

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, 18 July 2019 at 7.30 pm

Present:

Councillors:

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

Councillor M. Madams, The Mayor, in the Chair

Apologies: Apologies were received from Councillor N. Islam and Mr Murray Litvak, Chairman of the Members' Code of Conduct Committee.

187/19 Minutes

The minutes of the Annual Council meeting held on 21 May 2019 were agreed as a correct record.

188/19 Disclosures of Interest

There were no disclosures of interest.

189/19 Announcements from the Mayor

The Mayor had circulated details of her upcoming events and encouraged support for the fish and chip supper being held at the Greeno Centre, Shepperton on 26 July and the barbeque at the Runnymede Hotel and Spa on 4 August.

The Mayor reminded members that the new procedure for declaring gifts and hospitality was agreed by Council in February 2019. She advised that the Gifts and Hospitality Declaration book would be available at all meetings and records would be published on the website on a monthly basis.

190/19 Announcements from the Leader

The Leader made the following announcements:

“Firstly some sad news, on Monday of this week, Emily, the 21 year old daughter of Surrey County Council Leader Tim Oliver and his wife Debbie, sadly passed away having suffered a rare brain tumour for the last 18 months. We offer our condolences to Tim and family.

More uplifting, I am delighted to announce that HRH Princess Alexandra KG GCVO visited the Embroidery Gallery in the Walled Garden Sunbury, and presented The Swan Sanctuary in Shepperton with the Queen’s Award for Voluntary Service on 2 July 2019. This is the highest award given to volunteer groups across the UK.

Congratulations to all our finalists and winners that attended our Capture Spelthorne Awards ceremony held at Shepperton Studios. The overall winner across all categories was awarded to Elaine Wisden.

There are 13 categories in the Spelthorne Means Business Awards 2019. Nomination entry closes on 30 September and the black tie gala dinner to announce the winners is on 17 October at Shepperton Studios.

Congratulations to Parks Officer Richard Leppard, who has retired after serving Spelthorne Council for 50 years. On behalf of the Spelthorne community we thank you for your hard work and dedication.

The Council’s Community Wellbeing team have started regular visits to St Peter’s hospital wards to liaise with patients directly about services available which may help them once back home. These include handyperson grabrails, Meals on Wheels, Community alarms and social prescribing.

Spelthorne Planning Committee has granted planning permission for a new development by Berkeley Homes at 17-51 London Road, Staines-upon-Thames. This will directly provide 41 homes for affordable rent from this Council.

A Planning Application has been submitted to build a hostel for single homeless people on The White House site on Kingston Road, Ashford. The anticipation is that this will be fully managed by the Salvation Army.

Netflix recently announced that they will be establishing a production hub at Shepperton Studios. This will be within the existing establishment and not contingent upon the planned expansion. This is further evidence that Spelthorne Means Business and is indeed a great place to do business under this Conservative administration.

Free Music in the Park took place on 7 July at The Walled Garden, Lower Sunbury from 2-4pm, with a performance by Saxophany.

Last weekend there were open air film shows and airings of the sporting events in Staines, arranged by the BID team. Over 500 attended the showing of Bohemian Rhapsody on Saturday night alone.

For those who are not aware, we are carrying out work to replace the roof of the Clock Tower at the Council Offices here in Knowle Green. The works are expected to be completed by the end of July.

The only way to tackle plastic waste is to move away from the recycling of single-use plastics towards avoiding them altogether and so we are working towards zero use across our own operations and services. The recent move from plastic disposable to paper cups is a clear and tangible demonstration of this.

The Laleham Riverside clean-up took place from 10am today with the Surrey Canoe Club and teenage volunteers from the National Citizens Service followed by a community BBQ at 1pm, attended by the Mayor.

I would like to thank all the staff who helped clear over 15 tonnes of unwanted items from Viola Avenue in Stanwell during two street clean days on 29 May and 5 June.

The Heathrow Airport expansion statutory consultation is now underway. We had a very successful and informative consultation with Councillors and Residents Associations on 2nd July, which was well received. Our internal Working Group is currently assessing a very significant body of evidence in preparing the Council's response. Notwithstanding this, in the light of the prospective cumulative impact on the Borough and its communities and businesses, I have asked the Chairman of Overview and Scrutiny Committee to include on the Committee's Work Programme a review of the Council's strategic stance on Heathrow. I can confirm that there will be an extraordinary meeting of the Overview and Scrutiny Committee on 3rd September to consider this."

