecates on land within the Borough of Spelthorne as specified in Schedule 2 and fails to remove the faeces from the land forthwith unless:

- (a) that person has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or
- (c) that person is subject to the exemptions listed in paragraph 7 below.

3. Professional dog walkers limit to four dogs

A person must not walk or exercise more than four dogs at any given time in the areas described in Schedule 3 of this Order unless:

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented to that person doing so; or
- (c) that person is subject to the exemptions listed in paragraph 7 below.

4. Dogs on Leads by Direction

A person in charge of a dog shall be guilty of an offence, if, at any time on land within the Borough of Spelthorne as specified in Schedule 3, if they fail to keep their dog(s) on leads at all times and fail to comply with any direction given to them by an Authorised Officer of the Council, Police Officer or PSCO (Police Community Support Officer) to put or keep the dog on a lead unless:

- a) that person has reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An Authorised Officer, Police Officer or PSCO may only give direction under this Order if such restraint is reasonably necessary to prevent a nuisance or the Authorised Officer, Police Officer or PSCO considers the behaviour by the dog to be such that it is likely to cause annoyance or disturbance to any person or animal.

5. Dogs on Leads

A person shall be guilty of the offence if at any time on land referred to in Schedule 4 of this order, they do not keep the dog on a lead unless:

- (a) that person has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

6. Carrying suitable means for proper disposal of dog faeces

A person in charge of a dog on land referred to in Schedule 5 of this order, shall be guilty of an offence if at the time they do not comply with a direction given to them by an Authorised Officer of the Council to produce a device for, or other means of, removing dog faeces and transporting it to a bin (whether or not the dog has defecated), where the Authorised Officer has determined that that person has breached any of the Schedules contained within this Order, unless:

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented to that person doing so; or
- (c) that person is subject to the exemptions listed in paragraph 7 below.

7. Exemptions

Nothing in this Order shall apply to a person who is –

- (a) A disabled person within the meaning of the Equality Act 2010 whose disability restricts their ability to comply with this Order and where the dog is their guide dog or assistance dog;
- (b) Training an assistance dog in an official capacity; or
- (c) In charge of a dog used by the police, emergency services, Armed Forces or other agencies permitted by the Council for official purposes.

For the purpose of this Order –

- (a) A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) Placing the faeces in a receptacle on the land which is provided for that purpose or for the disposal of waste, shall be sufficient removal from the land;
- (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) An 'Authorised Officer of the Council' means an employee of Spelthorne Borough Council who is authorised in writing by Spelthorne Borough Council for the purpose of giving direction or the issuing of a fixed penalty notice under this order.

8. Penalty

Any person who without reasonable excuse fails to comply with this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any Authorised Officer may issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under section 67 of the Act in relation to this Order.

The COMMON SEAL of
SPELTHORNE BROUGH COUNCIL
was hereunto affixed in the in the
presence of:

.....
Authorised Signatory

Schedule 1 – Dog Exclusion Areas

	Location	Extent of the Restricted Area subject to dog exclusion
1.	Alexandra Park, Alexandra Road, Ashford, TW15 1TP	Fenced play area
2.	Ashford Recreation Ground, Clockhouse Lane and Rosary Gardens, Ashford, TW15 2HH	Fenced play area Tennis courts Multi Games Court
3.	Bishop Duppas Park, Walton Bridge Road and Russell Road, Shepperton TW17 8NR	Fenced play area Tennis courts
4.	Cedars Recreation Ground, Green Street, Sunbury-on-Thames, TW16 6QQ	Fenced play area Tennis courts
5.	Charlton Village play area, Hetherington Road, Shepperton TW17 0SW	Fenced play area Fenced Ball Court (whole area)
6.	Donkey Meadow, Gaston Bridge Road, Shepperton, TW17 8HA	Fenced play area
7.	Explorer Avenue play area, Explorer Avenue, Stanwell, TW19 7SS	Fenced play area's Multi Games Court
8.	Feltham Hill Road Park, Saxon Road and Feltham Hill Road, Ashford, TW15 1LN	Fenced play area
9.	Fordbridge Park, Kingston Road, Ashford, TW15 3SJ	Tennis courts
10.	Greenfield Park, Middle Green, Bingham Drive, Laleham, TW18 1QX	Fenced play area
11.	Groveley Road Recreation Ground, Groveley Road, Sunbury-on-Thames TW16 7NW	Fenced play area
12.	Halliford Park, Upper Halliford Road, Shepperton, TW17 8SN	Fenced play area
13.	Hengrove Park, Station Crescent, Ashford, TW15 3HN	Multi games court Fenced play area
14.	Kenyngton Manor Recreation Ground, Bryony Close, Sunbury-on-Thames, TW16 7RH	Fenced play area Multi games court Fenced ball courts
15.	Laleham Park, Shepperton Road and Thames Side, Laleham TW18 1SS	Fenced play areas
16.	Lammas Recreation Park, Wraysbury Road and Church Road, Staines-upon-Thames, TW18 4XZ	Fenced play area (splash park) Fenced playground Tennis courts
17.	Littleton Recreation Ground, Laleham Road, Shepperton TW17 0JS	Multi games court Fenced play area
18.	Long Lane Recreation Ground, Cordelia Gardens and Cranford Avenue, Stanwell, TW19 7ER	Fenced play area Fenced ball court
19.	Moormead Playground, Waters Drive,	Fenced play area

