

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, 15 July 2021 at 6.00 pm

Present:

Councillors:

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

Councillor I.T.E. Harvey, The Mayor, in the Chair

Apologies: Apologies were received from Councillors R. Chandler, V.J. Leighton, M.J. Madams, J. McIlroy, A.J. Mitchell and V. Siva.

228/21 Minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council

The Council observed a minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council.

229/21 Minutes

The minutes of the Annual Council meeting held on 27 May 2021 and the Extraordinary Council meeting held on 10 June 2021 were agreed as a correct record.

230/21 Disclosures of Interest

Councillor T. Fidler declared that he would not take part in the debate or vote on item 12b, Exempt Report - Proposed Award of Leisure Centre Contractor contract - Key Decision, to avoid any conflict of interest.

231/21 Announcements from the Mayor

The Mayor made the following announcements:

Since the AGM the Mayoress and I have attended several functions including Ashford Youth Club open day, the opening of the Spelthorne Business Hub in Sunbury, the Service for the Judiciary last Tuesday, and yesterday the awarding of the Queens Award for Voluntary Service, to Sunbury Arts Centre, which was presented by the Lord Lieutenant, Michael More Molyneux. I understand that only two such awards have been made in Surrey this year.

This was a remarkable achievement for the Arts Centre, who have been operating on an entirely voluntary basis since 1982. The citation states that it is the highest award available to the Voluntary Sector in the UK. The entire volunteer team are to be congratulated, and Cllr Leighton, who originally proposed them, should be thanked too. Sunbury Arts Centre is the Boroughs only dedicated arts and cultural centre and is in use daily.

As we come to the end of the educational year I am aware that at least two headteachers, Louise Duncan, Headmistress of Sunbury Manor School and Liz Fielding, Head of St Nicholas's primary school in Shepperton, are retiring and I want to thank them for their service to education in Spelthorne and wish them a long and happy retirement.

Members have been advised of an exchange visit to our French twinned town, Melun, for the weekend commencing 1st October for what is described as a Brie fete. Places are limited, and self-funded, but if any Member is interested please contact Dawn Richards, as soon as possible.

232/21 Announcements from the Leader

The Leader made the following announcements:

The Prime Minister announced on 12 July that the Borough, along with the rest of the country, would move to step four of the roadmap out of lockdown from 19 July. This step sees the lifting of many of the restrictions that have impacted our daily lives. I know this has been, and continues to be, a very difficult time for many residents and businesses in the Borough. It has been 16 and a half months since Spelthorne was the first Surrey council to declare a Borough-wide emergency and, during this time, the Council has done everything possible to support communities and is committed to continuing to do so.

The Council continues to support business in Spelthorne and to date has distributed over £50million in relief and grants during the pandemic. The fourth Additional Restrictions Grant application window closes on 18 July so I would urge all eligible businesses yet to apply to do so.

Over the past few weeks, pop up vaccination centres have been deployed across the Borough and I would urge you to please protect yourselves and

others by getting fully vaccinated. All adults can now receive their first jab and, after eight weeks, they will be able to have their second dose.

Spelthorne will be doubling its investment in green initiatives over the next 12 months through a one-off increase of the Better Neighbourhood Grant, meaning £39,000 will be going to grassroots schemes to generate a cleaner, greener Spelthorne. Ward councillors will now have a £2000 annual allowance to support community projects and green projects in their ward, of which half will be for green projects.

The Spelthorne Business Hub is now open in Sunbury-upon-Thames. The Hub provides a co-working environment for start-up companies, entrepreneurs, and businesses, alongside an exciting programme of business support. The Hub will provide a creative base for entrepreneurs to develop and grow their ideas and I wish all the businesses involved a successful future.

Spelthorne Borough Council's Planning Committee has approved plans to build a new Leisure Centre in the Borough. The state-of-the-art facility will be located in Knowle Green in Staines-upon-Thames and will benefit from a comprehensive range of facilities. Construction, which will be to the Passivhaus standard, is due to begin in 2022 with completion in 2024.