191/19 Announcements from the Chief Executive

The Chief Executive thanked Parks Officer Richard Leppard, who had retired after 50 years of public service at Spelthorne. He also expressed his appreciation to colleagues across the authority, from Accountancy and Asset Management to Strategic Planning and Streetscene, for their continued public service commitment that ensures our communities remain at the very heart of everything we strive to accomplish.

192/19 Questions from members of the public

The Mayor reported that, under Standing Order 14, five questions had been received from members of the public.

Three of those were present to put their questions at the meeting.

Question from John Seaman:

“To enhance equity may everyone who receives an answer to a written question at a meeting of Spelthorne Borough Council have the opportunity to ask a supplementary question?”

“Is Flower Pot Green in Sunbury a registered village green?”

Response from the Leader, Councillor Ian Harvey:

“Thank you for your questions Mr. Seaman.

The procedure for public questions and councillor questions is long-established. There are no current plans to change the way that it works. Whilst the opportunity to ask questions at Council is one of the rights which citizens have, it is by no means the only option that they have. Residents who wish to engage with the Council should always speak first to their ward councillors who are the elected representatives for the area. Your Councillors may have the answers you require or they can get the answers from officers. On matters which relate to Cabinet issues I would also recommend residents to engage with the Portfolio Holder concerned. In speaking with councillors directly you will find that you can ask as many supplementary questions as you like and you will most likely get the information you are seeking.

On your second point - Flower Point Green is not a village green but open spaces in Spelthorne are protected under the Local Plan so there is no particular benefit from such a designation.

In the current Local Plan, it is designated Protected Urban Open Space. We are in the process of reviewing the Plan and have proposed to remove that designation in favour of the national policy that protects all open space of public value, which will provide more protection than the current designation as we have lost some appeals for development on Protected Urban Open Space. We will also be assessing our spaces, including Flower Pot Green, for the higher level of protection offered by the Local Green Space designation that national policy also provides.”

Following the meeting the Council became aware that the response given was inaccurate and provided Mr Seaman with the following additional response:

“Further to the questions below that you posed for the Spelthorne Council meeting last week, we were alerted to the possibility that the response you received in respect of Village Green status was incorrect. The background information to assist in the response was gathered by my team so we have investigated further.

We can now confirm that the incorrect answer was given at Council, for which we apologise. It was given in good faith but we should have checked with Surrey County Council, who are the statutory commons land authority. We

have the land listed as Common Land, however the Common Registration Act 1965 allowed a separation of Common Land and Village Greens on registration so Village Greens became their own entity. The listing as a Village Green was made in 1968 and therefore should be registered as such. Both Common Land and Village Greens benefit from the same level of protection but the distinction between designations is to reflect the different purposes the land may have. For example, Common Land is more associated with rights to roam and other traditional rights such as grazing of livestock whereas Village Greens are registered by virtue of activities they host such as sports, pastimes and fetes.

Common Land is shown on our Policies Map and Flower Pot Green is included within this designation but there is not a separate designation for Village Greens. This is something we can update as we're reviewing the Local Plan and will produce a new Policies Map. We will liaise with the County Council to ensure we are correctly distinguishing the parcels of land between Common Land and Village Greens."

Question from Caroline Nichols:

"This is a question about the Council's forward plan for food and drink carton recycling.

Background:

In 2008 Spelthorne Council introduced large collection containers at five recycling sites in the borough. The containers were supplied with a free collection service by ACE, the umbrella organisation for carton processing in the UK. After a while, they were replaced by small lockable black bins because of contamination at one or more sites, but my understanding is that the collection service remained free (as it does for all the 'first wave' councils who took up the five-container offer). In December 2017 Spelthorne discontinued the service.

There is currently no doorstep carton collection and the only bring-site is a separate Surrey County Council facility at Charlton Lane. This, according to ACE statistics, means Spelthorne is one of only 6% of councils that does not make a systematic effort to collect cartons (a scheme which is now being extended to paper coffee cups). According to ACE, currently 66% of local authorities collect beverage cartons at kerbside.