	Staines-upon-Thames, TW18 4RN	
20.	Old Bathing Station, Fordbridge Road, Sunbury-on-Thames, TW16 6AW	Fenced play area
21.	Shepperton Recreation Ground, Glebelands Garden and Grove Road, Shepperton TW17 9DH	Fenced play area
22.	Shepperton Skate Park, Shepperton Court Drive, Shepperton TW17 8EJ	Skate park (whole area)
23.	Spelthorne Grove, Sunbury, TW16 7DB	Fenced play area
24.	Stanwell Moor Recreation Ground, Horton Road, Stanwell, TW19 6AQ	Fenced play area Multi games court
25.	Stanwell Recreation Ground, Oaks Road, Stanwell TW19 7LL	Fenced play area (whole area)
26.	Staines Park, Knowle Green and Commercial Road, Staines-upon-Thames TW18 2QJ	Fenced play area Tennis courts
27.	Studios Road, Shepperton, TW17 0QW	Fenced Play area (whole area)
28.	Sunbury Park, The Walled Garden and Orchard Meadow, Thames Street, Sunbury-on-Thames, TW16 6AB	Walled Garden Fenced natural play area and Meadow
29.	Sunbury Skate Park, Sunbury-on-Thames TW16 6SB	Skate park (whole area)
30.	Victory Close, Victory Close, Stanwell, TW19 7BU	Fenced play area
31.	Village Park, Hadfield Road, Stanwell, TW19 7JQ	Fenced play area
32.	Wickets playground, The Wickets, Woodthorpe Road, Ashford, TW15 2RR	Fenced play area (whole area)
33.	Woodthorpe Recreation Ground, Woodthorpe Road, Ashford, TW15 3LQ	Fenced play area

Schedule 2 - Fouling of Land by Dogs

Schedule 2 applies to all land which is within the administrative area of Spethorne Borough Council and which is-

- (a) Open to the air (which includes land that is covered but open to the air on at least one side) and

- (b) To which the public are entitled or permitted to have access with or without payment.

Schedule 3- Professional Dog Walkers and Dogs on Lead by Direction

	Location
1.	Alexandra Park, Alexandra Road, Ashford, TW15 1TP
2.	Ashford Recreation Ground, Clockhouse Lane and Rosary Gardens, Ashford, TW15 2HH
3.	Bishop Duppas Park, Walton Bridge Road and Russell Road, Shepperton TW17 8NR
4.	Brickle Green, Sunbury, TW16 5PN (open space)
5.	Cedars Recreation Ground, Green Street, Sunbury-on-Thames, TW16 6QQ
6.	Dumsey Meadow, Chertsey Bridge Road, KT16 8LF
7.	Donkey Meadow, Gaston Bridge Road, Shepperton, TW17 8HA
8.	Echleford Recreation Ground Queens Walk and Sandringham Avenue, Ashford, TW15 3JH
9.	Explorer Avenue play area, Explorer Avenue, Stanwell, TW19 7SS
10.	Feltham Hill Park, Saxon Road and Feltham Hill Road, Ashford, TW15 1LN
11.	Flower Pot Green, Sunbury, TW16 6AA (open space)
12.	Fordbridge Park, Kingston Road, Ashford, TW15 3SJ
13.	Fordbridge North (Shrublands) Recreation Ground, Woodthorpe Road, Ashford, TW15 3LQ
14.	Greenfield Park, Middle Green, Bingham Drive, Laleham, TW18 1QX
15.	Groveley Road Recreation Ground, Groveley Road, Sunbury-on-Thames TW16 7NW
16.	Halliford Park, Upper Halliford Road, Shepperton, TW17 8SN
17.	Hengrove Park, Station Crescent, Ashford, TW15 3HN
18.	Kenyngton Manor Recreation Ground, Bryony Close, Sunbury-on-Thames, TW16 7RH
19.	Kingslawn and Church Wharf, Sunbury, TW16 6AF (open space)
20.	Laleham Park, Shepperton Road and Thames Side, Laleham TW18 1SS
21.	Lammas Recreation Park, Wraysbury Road and Church Road, Staines-upon-Thames, TW18 4XZ
22.	Lauser Road Park - Town Lane, Town Lane and Lauser Road, Stanwell, TW19 7PT