The official launch of a new jetty on the River Thames in Staines was celebrated at the start of June. Located in Memorial Gardens, the jetty has been created to allow tour boats operators to pick-up and drop-off customers, connecting Staines with Hampton Court and Windsor. I would like to thank The River Thames Task Group, for their work to improve access and leisure activities along Spelthorne's 12 mile stretch of river.

At the Corporate Policy and Resources committee on 5 July, the process to undertake an investigation into the events surrounding the award of the contract for the Waterfront hotel development in Staines was formally started. It is in everyone's interests that this is thorough, definitive and conducted as soon as possible.

On 21 June, we raised the Armed Forces Day flag at our Council Offices in Knowle Green in honour of Armed Forces week. In doing so we recognise the brave men and women who proudly serve our country and make up the Armed Forces community, comprising currently serving troops, Service families, veterans and cadets.

That same week, the new Veterans' Hub at Fordbridge Fire Station was officially opened with the event marked by the planting of a tree. The Hub will act as a drop-in service for ex-servicemen and women and their families and has been set-up by the North Surrey Armed Forces Partnership. The Hub has a communal garden and allotment, and the group will meet on the fourth Tuesday of every month from 11am - 1pm to provide an opportunity for ex-service personnel to come together for friendship and support.

Spelthorne Borough Council honoured 11 volunteers at the Civic Trust Awards, which recognises residents who have given at least 12 years' service to volunteering in the Borough. Between them this year's winners have given almost 300 years of service to the Borough and represent the best of our communities.

There is will be a by-election in Staines Ward on 22 July. Polling stations will be open 7am to 10pm and details of your polling station can be found on your poll card or on our website. Completed postal votes need to be posted back to us as soon as possible. If it is too late, a completed postal vote can be returned to your local polling station by 10pm on election day, or the Council Offices before they close by next Thursday 22 July.

Entries are still open for Spelthorne in Bloom, Capture Spelthorne, the Spelthorne Business Awards and the Spelthorne Business Plan competition. Time, however, is running out to enter these competitions so please do get involved if you can!

Last week was Srebrenica Memorial Week, where we remember the victims of the genocide in Bosnia. On behalf of Spelthorne Borough Council, I would like to pay our respects to those murdered and displaced by individuals filled with hatred. The stirring up of hatred and discrimination is always wrong and we must never let it go unchallenged. We owe it to the victims of Srebrenica to all work together to ensure this never happens again. We are committed to equality in Spelthorne and everyone, regardless of their race, faith or nationality, should feel safe in our communities

Finally, I would like to place on record this Council's sympathies to the family and friends of former Council Leader, John Packman, who passed away last month. The Council lowered its flag to half-mast at Knowle Green on 29 June, the day of Cllr Packman's funeral, as a mark of respect.

233/21 Announcements from the Chief Executive

The Chief Executive announced that the Council's magazine, the Bulletin, was in the process of being delivered to 45,000 households across the borough. The Bulletin contained the annual report for 2020-21 which details some of the tremendous work that Spelthorne Borough Council and its staff have delivered in support of its communities, particularly those most vulnerable throughout the Coronavirus pandemic.

The impact of the pandemic has been profound and has seen this authority assist more than 17,000 vulnerable residents and support businesses with £50million of grants and additional support. The Chief Executive stated that he wished to place on record his thanks to the Council's staff who continued to do their utmost for the borough's communities.

The pandemic has had an impact on many people's wellbeing as well as a financial cost to the authority.

The Chief Executive explained that Councillors had asked to be kept informed of some of those costs and asked the Deputy Chief Executive and S151 Officer to provide an update.

The Deputy Chief Executive and S151 Officer reported that the COVID-19 pandemic had had significant financial impact on the Council, as had been the case for all councils, and the ongoing impacts on service income streams could continue for a number of years.