Why did the Council stop the bring-site collection? Are there plans to introduce doorstep recycling, and would the Council consider reintroducing carton collection at all bring sites?"

Response from Councillor Richard Barratt, Portfolio Holder for Environment:

"Thank you for your question Mrs Nichols.

Most Waste Collection Authorities in Surrey County Council, including Spelthorne, have stopped collecting Tetrapak recently as part of the doorstep recycling stream, in bring bank and community centres, due to logistical and environmental reasons.

Tetrapak tends to have high contamination rates and is not widely used compared to other types of recyclable containers, making the whole recycling process unsustainable, disproportionately costly and difficult to maintain as the energy and resources required to for its recycling have a greater environmental impact than other alternatives to dispose of this type of container.

Additionally, many Waste Disposal Authorities and waste managing contractors no longer accept Tetrapak and it is also no longer possible to ship this stream abroad to be recycled, as countries that used to accept recycling streams including Tetrapak have recently banned their import.

That is why, after extraordinary exertions, we have decided to stop collecting Tetrapak as this takes too much valuable space, energy and assets that can be used for more popular recyclable materials with lower contamination rates, better sustainability and part of a circular economy.”

The written response sent to Mrs Nichols following the meeting included this additional information:

“The following article explains why although TetraPak is recyclable it is not environmentally friendly: <https://treadingmyownpath.com/2014/09/11/why-tetra-paks-arent-green-even-though-theyre-recyclable/> “

Question from Shadia Doerfel:

“As a resident and voter within Spelthorne, and in the light of the May 2019 elections where Spelthorne residents voted to change the political make-up of the Council by voting in Greens, Libdems and Labour Councillors into the Council family, and given that the Local Plan intends to directly affect residents of Spelthorne for the next 15yrs, can the Council and Cabinet confirm that:

- (a) the Local Plan Working Group will be updated to reflect the residents' votes in and results of the May 2019 elections so that a representative of each democratically party forms part of this group's quorum? If not, why not? (It seems in light of the above that paragraph 8 of the 2018 FAQs is overtaken by the May 2019 elections and now appears undemocratic.) and
- (b) given the regard apparently demonstrated towards those who form part of the community or who work in green spaces such as Parks Officer Richard Leppard who was recently celebrated by Daniel Mouawad and Madam Mayor for 50yrs service, will the Council will similarly reach out to Spelthorne residents so that Council including Cabinet members and those who sit on the Local Plan Working Group will hold regular meetings and open forum events

on a monthly or 6 weekly basis to engage residents in the development of the Local Plan so residents are not excluded from this crucial conversation?

If not, why not?"

Response from the Leader, Councillor Ian Harvey:

"Thank you for your question Mrs Doerfel.

I don't agree that the political make-up of the Council changed in May 2019. The Borough had the benefit of a Conservative majority administration before then and they were wise enough to return a Conservative majority administration for the next four years. This demonstrates our residents trust in us to deal competently with the Local Plan.

As regards the Local Plan Working Party, this is a long-standing working group which has assisted Cabinet in its work for many years. It is not political and there is no requirement for political proportionality, as there are with some Council Committees, such as Overview and Scrutiny. Working parties and task groups are not formal committees, they are informal ways of dealing with larger pieces of work where officers and members need to work closely together over a period of time. It is not a public committee because officers and members need the opportunity to debate matters privately whilst issues are at a formative stage. This is common practice across local government.

Although the May elections saw newly elected councillors from other political parties join the Council, my decision was to maintain the status quo by retaining Cllr Beardsmore on the group. He has a long-standing involvement with both the planning committee and the Local Plan Working Party, he is well respected and his experience valued. Political proportionality is not the main criteria for a task group or working party, what matters more is the experience of the councillor and the contribution they can make.

When councillors seek to mislead or frighten the public by wrongly suggesting that our green spaces are under threat then they highlight how unsuitable they are to serve on such a working party. We are seeking knowledge, competence and level headedness. Councillors who demonstrate an unwillingness to take advice from officers or work collegiately with other councillors on a non-political basis also rule themselves out.