23.	Littleton Recreation Ground, Laleham Road, Shepperton TW17 0JS
24.	Littleton Green, Shepperton, TW17 0QP (open space)
25.	Long Lane Recreation Ground, Cordelia Gardens and Cranford Avenue, Stanwell, TW19 7ER
26.	Lower Halliford Green, Shepperton, TW17 8SD (open space)
27.	Memorial Gardens, Staines-upon-Thames, Staines TW18 4EA
28.	Moormead Playground, Waters Drive, Staines-upon-Thames, TW18 4RN
29.	Nuthatch Playground, Nuthatch Close, Stanwell, TW19 7BN
30.	Old Bathing Station, Fordbridge Road, Sunbury-on-Thames, TW16 6AW
31.	Rivermead Island, Sunbury, TW16 5QY (Open space)
32.	Russell Road Greens, Shepperton. TW17 8NR
33.	Scott Freeman Gardens, Church Rd, Shepperton, Stanwell, Ashford TW15 3DZ
34.	Shepperton Recreation Ground, Glebelands Garden and Grove Road, Shepperton TW17 9DH
35.	Fordbridge North (Shrublands) Recreation Ground, Woodthorpe Road, Ashford, TW15 3LQ
36.	Spelthorne Grove, Sunbury, TW16 7DB (Open space)
37.	Splash Meadow, Shepperton TW17 8BS
38.	Staines Park, Knowle Green and Commercial Road, Staines-upon-Thames TW18 2QJ
39.	Stanwell Churchyard, Stanwell, TW19 7PT (Open spaces)
40.	Stanwell Moor Recreation Ground, Horton Road, Stanwell, TW19 6AQ
41.	Stanwell Recreation Ground, Oaks Road, Stanwell TW19 7LL
42.	Stanwell Village Green, Stanwell, TW19 7JS (open space)
43.	Studios Road, Shepperton, TW17 0QW
44.	Sunbury Park, Thames Street, Sunbury-on-Thames, TW16 6AB
45.	Towing Path Greens, Shepperton, TW17 9LJ (Open space)

46.	Upper Halliford Green, Shepperton, TW17 8SD (Open space)
47.	Victory Close, Victory Close, Stanwell, TW19 7BU
48.	Village Park, Hadfield Road, Stanwell, TW19 7JQ
49.	Windmill Green, Shepperton, TW17 8LS (Open space)
50.	Woodthorpe Recreation Ground, Woodthorpe Road, Ashford, TW15 3LQ

Schedule 4- Dogs on Lead

Car parks

	Location
1.	Abbey Drive car park, Laleham, TW18 1SR
2.	Ashford Multi-storey Car Park- Church Road (High Street), Ashford TW15 2TY
3.	Dumsey Meadow car park, Chertsey Bridge Road, KT16 8LF
4.	Elmsleigh MSCP, Staines-upon-Thames, TW18 4TL
5.	Elmsleigh Road car park, Staines-upon-Thames, TW18 4QW
6.	Elmsleigh surface car park, Staines-upon-Thames, TW18 4TL
7.	Kingston Road car park, Staines-upon-Thames, TW18 4LQ
8.	Laleham Park and Thameside car park, Laleham, TW18 1SS
9.	Lammas Recreation Ground car park, Staines-upon-Thames, TW18 4UA
10.	Manor Park car park, Shepperton, TW17 9JT
11.	Riverside surface car park, Thames Street, Staines-upon-Thames, TW18 4TA
12.	Shepperton Village Hall car park, High Street, Shepperton, TW17 9AU
13.	Tothill MSCP, Elmsleigh Road, Staines-upon-Thames TW18 4PN

