

Council – 25 February 2021

Item 16 - General Questions - Answers

1. Question from Councillor Robin Sider BEM

Once again Travelers have encamped in Shepperton, and once more their presence is on the highway which is the responsibility of Surrey County Council, who have subsequently informed Spelthorne Head of Neighbourhood Services that they are working on a lockdown toleration policy and are not at this stage prepared to move them on from their current location. In response, the Travelers have indicated that their next move would be back to Old Charlton Road, where they were last year and where their presence caused anguish and grief to local residents. Such encampment in their present location has again caused local residents considerable concern. In the year 2019, and again in the year 2020 it is documented in full council agendas that I asked that officers seek through the legal channels, an injunction through the courts to prevent Travelers entering Spelthorne. That said, can the Leader of the council inform me when officers last wrote to the relevant authorities regarding this issue, what response did they receive, and from whom came such response?

Response from the Leader, Councillor J. Boughtflower

Thank you for your question Councillor Sider. Since you last posed this question, Spelthorne officers have continued to gather information to enable us to apply to the courts for an injunction to protect all of our parks and open spaces within the Borough. Officers have been working with the Police, DVLA and the barrister appointed by our legal department to ensure that the legal bundle for the injunction was complete for the barrister to submit to the court.

Whilst working on this approach, the Court of Appeal considered the appeal against the London Borough of Bromley and widened the scope to look at all 38 injunctions granted to other District and Borough Councils. The appeal judge stated, amongst other points, that the injunctions were too wide and amounted to borough wide prohibition of encampments. During this appeal the judge also considered the gypsy way of life which includes their rights to stop on a temporary basis whilst travelling and the absence of sufficient transit sites to enable the Gypsy Romany Travelling Community (GRTC) to travel.

The appeal judge also decided that a directions hearing should be listed for January 2021 to review all issues raised at the appeal hearing. Information from this hearing has not yet been published and we would expect this to be available in the latter part of 2021. Until such time as the outcome of the directions hearing is known, officers are not able to pursue this injunction further.

2. Question from Councillor Chris Bateson

The long-standing position of Spelthorne Council was to oppose Network Rail's proposal to permanently close the railway crossing at Moor Lane on safety grounds, as clarified in a Council press release prior to the commencement of the Enquiry.

Two-thirds of the way through the proceedings, the Council performed a complete about-turn and dramatically withdrew its opposition to permanent closure and before all objector's presentations had been heard. This decision was reached by a select group of Officers and a Deputy Leader at very short notice.

How we ended up in this situation is of concern to both Councillors and residents of the Borough. In turn, this decision has damaged the Council's reputation within the local community. In the light of the Council's apparent failure to adequately prepare its case, by contrast to National Rail's defence, what financial cost has been incurred by our Authority?

Response from the Deputy Leader Councillor McIlroy:

To follow.

3. Question from Councillor Lawrence Nichols

The number of housing units proposed for the Oast House site at the Extraordinary Council meeting on 21st January was significantly different from the number indicated in the Cabinet paper approved in March 2019. What was the process followed to authorise this change and why has the Council chosen to spend over £1.2m on planning the development of this site without a revised Cabinet approval of the change or any public consultation?

Response from the Leader, Councillor J. Boughtflower

Thank you for your question Councillor Nichols.

As active members of the Property Investment Task Group looking at property matters, we together identified concerns around how development schemes have progressed from inception to completion.

Unit numbers for such projects are always approximate in Cabinet papers, and subject to planning and other risks. Early feasibility work is undertaken prior to acquisition to inform development parameters. There then follows an agile development management process which involves design work, technical analysis and wider stakeholder involvement. This looks to optimise the development in terms of design quality, unit numbers and financial performance within the planning policy context. The unit numbers may go up or down as a result.

The fees to date for this project are £822,000, not £1.2m as you state. Given the scale and complexity of the scheme and the number of changes which have been made, this is not unreasonable. No additional fees will be paid until we have a financially viable scheme that is acceptable in principle to the planners.

Having said all that, a gap in reporting changes to Cabinet has been identified by the members of the Property Investment Task group which you are a member of.

Currently, a report only goes to Cabinet if there is a budgetary implication (e.g. more budget is required to deliver the scheme than originally anticipated).

This is one of the areas that has caused concern from councillors, and this will be looked at in detail under the newly constituted Assets Programme Board.

As you know we have discussed these concerns over the Oast House and other developments. It is important this does not happen again and for these reasons for this Council to have an Assets Programme Board to ensure that schemes are financially viable and value for money and also to provide scrutiny for our residents.

4. Question from Councillor Tom Fidler

The timeline and public information on the Local Plan is not reflecting the current status. When can residents expect the website to provide an accurate timeline and updated account of the Local Plan process?

Response from the Deputy Leader Councillor J. McIlroy:

As an active member of the cross-party Local Plan Task Group (chaired by myself) you will be well aware, Cllr Fidler, of the very real challenges that we face of attempting to accommodate government housing requirements, whilst protecting our green belt. This has been severely hindered by central government changing the goalposts with our housing numbers, as recently as last December.

I hope you would agree that we collectively have worked incredibly hard to try and find a way forward that works for our residents, but which also delivers the housing the Government expects. There is more work to be done by this Group. Once that has been completed a report will go to Cabinet setting out a proposed way forward, including a revised timeline. That report will be in the public domain and our website will be updated accordingly at that stage.