As regards the second part of your question: Work on the new Local Plan has been progressing for a number of years and the first public consultation on Issues and Options took place in May and June 2018. This was the first opportunity for our communities to give us their views on strategic options for how the Local Plan should progress. The responses we had to the consultation are being used to help shape and develop our strategy before we carry out further consultation in the autumn. We continue to have regular engagement with our communities throughout this process and all councillors will be able to play a part in the development of the Local Plan even if they are

not part of the working group as it is still in the engagement and scoping stage.”

Question from Rachel Batsford

The following public question was read out at the meeting by the Head of Corporate Governance in the absence of the questioner:

“Why has Richmond Road, Staines been denied Parking Permits although a petition was signed by the qualifying percentage of residents in favour of a permit scheme? All other roads surrounding the town centre have been granted them (I refer to Zone A, B, C, D & E)?

Why has the council proposed a 15 storey development on the site of the old BUPA building in Staines when the profile of all surrounding buildings in Staines is much lower? This will set a terrible precedent for further developments overlooking the river, spoiling the skyline of our historic town.

Please can the council reconsider the design of this development to be more in keeping with the area?”

Response provided at the meeting by the Leader, Councillor Ian Harvey:

“Thank you for your questions Ms Batsford.

In response to your first question. Although Spelthorne Borough Council manages the enforcement of parking locally, it doesn't have the authority to decide which streets are covered by Controlled Parking Zones. The County Council is the Highway Authority and these are matters which they decide. Notwithstanding this, Spelthorne and Surrey work together through the Spelthorne Joint Committee which would be the appropriate forum to consider and decide such matters. We advise that the appropriate course of action is for you to approach your County Council Divisional Member for their engagement.

In response to your second question. The scheme's height and massing has carefully evolved in consultation with key stakeholders including planners, the public and an independent regional design review panel. This is not the only site in Staines where tall buildings will be developed. There are already consented examples such as Bridge Street Car Park (12 storeys), London Square (10 storeys) and the former Centrica site (14 storeys). Also, it is important to recognise central government imposes annual housing targets upon the Council. If we don't intensify development on brownfield sites in sustainable town centre locations, then we will not be able to demonstrate a supply of future housing in sufficient numbers. Failure to deliver housing puts pressure on our valuable green belt land, as developers will seek to exploit the failure to deliver in the town centres. The town centres, particularly Staines are viewed as being the most appropriate location for accommodating sustainable higher density developments given their location next to local facilities and transport links.

Although the Council is promoting this development with its housing company, Knowle Green Estates Ltd, it is important to remember that the Planning Committee will have the final decision on whether the plans are appropriate for the area.”

Question from Paul Street:

This question and answer was circulated in writing to all present at the meeting as Mr Street was not in attendance:

“We notice that Spelthorne BC procure their electricity for their estate and operations from *nPower* via the Kent Council Laser energy buying group. This is electricity from a fuel mix of some of the lowest proportions of renewable energy and highest of fossil fuels. Why is Spelthorne not switching to 100% renewable electricity supplier in the interest of climate change, especially when it appears it would be economically more advantageous to do so? Some other councils within Surrey have already made the switch and others are planning to do so. And secondly, but directly related, do Spelthorne BC plan to declare a meaningful climate emergency with targets and an action plan?”

Response provided in writing from Councillor Richard Barratt, Portfolio Holder for Environment:

“Thank you for your question Mr Street.

As regards the first part of your question on energy procurement:

As you correctly observe, Spelthorne Council procures its energy through the public sector energy buying group LASER. We have a four year term agreement under which they procure our energy, including electricity. They also provide the Council with a full energy bureau service including bill validation, online reporting and monitoring, query management and additional services. Our current agreement ends in Sept 2020 and we have already started work to review what we will purchase in future. In the draft specification we are including green energy supply options.

Energy supply is just one element of Spelthorne’s work to improve sustainability. We have had success in making our buildings more energy efficient, reducing the amount of energy we consume and the associated carbon emissions. We have undertaken numerous projects across our estate to date, reducing energy use by 24% and also have solar installations on a number of our properties including most recently on two of our Day Centres. We also work with the community to improve their use of energy. We support homes in fuel poverty through the Governments ECO: Help to Heat Scheme and a Capital fund. Through this scheme 348 energy efficient measures have been installed in fuel poor homes in Spelthorne in the last year and 2,643 measures since the scheme began in 2014. We have also supported 70 Park Homes with new boiler and heating controls.