In May 2020 the Council took prompt action to set an emergency budget allowing up to an additional £2.2m of net spend to be funded from Reserves. This budget was set at a time when councils had received only one tranche of emergency COVID-19 funding from the government and the share allocated to districts and boroughs was particularly low. Happily, the funding for local government was significantly improved and in particular funding for districts and boroughs, in recognition of their proportionately greater reliance on sales, fees and charges. As a result, as reported to Cabinet in May 2021, the Revenue Outturn impact on the Council was considerably better than we initially feared, and we did not need to apply any of the additional £2.2m reserves and indeed were able to add to reserves.

Since the pandemic commenced we have distributed the funding support from Government for businesses across the borough. In 2020-21 we distributed £18m of business rates relief towards retail, leisure and hospitality businesses. In 2021-22 with the more reduced scheme we are anticipating distribution £11m of business rates relief. In 2020-21 we distributed as business support grants (excluding LRSG) £19m and we anticipate distributing (Restart & ARG) £6m in 2021-22. In particular we still have £2.2m of Additional Restrictions Grant, which is the discretionary grant for businesses who do not pay business rates, with an applications window for businesses to apply currently open

As part of the broad ranging COVID-19 recovery plan we have a number of specific actions to support economic recovery across the Borough. The Deputy Chief Executive and S151 officers explained that he was delighted to attend the opening of the Council's incubator for fledging and small businesses in Sunbury and that putting this support in place was particularly timely given the numbers of people prompted by the impacts of COVID-19 to change course in their lives and set up a new business.

For 2020-21 the Council collected 96.7% of council tax due and for business rates, allowing for a late period received a couple of days after the year end, collected 95.7%. These figures are better than anticipated, however the Council does face the challenge of recovering arrears from individuals and businesses.

The Deputy Chief Executive and S151 officer advised that the Council's investment assets portfolio continued to hold up extremely well. To date 98.4% of the rental income invoiced for 2020-21 had been collected with the majority of the outstanding balance covered by rent deferral agreements

which means over the new year that percentage will rise closer to one hundred percent. This percentage is much better than national averages for commercial rental and is a reflection of the strength of our assets, their location and also the excellent work our assets team have done to pro-actively engage with tenants and manage the portfolio. This means the investment assets have continued to be able to support the funding of our services for residents and contribute towards our housing delivery and regeneration programme.

At the end of 2020-21 we were able to add a further £5.4m to our investment assets sinking funds to bring their balance up to £26m. Remember these funds are set aside, on the basis of 50 years modelling, to cover future potential dips in income in the event of tenants exercising break clauses or not renewing leases resulting in void and rent free periods. Since the pandemic commenced in March, officers and key councillors have met weekly to review our sinking funds projections on an expected and worst-case basis. These projections have been improving in recent months and indicate that even on the worst cast scenarios we comfortably have sufficient funds to insulate the Revenue Budget and council tax payers from any dips in rental income over the next 10 years.

Unsurprisingly the external valuations of the balance sheet values of our investment assets have dipped, by an average of 5.4% which again is better than sector averages. This does mean the asset value on the Balance Sheet as at the end of March 2021 dipped £52m on paper. However, the important thing is the income streams being generated by these assets continue to be robust, and over time we expect these values to recover. Remember we are looking to hold these assets for the long term. On the other side of the Balance Sheet cash backed reserves increased from £44.7m to £84.5m. This included in addition to increasing sinking funds, increasing our General Fund Reserve (a general contingency) from £1.25m to £2m and setting aside £1.5m for green initiatives/green belt fighting fund. In addition the March 2021 figure included £27m of business support grants to be applied of which the majority relates to the accounting treatment for the Collection Fund.

With respect to our investment in the Elmsleigh centre as to be expected recovery of rental from retailers to date has been more challenging but is improving as we come out of COVID-19 restrictions. To date we have collected 81.6% of the rental due for 2020-21. The reason we bought out the long lease on the centre was to enable the Council to invest in diversifying the site to protect the long-term viability of the centre. We are actively progressing this with schemes to add affordable residential on site and bring in a range of community facilities into the centre. Additionally, we are anticipating that the opening of the Tesco Metro later this year will help further boost footfall.