Cemeteries

	Location
14.	Ashford Burial Ground, London Road, Stanwell, TW15 3AF
15.	Sunbury Cemetery, Green Way, Sunbury on Thames, TW16 6NW
16.	Staines Cemetery, London Road Staines-upon-Thames, TW18 4JN
17.	Stanwell Burial Ground, Town Lane, Stanwell, TW19 7PT

Leisure Centres

	Location
17.	Spelthorne Leisure Centre, Knowle Green, Staines-upon-Thames TW18 1AJ
18.	Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames TW16 6LG

Schedule 5 – Means to pick up dog faeces

Schedule 2 applies to all land which is within the administrative area of Spethorne Borough Council and which is-

- (a) Open to the air (which includes land that is covered but open to the air on at least one side) and
- (b) To which the public are entitled or permitted to have access with or without payment.

Schedule 6 – Map of administrative area of Spelthorne Borough Council



RECOMMENDATION OF THE AUDIT COMMITTEE

Audit Committee Meeting held on 26 November 2020

1. Confidential Reporting Code

- 1.1 The Confidential Reporting Code forms part of the Council's Constitution and explains how to raise any serious concerns about the Council's work.
- 1.2 The Code details the nature of concerns that should be reported, policies that deal with employment issues such as bullying or harassment, and safeguards against victimisation as a result of raising a concern.
- 1.3 The Audit Committee is required to review the Code annually.
- 1.4 The Audit Committee reviewed the proposed changes to the Confidential Reporting Code (attached at Appendix 1) at its meeting on 26 November and agreed to recommend the Code to Council for adoption.

Audit Committee recommendation:

That Council approves the revised Confidential Reporting Code.

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CONFIDENTIAL REPORTING CODE (Whistleblowing)

1. INTRODUCTION

- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects staff and others that it deals with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 Staff are often the first to realise that there may be something seriously wrong within the Council. However, they may not raise their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern instead of reporting what may just be a suspicion of malpractice.
- 1.4 The adoption of this confidential reporting Code by the Council is intended to encourage and enable all staff to raise any serious concerns they have within the Council, rather than overlooking a problem or 'blowing the whistle' outside. The Code makes it clear that you can raise concerns on a confidential basis, without fear of victimisation, subsequent discrimination or disadvantage. It is based on the Public Interest Disclosure Act 1998, which gives staff raising concerns under its rules legal protection against reprisals.
- 1.5 The Code applies to all staff and contractors working for the Council on Council premises, including agency staff. It also covers suppliers and those providing services under a contract with the Council.
- 1.6 The procedures in this Code are in addition to the Council's existing Complaints Procedure.
- 1.7 This Code has been discussed with UNISON and the Transport and General Workers Union and has their support.

2. AIMS AND SCOPE OF THIS CODE

- 2.1 This Code aims to:
 - encourage you to feel confident about raising serious concerns
 - encourage you to question practice and act upon any concern
 - provide clear channels for you to raise those concerns
 - ensure that you receive a response to concerns you raise and that you are clear about how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you raise a concern in good faith reasonably believing something is wrong.
- 2.2 The Council has a Grievance Procedure to enable you to lodge a grievance relating to your own employment and a Harassment and Bullying Policy to enable you to raise any concerns about this area, which should be directed to Human Resources. This Confidential Reporting Code is intended to cover

major concerns you might have that fall outside the scope of other procedures. Such concerns might include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other staff
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- serious and organised crime
- sexual or physical abuse of clients, or
- other unethical conduct.

If safeguarding concerns are highlighted then the Safeguarding Policy and procedures must be adhered to.

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of staff or councillors of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code. This could be about something that:

- makes you feel uncomfortable in terms of your past experience or what you know about standards set by the Council; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This Code does not replace the corporate complaints procedure.

3. SAFEGUARDS

Harassment or Victimisation

3.1 The Council is committed to good practice and high standards and wants to be supportive of staff.

3.2 The Council recognises that making the decision to report a concern can be difficult. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) of someone raising something of concern to them and if proven will take appropriate action, including disciplinary procedures to protect you against this when you raise a concern in good faith. If you consider that you are the subject to harassment or victimisation (including informal pressures) due to the raising of your concern you should inform the person dealing with your whistleblowing matter or any other officer named in this policy.