This list of Council projects includes

Council Offices:

Loft Insulation
Cavity Wall insulation
Energy Efficient Lighting
Powerperfector (Voltage optimiser)
Draught proofing
Boiler optimisation & pipe insulation
Switch off controls for photocopiers, printers and dispensers
Behavioural change campaign (previously Green Champions)
New double glazed windows (as part of office refurbishment programme, rather than the sustainability programme)

White House Depot:

Powerperfector (Voltage optimiser)
Switch off controls
Boiler optimisation
Light sensors in Mess Room

Tothill MSCP:

Powerperfector (Voltage optimiser)
Energy Efficient Lighting

Elmsleigh MSCP:

Energy Efficient Lighting

Greeno Day Centre:

Energy Efficient Lighting
Re-Commissioning of air handling unit
Correct operation of Thermostatic Radiator Valves (TRVs)
Boiler optimisation
Cavity Wall Insulation

Fordbridge Day Centre:

Energy Efficient Lighting
Correct operation of TRVs
Boiler optimisation
Cavity Wall Insulation

Staines Day Centre:

Energy Efficient Lighting
Boiler optimisation

Additionally:

The Solar PV installations at Staines and Fordbridge Day Centres now generate 15% of their onsite electricity use.

We have Electric Vehicle charging points in our two multi-storey car parks in Staines Town Centre and for staff at our Knowle Green offices.

As regards the second part of your question:

Many councils have declared a climate emergency but very few have put any meaningful plans behind it. This is purely meaningless tokenism and is not the way this Council operates. This Council will wish to consider its agenda carefully in light of the progress we have made in our 2016-2019 Sustainability Strategy. This covers nine key areas. Energy efficiency; Water efficiency; Waste and pollution; Sustainable procurement; Sustainable planning, housing, and regeneration; Sustainable transport and travel; Biodiversity and open spaces; Awareness and engagement; Risks and adaptation.

Once officers have reported on the outcomes of this strategy and the way forward for the Council, we will consider how we can meaningfully improve our targets to bring about a net zero carbon Borough and the timescales to achieve this.

I should also point out that that we are taking other tangible practical steps to improve the environment in addition to those mentioned above such as strongly advocating for the environmentally friendly Southern Light Rail linking Staines and the main rail network to a newly expanded Heathrow, and the scheme currently underway of planting 851 trees in the Borough. In Spelthorne we don't just make worthless statements, we actually do things. I look forward to hearing your support for these positive measures."

The Mayor confirmed that the responses would be sent to the questioners in writing following the meeting.

193/19 Petitions

There were no Petitions.

194/19 Report from the Leader of the Council

The Leader of the Council, Councillor I.T.E. Harvey, presented the reports of the Cabinet meetings held on 19 June 2019 and 17 July 2019 which outlined the matters the Cabinet had decided since the last Council meeting.

195/19 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 considered since the last Council meeting.

196/19 Report from the Chairman of the Planning Committee

The Chairman of the Planning Committee, Councillor R.A. Smith-Ainsley, presented his report which outlined the matters the Committee had decided since the last Council meeting.

197/19 Motions

In accordance with Standing Order 17 the Council received three written Notices of Motions.

Councillor R.W. Sider BEM moved and Councillor C. Barnard seconded the following motion:

“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.”

The Leader, Councillor I.T.E. Harvey gave the following reply to the Motion:

“Thank you Councillor Sider for raising this issue.

I can assure all councillors that Officers will always look to assist the County Council wherever possible to ensure that any unlawful encampments are dealt with quickly and efficiently.

It seems like a very attractive proposition for us to take more control to respond the travellers on the highway. I suspect that it's not a straightforward matter and after initial discussions with Officers we think that it may not prove to be viable in the long run.

The reason the Borough is able to deal with travellers so swiftly is because of the processes and joint working between the JET team and Legal. We doubt we can replicate this with County Council staff on whom we would still have to rely on a case by case basis. The alternative would be for us to take on an agency agreement from the County Council to deal with part of their functions for them. That may not be something we wish to consider at this time.