Looking ahead to future uncertainties, we do not know over how long a period and to what extent our service fees and charges income, for example car parking, will recover. We are beginning to see the impacts on housing options of the national moratorium on landlords evicting tenants. This makes it even more important that we maintain the momentum in delivering our affordable

housing delivery programme. Nationally we are seeing significant increases in construction materials costs which we are monitoring with respect to the risk to our Capital Programme. We do not yet know what the impact locally on our residents will be when the Furlough scheme ends in September.

During the pandemic our two leisure centres have twice been closed by the regulations. Each time when they have reopened the Council has provided some financial support to the operator as we recognise how important these facilities are to the health and wellbeing of our residents. Whilst the leisure centres figures are doing a bit better than expected when they re-opened in April we do need to anticipate that may require some further financial support in the future.

As we move towards working on hybrid office/remote working basis for the longer term there will continue to be a need to invest in equipping out staff with appropriate ICT. We are looking to build on the new Customer Services telephony system as part of a broader digital transformation programme to improve service responsiveness for customers.

We are now starting work on the 2022-23 Budget, Capital Strategy and Capital Programme and are refreshing our budget gap projections for the next four financial years. We are looking to bring forward the budget process forward a little bit this year to enable more time for challenge and consideration. We are also proposing that in September we undertake a residents' budget consultation.

234/21 Questions from members of the public

The Mayor reported that, under Standing Order 13, ten questions had been received from four members of the public and that two of those questions (questions 3 and 5) had been grouped together for response.

1. Question from Mr A. McLuskey

In the light of the utter pointlessness of the Esso pipeline about to be laid from Southampton to Heathrow and the tarnished reputation of the organisation's parent company will Spelthorne Council agree to press for a cancellation of this deeply disruptive and anti-environmental project?

Response from the Leader, Councillor L. Nichols

The Southampton to London pipeline was subject to a Development Consent Order (DCO) which was approved by the Secretary of State for Business, Energy, and Industrial Strategy in October 2020. This decision followed a thorough and detailed examination process, conducted by the Planning Inspectorate. This pipeline is to be replaced by a new one, primarily due to the age and condition of the existing facility.

The Development Consent Order process sits under the Nationally Significant Infrastructure Projects regime. With this Consent Order having been approved by the Government, there is no means to challenge the decision. The Borough Council has a role in deciding applications for certain requirements of the DCO which are submitted by Esso. These applications relate primarily to specific technical details of how the works

are to be carried out and the processes involved. However the principle of the pipeline replacement has been agreed through the approved DCO in October 2020.

2. Question from Mr A. Woodward

The Council persists in stating that they are legally bound to comply with the housing numbers from central Government, using this as a justification for releasing green belt and employing consultants to provide a rationale for this. There are clearly exceptional circumstances in Spelthorne, large areas of green belt, the area already covered by water and the high levels of flood risk, so could the Leader explain why no consideration has been given to using an alternative methodology for assessing housing numbers, as set out in the relevant Government guidance? [Housing and economic needs assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/housing-and-economic-needs-assessment)

The relevant paragraph of the guidance is given below.

Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

With the permission of the Mayor, Councillor I. Beardsmore prefaced his answers with updates about recent judgements by the Planning Inspectorate. Councillor I. Beardsmore explained that the updates were very relevant to some of the answers he would be providing.

Firstly, four weeks ago in Hertfordshire a predatory developer obtained planning permission to build 100 houses in farmers field. It was opposed by the authorities concerned because the site was designated Green Belt land. At the enquiry the planning inspector found the authorities were seriously behind on meeting their housing need and did not have an up to date, valid, local plan. The field in question did not also have much relevance to the Greater Green Belt, which was fractured Green Belt like a lot of Spelthorne's Green Belt. What needs to be understood about it is all official green belt defences were in place, they were not breached, they were circumvented. It is a very scary judgement that has sent shockwaves through local authorities and we (Spelthorne) are an authority that is also behind on meeting our housing delivery targets and do not have a local plan in place to tackle the short fall.