Reviewed ~~March~~ December 2020~~18~~

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 If someone asks for a matter to be treated in confidence, then we will do our utmost to respect that request. However, it is not possible to guarantee confidentiality. If we are in a position where we cannot maintain confidentiality and so have to make disclosures, we will discuss the matter with you first. We will give you feedback on any investigation and be sensitive to any concerns you may have as a result of any steps taken under this procedure.

4.2 In some circumstances the Council may decide that we have to reveal your identity in order to assist in the investigation into the matter. You will be advised beforehand if this is to be the case. Your prior consent will be obtained before such disclosure, unless we have to disclose your identity by law (e.g. safeguarding concerns, money laundering or other criminal offences).

~~4.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.~~

5. ANONYMOUS ALLEGATIONS

5.1 This Code encourages you to put your name to your allegation whenever possible. Remember, if you do not tell us who you are it will be much more difficult for us to investigate the matter fully, to ask follow-up questions, to protect your position or to give you feedback.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5.3 In deciding whether to consider anonymous concerns the following are some of the factors which will be taken into account :

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

6 UNTRUE ALLEGATIONS

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's disciplinary procedures.

7 HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved, you should

approach the Chief Executive, Chief Finance Officer, Monitoring Officer, or Audit Services.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report it is best to use the following format:

- the background and history of your concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.3 The earlier you express your concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation you make, you will need to demonstrate to the person you contact that there are reasonable grounds for your concern.

7.5 You can obtain advice/guidance on how to pursue matters of concern from:

Chief Executive	Daniel Mouawad	(01784 446250)
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Chief Finance Officer	Terry Collier	(01784 446296)
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Deputy Chief Executive	Lee O'Neil	(01784 446377)
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Monitoring Officer	Michael Graham <u>Victoria Statham</u>	(01784 44624127)
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Internal Audit Manager	Punita Talwar	(01784 446454)
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Principal Solicitor	Victoria Statham <u>Karen Limmer</u>	(01784 44624844)
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Human Resources		(01784 446289)
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Manager (where specifically relates to a Human Resources matter)	Debbie O'Sullivan	
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7.6 In addition you could contact any of the following:-

The Chairman or Vice Chairman of the Members' Code of Conduct Committee: the Council has a Members' Code of Conduct Committee, the purpose of which is to help the Council operate to the highest ethical standards. Both the Chairman and Vice-Chairman are non-councillors and can be approached for advice. Their details can be obtained from Committee Services on 01784 446240/444243 or found on the Council's web site; or

Public Concern at Work - This is a registered charity which seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace and they can be contacted on 020 7404 6609; or

Your trade union or professional body.

7.7 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.8 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will always respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 If you raise a concern with your manager which they feel is beyond the scope of their authority or of a serious nature they will refer it to the Monitoring Officer rather than dealing with it personally.

8.3 Where appropriate, the matters you raise may:

- be investigated by managers, audit services, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

8.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle for the Council is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example grievance or sexual harassment) will normally be referred for consideration under those procedures.

8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.6 Within ten working days of a concern being raised, the manager with whom you raise your concern or the Monitoring Officer will write to you:

- acknowledging that your concern has been received
- indicating how the Council propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

8.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

8.8 Where any meeting is arranged, which can be away from the offices or your place of work if you so wish, you can be accompanied by a union or professional association representative or a friend.

8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed and so, subject to legal constraints, will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this Code. That officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This Code is intended to provide you with clear channels within the Council to raise concerns and the Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work
- the Council's external auditor
- your trade union
- your local Citizens Advice
- relevant professional bodies or regulatory organisations
- the police.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

11. POLICY REVIEW

10.211.2 This policy will be reviewed annually by the Council's Monitoring Officer to ensure the effectiveness of the policy and the findings will be reported to the Audit Committee.

Report from the Leader of the Council on the work of the Cabinet

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main business considered by the Cabinet at its meeting held on 4 November 2020. Two further items considered at this meeting on the Anti-Fraud and Bribery Corruption Strategy and a Dog Control Order, included recommendations to Council and have been dealt with earlier on this agenda.