Nevertheless, it is something which I think we can ask Officers to explore and then report back to the Portfolio Holder. On that basis I will support your motion, and ask all Members to do likewise.”

The Motion was carried.

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.

The second Motion was moved by Councillor L.E. Nichols and seconded by Councillor S.M. Doran:

“That henceforth the formal position of Spelthorne Borough Council will be to oppose any increase in air traffic movements at Heathrow airport.

The Council notes that this new position in principle is based on the impact on local residents and the environment from air traffic, and that the Council now

believes that an increase in capacity is unsustainable and damaging to the borough.

The Council's response to the LHR Expansion Consultation closing on 13th September 2019 will clearly indicate this change in policy and Spelthorne Borough Council's opposition to the proposals in principle."

The Leader, Councillor I.T.E Harvey proposed the following amendment which was seconded by Councillor A.C. Harman:

"That the matter be referred to the Overview and Scrutiny Committee for consideration."

Councillor L. E. Nichols requested a recorded vote on the amendment.

The voting on the amendment was as follows:

FOR (22)	Councillors: Attewell, Barnard, C. Barratt, R. Barratt, Boughtflower, Brar, Buttar, Chandler, Gething, Gibson, Harman, H. Harvey, I.T.E. Harvey, Leighton, Madams, McIlroy, Mitchell, Noble, Rybinski, Sexton, Sider and Smith-Ainsley.
AGAINST (15)	Councillors: Bateson, Beardsmore, Cornes, Doerfel, J. Doran, S. Doran, R. Dunn, S. Dunn, Fidler, Grant, Lagden, Nichols, Siva, Spoor and Vinson.

The amendment was carried and the substantive Motion put to the vote.

The substantive Motion was carried.

Resolved that the Motion be referred to the Overview and Scrutiny Committee for consideration.

The third Motion was moved by Councillor J.H.J. Doerfel and seconded by Councillor V. Siva:

"In the light of Spelthorne Borough Council's commitment not to allow "any developments in the Borough that are detrimental to air quality" (as per the SBC press release 'Protecting Air quality in Spelthorne' dated 20/6/2019) and bearing in mind the fact that any Heathrow expansion will have serious knock on effects in terms of air quality and reduction of green spaces in the Borough inter alia through the envisaged building of a large car park between Oaks Road and the A3044 in Stanwell which currently acts as an important noise and pollution buffer zone for residents and as a carbon sink, the Council's new position to be reflected in its official response to the London Heathrow expansion consultation will be to oppose any expansion of Heathrow completely."

The Leader, Councillor I.T.E Harvey proposed the following amendment which was seconded by Councillor A.C. Harman:

“That the matter be referred to the Overview and Scrutiny Committee for consideration.”

The amendment was carried and the substantive Motion put to the vote.

The substantive Motion was carried.

Resolved that the Motion be referred to the Overview and Scrutiny Committee for consideration.

198/19 Questions on Ward Issues

One question was submitted by Councillor J. R. Sexton.

Question from Councillor Joanne Sexton:

“Why did it take the Police one day to support the Council to move the unlawful caravans and owners from Shortwood Common on the 16th June? We allowed them one night driving around the Common like a race track. The Council and the Police have a statutory duty to protect the land under section 34, 1988 Road Traffic Act. Why was this not used to move them on sooner? It also states “No vehicle may be driven on common land” and we allowed them to flout the law. Can I have assurances that if I receive a call again we will ensure we all act sooner? The law is the law and we must ensure all abide accordingly.”

Response from Councillor Ian Harvey:

“Thank you for your question Cllr Sexton.

The encampment arrived on Sunday morning 16 June. Police attended and during the course of the day conferred with the Group Head for Neighbourhood Services.

In accordance with the agreed joint protocol, the Police carried out an initial assessment. They concluded that they did not have the grounds to issue a notice to move the encampment under s.61 of the Criminal Justice and Public Order Act 1994.

The Police reported this decision to Council Officers and agreed that a further visit would be carried out on Monday morning.

At the time of assessment on the Sunday there were no reports of crime and it was therefore understandable why the Police did not use powers under section 61 at that point.

The situation then changed overnight with the reports from residents about damage to the Common. The situation was reassessed by the Police and Council Officers on Monday morning.

