



Spelthorne Borough Council

Reconvened Council Meeting
Thursday, 29 October 2020



23 October 2020

Please reply to:

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend the reconvened meeting of the Council to be held remotely via Skype for Business video conferencing on **Thursday, 29 October 2020** commencing at **6.00 pm** for the transaction of the following business, which was adjourned from the meeting held on 22 October 2020.

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.
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1. Apologies for absence

To receive any apologies for non-attendance.

2. Disclosures of Interest

To receive any disclosures of interest from those Councillors present at this reconvened meeting, who were not present at the meeting held on 22 October 2020, in accordance with the Council's Code of Conduct for Members.

3. Motions

To consider those motions received from Councillors in accordance with Standing Order 19 which were adjourned from the meeting held on 22 October 2020.

Motion 3

"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.”

Proposed by Councillor B.B. Spoor

Seconded by Councillor T. Fidler

Motion 4 - disallowed

Motion 5

"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."

Proposed by Councillor J. Doerfel

Seconded by Councillor T. Lagden

Motion 6

Climate Emergency Motion

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.

Proposed by Councillor J. Doerfel

Seconded by Councillor V. Siva

4. Questions on Ward Issues

The Leader, or his nominee, to answer a question from Councillor S. Dunn on an issue in her Ward, adjourned from the meeting held on 22 October 2020. The written response provided in advance of the adjourned meeting is attached.

13 - 14

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"

5. General questions

15 - 22

The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, adjourned from the meeting held on 22 October 2020.

The written responses provided in advance of the adjourned meeting are attached.

Question 1 – Councillor Robin 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.”

Question 2 – Councillor Robin 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.”

Question 3 – Councillor Dick 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?”

Question 4 – Councillor Dick 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?"

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?"

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?"

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?”

Question 8 – Councillor Ian Harvey

“Following the oil slick that devastated the coast of our twinned District of Grant 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?”

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?”

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?"

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?"

6. Exempt Business

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

7. Recommendations of the Cabinet

To consider the recommendations of the Cabinet from its meeting on 23 September 2020 in relation to the following two items: 23 - 24

- a) Replacement of Spelthorne Leisure Centre

Reason for partial exemption

25 - 58

Appendix 5 to the report contains 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 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in the tendering process for a developer to build the new leisure centre, allowing tenderers to know the Council's estimated costs and budget for this development. This in turn prejudices the Council by (i) distorting the tendering process and (ii) prejudicing the opportunity for the Council to get the most financially advantageous deal for building the new centre.

b) Exempt Report - Victory Place Construction Costs - Key Decision

Reason for exemption

59 - 68

This report contains 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 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in agreeing final financial and contract terms with the preferred bidder. If the bids were to be made public then it may make the Council vulnerable to a renegotiation with the preferred bidder.