1. Recommendations from the Local Plan Task Group

1.1 We considered and agreed the recommendation of the Local Plan Task Group to proceed with preparation of the new Local Plan to meet our housing need in full, on the basis of the lower figure emerging from the Government consultation on the revised methodology.

2. Consultation response on managing Pavement Parking

2.1 We considered a report on options for the proposed response to the Department for Transport's public consultation on tackling pavement parking.

2.2 We agreed to support option 2 of the consultation to allow local authorities with Civil Parking Enforcement (CPE) powers to enforce against "unnecessary obstruction of the pavement". This option is the most likely to strike the right balance between flexibility, cost-effectiveness and immediate positive impact on the key issues identified.

3. Playing Pitch Strategy

3.1 We considered a report proposing adoption of a Borough Playing Pitch Strategy for 2020 – 2035. The strategy contained an assessment of all outdoor sports playing pitch provision in the borough by all providers. It offered recommendations of actions to be taken to ensure a good supply of high-quality pitches until 2035.

3.2 We agreed to adopt the proposed 2020-2035 Borough Playing Pitch Strategy.

Councillor John Boughtflower
Leader of the Council

10 December 2020

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Report of the Chairman on the work of the Audit Committee

There have been two meetings of the Committee since the last Council meeting. An extraordinary meeting held on 12 November and an ordinary meeting on 26 November 2020. This report gives an overview of the main issues considered at those meetings.

Extraordinary Committee – 12 November 2020

1. Update from BDO, External Auditors, on audit arrangements

1.1 The Committee received an update on the work of the external auditor, BDO on the 2018/19 and 2019/20 accounts. We noted that BDO had undertaken some limited transactional work on both years but was unable to progress work on the balance sheets in order to give an opinion on the accounts, for either year. We noted with concern that this situation will persist until the previous auditor, KPMG, has signed off the 2017/18 accounts and given BDO professional clearance to start the audit for subsequent years.

2. CIPFA Financial Management Code

2.1 The Committee received a presentation on the new Chartered Institute of Public Finance and Accounting, Financial Management Code from the Chief Finance Officer.

2.2 The Committee noted that the Council had undertaken a self-assessment against the standards in the Code and identified our level of compliance and the areas on which we can improve. We were pleased to hear that the Council is performing well but has identified some areas for improvement such as training and reviewing the format and content of reports to make them easier to understand. The Chief Finance Officer has agreed to our request to circulate the self-assessment to the Committee.

3. Update from KPMG on Value for Money (VFM) opinion 2017/18

3.1 As KPMG did not feel in a position to attend the meeting to provide an update, the Committee discussed the history of the Council's interactions with KPMG and the issues leading to an outstanding VFM opinion for 2017/18, and possible avenues to resolve them with the Chief Finance Officer and Monitoring Officer. The Monitoring Officer outlined the potential courses of action open to KPMG, for the Committee's information.

3.2 We noted an update on the communications between the Council and KPMG since October 2020 and a summary of the position with regards to the legal advice given to both parties.

Audit Committee – 26 November 2020

1. Corporate Risk Management

1.1 The Committee considered the report and accompanying Corporate Risk Register. The format of the Risk Register was being reviewed and suggestions were made to make it more accessible on mobile devices.

1.2 The Committee noted the updated Corporate Risk Register and recommended it to Cabinet for approval.

2. Interim Internal Audit Report 2020/21

2.1 The Committee considered the report which summarised the work of the audit team for the period July to November 2020 and proposed changes to improve the content.

2.2 It was agreed the Committee would be advised of the outcome of a review of the internal audit team's processes and resource.

2.3 The Committee noted the report subject to the above..

3. Covid-19 Risk Considerations

3.1 The Committee considered a report setting out the most significant risks and opportunities to the Council in relation to the ongoing Covid-19 pandemic. The accompanying assessment had been updated to reflect the impact of the second wave. The Committee considered the assessment to be a comprehensive assessment of the risks faced and mitigation measures.

3.2 The Committee recommended that a variety of communication methods are used to ensure that residents are made aware of potential scams operating locally and of preventative measures they could take.

4. Confidential Reporting Code

4.1 The Committee considered amendments to the Confidential Reporting Code following a benchmarking exercise by officers. The Code sets out how to raise serious concerns about any aspect of the Council's work, who to raise them with and how they should be dealt with.