By Monday morning it was clear that first, damage was being done to the Common which is a Site of Special Scientific Interest (SSSI). There was impact on flora and fauna, and there were concerns about the open gate and the risk of cattle escaping and causing a danger on the highway.

Secondly it was clear that further heavy rain was forecast and there was every chance of the Travellers becoming stuck in the mud and not being able to leave the site for some time – which would further risk negative impacts on the SSSI site.

As a result of these concerns, a second assessment was made by the Police who decided that a section 61 notice would be issued. This was subsequently issued at 3pm on Monday and the site mostly clear by 5pm although one vehicle broken down was finally moved at 8pm.

As for the Road Traffic Act 1988, as Cllr Sexton correctly identifies it is an offence to drive on common land.

The joint protocol between Police and Surrey councils has been agreed to deal with any unauthorised encampments in a proportionate way which will stand up to scrutiny.

Driving vehicles on the common land was an aggravating factor which supported the Police decision to use their s.61 powers. Reporting the drivers for a summons would have likely hindered the swift removal of the vehicles and would not have led to the seizing of the vehicles in any event.

The appropriate legislation in these circumstances notwithstanding any serious criminal offences being committed was the Criminal Justice and Public Order Act 1994. In these circumstances the Police used their power under s.61 but the Council was also preparing to issue notices itself under s.77 should the s.61 not have been issued.

We have always and will continue where possible to move unlawful encampments as quickly as possible. However we are required to follow the relevant laws and proper process when carrying out the eviction. It is therefore not possible to assure councillors that anyone of us will act sooner as circumstances for each unlawful encampment have to be assessed first. It is submitted that the Shortwood Common encampment was removed as per the protocol and in the shortest possible time.”

199/19 General questions

The Mayor reported that four general questions were submitted by Councillors R.W. Sider BEM, L.E. Nichols, J.H.J. Doerfel and Mrs S. Dunn.

Question from Councillor Robin Sider BEM:

“Will the Leader and members of this Council join me in congratulating Team Spelthorne who took part in this year’s Surrey Youth Games at Guildford, and

in doing so with ten other boroughs competing, topped the medals table with five golds, five silver and three bronze medals?

And, will members also join me in thanking the Council leisure staff who undertook the arrangements to partake in these games, and to the many coaches who freely gave up their time to coach and encourage these young people?"

Response from the Leader, Councillor Ian Harvey

"Thank you for your comments Councillor Sider. I, and I am sure all Members, will join us in congratulating Team Spelthorne on their success.

This was the 23rd Specsavers Surrey Youth Games and team Spelthorne were particularly successful in achieving the medals that you refer to. We entered 24 teams, which meant that we also won the award for entering the most teams.

Around 350 young people aged 6-16 from all areas of the borough enjoyed up to seven weeks of free coaching across 12 different sports in the lead up to the event. 180 children went on to represent Team Spelthorne at the Games at Surrey Sports Park in Guildford on 15 & 16 June.

This year saw a change of ethos to the Games where there was a greater focus on encouraging new participants into sport, in particular those from a less advantaged background, or those who are inactive. For many of the participants this was their first experience of a sporting event, with some being introduced to the event through our 'Fit and Fed' initiative and the carers event which we held in February.

As Cllr Sider mentioned, the event is totally reliant on our coaches, the majority of whom are volunteers from local sports clubs. Spelthorne is very lucky to have such dedicated people. The leisure team are pleased to manage Team Spelthorne's participation in the games and are delighted with the team achievements this year."

Question from Councillor Laurence Nichols:

"Could the Leader please explain why he feels that it is not appropriate to have any councillors from the official opposition on the Local Plan working group?"

Response from the Leader, Councillor Ian Harvey:

"Thank you Cllr Nichols for your question about the Local Plan Working Party. I refer you to my previous response to Mrs Doerfel.

I would also add: All councillors will be able to play a part in the development of the local plan even if they are not part of the working group.

The Local Plan is still in the engagement and scoping stage. The planning team will engage with all ward councillors prior to the preferred options consultation which is due to go out in November.

I remain open minded as to who will be on the working party in the future. If any councillor demonstrates a willingness to engage with their colleagues in an objective, constructive and non-political way and who has an obvious talent that can be contributed, then I may be persuaded that membership should be offered to such a councillor. I would also wish to ensure that any new councillor had proved their worth by demonstrating a positive contribution to the life of the Council.