5. Question from Councillor Helen Harvey

The Leader made the following statement in a press release 10th February 2021:

‘I specifically asked for a consultation exercise to be undertaken so that residents could give us their views on the future of Staines...’

I was surprised to learn that Cllr Boughtflower thinks that he was the one to have the bright idea to consult with the public over the emerging Staines Development Framework formally known as Staines Master Plan. This is not the case.

As part of the preparation of a Supplementary Planning Document (SPD) it is a standard formal requirement that public consultation exercises be carried out. Indeed, in June 2020 all Staines Councillors and other cross-party Councillors were sent a document entitled ‘Consultation Strategy’ where the proposals from our consultants for this consultation exercise were summarised. Furthermore, I personally attended a meeting in June, which was minuted, where the methods and approaches for the consultations were discussed in detail and in particular with regard to COVID-19 restrictions.

In view of this it is incumbent on Cllr Boughtflower to immediately issue a press release putting the record straight and apologising for misleading the public.

A Spelthorne council press release on 17th June 2020 stated that despite COVID-19 restrictions the Staines Master Plan was expected to be ready 'early in 2021' and other documents I have seen say by March 2021. Clearly according to the press release of 10th February 2021 this date has slipped by many months. Can the Leader inform Council and residents as to why this project; which is to provide an important support document for our emerging Local Plan, has been so delayed and can we be updated of the current Local Plan and Staines Development Framework timetable with key milestone dates? Our residents' groups need to be kept informed so that they can plan and coordinate their responses should they wish to make formal representations to the Ministry.

Response from the Leader, Councillor J. Boughtflower

For the Council, it is critical that the end result of the Staines Development Framework is the right one. Whilst there has been some slippage in moving forward on the Development Framework, I see no issue with this.

Whilst all best endeavours have been made to meet specific deadlines expressed, nobody could foresee how this pandemic was to develop and the impact it would have on the work of the Council, as you be aware from the comprehensive regular Council COVID-19 Briefings for all members.

Councillor McIlroy will be providing an update on the timetable on these items at in due course to Cabinet.

6. Question from Councillor Ian Harvey

At the 21st January Extraordinary Council Meeting to discuss Spelthorne property projects Cllr Boughtflower you proposed SIX separate motions that would transfer responsibility to a "Project Board" that would be a subcommittee of a new Policy and Resources Committee that itself will not come into existence until after the transition to a Committee System in May 2021.

A separate report submitted that night stated that the interest cost alone of any delays is £9100 a week. Thus the minimum delay as a result of this is 19 weeks, at a direct cost of £172,900.

Having proposed motions to facilitate multi-million funding to these projects, you then proceeded on some of the motions to state that you had not yet made up your mind whether or not to support those motions that you yourself had just proposed. This does not suggest a very strong leadership or decision making ability, or indeed commercial acumen. Please can you justify your actions (or indeed inactions)?

Response from the Leader, Councillor J. Boughtflower

I thank Councillor Harvey for his question. A decision was made by members at the ECM on the 21 January 2021 to direct the Capital Budgets for the Council's Development Programme. At this ECM the proposed Assets Programme Board was introduced, as you well know.

The Assets Programme Board has been set-up at Cabinet last night as a sub-committee of Cabinet to take these matters forward and bridge the gap until May 2021.

This Assets Programme Board will give residents and all members reassurance and transparency.

As a leader I always listen to all and as a result may change my initial views, I see this is a positive and one of the skills of a leader.

I lead by listening to what our residents and colleagues want and need and take steps to achieve that. I see that as one of the skills of a leader.

7. Question from Councillor Olivia Rybinski

In October 2020 there was a very serious and unlawful leak of a very confidential document to journalists and this led to significant press interest. As Councillors we should abide by the Code of Conduct and not work to bring the Council into disrepute. This type of one-sided journalism causes residents to feel unsettled as they have not been given the full picture.

Questions about this leak were asked in full council and we understand only four councillors (Cllr Boughtflower, Buttar, Mitchell and Nichols) had access to this document. At that time Cllr Boughtflower condemned the leak and assured Council members that this was indeed a serious matter and would be investigated, yet we are yet to be updated on the matter.

Can you now provide councillors with an update as to the progress of that investigation?

Response from the Leader, Councillor J. Boughtflower

The administration takes a very dim view on the leaking of any confidential information. A preliminary Investigation was undertaken but the source of the leak of the information could not be established. Following this incident all councillors were reminded of their obligations with regards to confidential information.

8. Question from Councillor Amar Brar

Since the Leader is now supporting the Arora Hotel Complex development, can the Leader provide Council with an update as to any interactions, such as phone calls or meetings he has conducted or attended with Arora group during the past 6 months, and does he agree that we as a borough are indeed highly privileged that in such difficult economic times that Arora were still able to take a long term view and agreed to invest approximately £185m in our borough bringing a much needed boost to the planned regeneration of Staines, local jobs, an increase in visitors and to grow our economic prospects?

Response from the Leader, Councillor J. Boughtflower

I am surprised you are not aware of my view of the high rise developments as I have expressed repeatedly.

I have received two telephone calls from Mr Arora suggesting a meeting.

Therefore one virtual meeting with Mr Arora along, Councillor McIlroy and the Chief Executive has taken place.

All developments in the borough that meet the expectations of our residents are a privilege to have here, but others that do not are a different matter.