4.2 The proposed amendments centred around training for staff to increase awareness and the reporting process.

4.3 The Committee recommended the revised Confidential Reporting Code to Council for adoption.

Councillor Lawrence Nichols

Chairman of the Audit Committee

10 December 2020

Report of the Chairman on the work of the Overview and Scrutiny Committee

There has been one meeting of the Committee since the last Council meeting and this took place on 3 November 2020. This report gives an overview of the main issues considered at that meeting.

1. Review of Community Safety

- 1.1 The Committee noted a report on a review of Community Safety for 2019/20, setting out the priorities, statutory obligations and overview of activities of the Safer Stronger Partnership Board and data on crimes in Spelthorne for the last two years and in comparison to the Surrey force area.
- 1.2 The Committee also received an update on the latest crime figures for Spelthorne from the Borough Inspector and noted a presentation by the Surrey Police and Crime Commissioner highlighting his achievements and his priorities for 2020/21, the concerns raised by residents and what he was doing to tackle crime.

2. Leisure centres update

- 2.1 The Committee received an update on the operation of the Leisure Centres since the Council had provided a support package after the first lockdown and the approach they were taking during the latest lockdown period to allow them to react quickly and smoothly when the lockdown ended.
- 2.2 The Committee noted that in the event the Leisure Centres required additional financial support as a result of the second lockdown, any such request would be discussed with the Council.

3. Budget Issues 2021-2022

- 3.1 The Committee received a presentation on the Budget Issues for 2021/22 to 2022/23 which outlined the challenges for bridging the significant 2021-22 Budget gap due to COVID-19 and the risks, pressures and uncertainties for future years.
- 3.2 The Committee noted that more detailed briefings on the draft Budget would be provided at its next meeting in January 2021 and at an extraordinary meeting in February 2021

4. Financial Reports

- 4.1 The Committee noted the capital and revenue spend for the period ending September 2020 and received responses from officers to detailed questions on expenditure and variances.

5. Report from the Climate Change Working Group

- 5.1 The Committee noted an update on the work of the Climate Change Working Group from Cllr Noble, which outlined the strategy to address climate change, including:
 - identifying the Council's own carbon footprint

- establishment of smaller sub-groups of the Task Group to focus on specific issues, including the key areas of transport; Policies; assets and financial investments,
- partnering with other organisations
- communications
- personal 'Green audits' for councillors

6. Corporate Project Management

- 6.1 The Committee received an update on project management and raised concerns about the clarity and level of the information provided to facilitate effective scrutiny. The Committee agreed to ask Cllr Noble to work with officers on simplifying the reports to help members scrutinise them.
- 6.2 The Committee was also concerned that some projects were missing from the list provided and agreed that a comprehensive list of projects with the appropriate and relevant level of detail would be provided to the Committee in future.

Councillor Vivienne Leighton

Chairman of the Overview and Scrutiny Committee

10 December 2020

Report of the Chairman on the work of the Planning Committee

The Planning Committee has met on one occasion since the previous report to Council. This report gives an overview of the key items considered by the Committee at its meeting on 11 November 2020.

1. Planning Committee meeting – 11 November 2020

1.1 The Committee considered four applications.

1.2 Application No. 20/00123/OUT: The outline application for Bugle Nurseries, Upper Halliford Road, Shepperton was for the retention of the existing dwelling and demolition of all other existing buildings and structures, and the redevelopment of the site for up to 31 dwellings.

It had been deferred from the September Planning Committee meeting to allow members to draft a motion recommending approval of the outline application as the Committee voted at that time against the officers' recommendation to refuse.

There was one public speaker. After a lengthy debate, the motion to approve was not carried and the Committee subsequently refused the application.

1.3 Application No: 20/00874/RVC: This application was for the variation of a condition imposed upon previous permission granted for 18 Riverside Close, Staines upon Thames, to allow for alterations to the garage including an increase in eaves height and the installation of roof lights. Councillor Harman spoke as Ward Councillor. The Committee approved the application.

1.4 Application No. 20/00876/HOU: This application was also for 18 Riverside Close, Staines upon Thames and sought permission for the erection of a new boundary wall and gate to the property. There was one public speaker and Councillor Harman spoke as Ward Councillor. The Committee deferred a decision pending the officer arranging a further visit to the site.

1.5 Application No. 20/01035/HOU: This application was for the erection of a single storey side and rear extension. There were no public speakers. The Committee approved the application.

Councillor Tom Lagden
Chairman of Planning Committee

10 December 2020

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