I would not consider it appropriate to offer membership to any new councillor who had demonstrated their unsuitability by refusing to take advice from officers, shouting at officers and advisors in training meetings or by seeking to politicise the Local Plan by misleading the public about the risk to open spaces, or indeed any other obviously misleading statements. You will therefore appreciate my reluctance to consider any new members at this time. Perhaps when newer members have learnt how business is conducted in the Council then the time will be right to look again at the issue.”

In accordance with Standing Order 15.2, Councillor Laurence Nichols asked the following supplementary question:

“Would the Leader please spell out in clear terms why he has broken a ‘gentleman’s agreement’ previously made to Councillor Sandra Dunn to include myself on the Local Plan Working Party?”

The Leader, Councillor Ian Harvey responded at the meeting that he had previously offered to explain this to Councillor Dunn in private and he was not going to do so in public for self-evident reasons.

Question from Councillor Jan Doerfel:

“In the light of significant concerns that the Council’s proposed ‘Local Green space methodology’ (which was to form part of the Local Plan) will leave 70 out of 71 currently protected urban open spaces (i.e. important green spaces of value to the community across the whole of Spelthorne) without any protection, will Cllr Harvey confirm that these 71 green spaces will remain protected and that none of them will be opened up for development?”

Response from the Leader, Councillor Ian Harvey:

“Thank you for your question Councillor Doerfel.
Open spaces are protected from development by national policy even if they are not designated in local plans. National policy provides a designation called Local Green Space for councils to apply locally as an additional tier of protection if they are demonstrably special to the community.

We consulted on a local methodology for assessing land to be considered for the designation and received a large number of responses that felt the scoring system would discount the majority from consideration. Officers have taken those comments on board and as a result have removed the scoring element from the methodology in favour of a judgement-based assessment. Despite what has been erroneously claimed by some Members, the methodology we consulted on was not intended to reduce protection of open spaces in the urban area or devalue their contribution to our communities but we have listened to the concerns and made changes to it. To apply the Local Green Space designation to all our open spaces in the urban area would dilute its effect.”

Question from Councillor Sandra Dunn

“In order to facilitate transparency about the Council's significant development plans, and given the time constraints of consultations open for public response, can the Council please provide the consultation documents available for Ceaser Court, Thameside House and other Knowle Green Estates projects on the Council website?”

Response from the Leader, Councillor Ian Harvey:

“Thank you for your question Cllr Dunn.

Knowle Green Estates Ltd (KGE) is a council owned company and in some cases it is making the planning applications on sites which it will later manage if they are given planning consent.

Where KGE consults with the public directly, adverts are placed in the local press, on the Council's website and on social media, two weeks prior to the two day events taking place. These two day events are held on a Friday afternoon and evening and all day Saturday to maximize attendance. Also, hand delivered letters are sent to local residents' houses advising of the consultation event dates/times. So far this has comprised 500 – 700 dwellings per project. This accords with best practice guidelines.

I am of course aware of what I believe to be the issue behind this question and can confirm that our officers “went the extra mile” and stayed for almost an hour past the closing time for the consultation discussing this and other non-specific matters with the person concerned.

Once the planning application is submitted, notices are sent out to nearby occupants by the Planning Department and all documents are publicly available on the Council's website for inspection.

There is a statutory consultation period of 21 days however the planning department tends to receive and consider all the public written comments up until the Planning Committee meeting.

As all Knowle Green Estates applications are major applications, this means the public have around 13 weeks to provide their comments. Furthermore, they can also speak for three minutes at the Committee Meeting if they wish to voice their views.

This provides a highly transparent process and gives the public plenty of opportunities to comment on applications.

We will review what material is made available on the Council website and seek to ensure that all the relevant material is available and clearly signposted.”

In accordance with Standing Order 15.2, Councillor Dunn asked the following supplementary question:

“As the website is sometimes perceived as being difficult to navigate, please can we put this information on the front page as we do for the third runway?”

The Leader, Councillor Ian Harvey responded at the meeting that if this was appropriate and possible then we would be happy to action. He would pass Councillor Dunn’s comment to the Council’s Communications Team.