Secondly, in Hertfordshire again, the planning inspector wrote to the authority and said in very blunt terms, that if the authority did not release enough Green Belt to satisfy the shortfall in housing provision by 17 September 2021 he would declare their plan unsound.

Thirdly, just this morning (15 July 2021) Spelthorne received the judgement on the Bugle site. The Inspector has allowed 31 houses to be built on this Green Belt site, which Spelthorne strongly opposed. In simple terms everyone who said you cannot build on Spelthorne's Green Belt have been proved wrong.

The good news in respect of this site, such as it is, is that the Inspector has only allowed the smaller of the two developments to go ahead and the Green Belt function of the site to prevent the coalescence of communities is maintained by retaining a Green strip running from East to West across the site. Nevertheless we cannot avoid the fact we have lost a Green Belt Site to predatory development.

Collectively these three rulings are a clear hardening of the Governments position in their drive to build more housing regardless of the views of local residents and local authorities or the cost in Green Belt. We would be wise to heed these warnings however distasteful we find them.

Now turning to the question from Mr Woodward:

Prior to the Government's requirement for local authorities to utilise the standard method to calculate housing need, there was no set methodology for assessing housing needs and local authorities were instead required to produce their own methodology. In 2015, Spelthorne produced its Strategic Housing Market Assessment which inputted various local factors to determine Spelthorne's objectively assessed housing need, including household growth projections, migration, and affordability. This identified a housing need of between 552-757 dwellings per annum. The local housing need figure derived from the standard method (currently 611 dwellings per annum) falls within this range, therefore it can be expected that an alternative methodology is likely to produce a similar figure.

Planning Practice Guidance states that where an alternative approach is used, this will be subject to close scrutiny at examination and the local authority will need to demonstrate how they face extraordinary challenges to justify the approach. Spelthorne is subject to many planning constraints that affect a large number of authorities in the South East, for example Green Belt and flood risk in combination. As such, there are not considered to be extraordinary challenges to justify a different approach to calculating housing need once the Local Plan is examined by the Planning Inspectorate. Those few authorities that have attempted to utilise a lower housing number since the introduction of the standard methodology have failed, for example Sevenoaks and Chiltern & South Bucks. The number of Local Plans withdrawn or found unsound in 2020 was the highest in six years, highlighting the importance of having a sound strategy to guide development.

Further to this the NPG states that:

The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement figure.

Whilst we might be able to play games debating the word Guidance, these are the rules the planning Inspectorate will follow. The key word is minimum. So our own number and the standard number are very similar.

The National Planning Policy Framework sets out that Green Belt boundaries may be amended in exceptional circumstances, with many authorities releasing Green Belt to meet housing needs. Spelthorne is aiming to produce a sound Local Plan strategy, supported by robust evidence, that overcomes the constraints present, demonstrating that we can meet our housing needs within the Borough. Developing an alternative methodology for calculating housing need is likely to contradict the evidence previously produced and is likely to be found unsound at examination.

3. Questions 3 and 5 from Mr N. Rowe

The Council's press release yesterday (7 July) "Spelthorne Borough Council to make crucial decisions on new Local Plan strategy" begs a number of questions to which we hope the Environment & Sustainability Committee, or the Chair of E&S at full Council, will provide answers:

There is detail on setting a target amount of 'greenbelt' to be released for development.

Why has the Committee not also defined a target limit for the height of new developments in Staines?

How will the results of the recent public consultation on the future development of Staines play into any decision on high-rise developments in Staines, who will do the analysis, who will draw conclusions from it, and how open/transparent will this process be?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

From 8 May to 29 June, the Council consulted on the Staines Development Framework Objectives and Options consultation. The questionnaire included 35 free-text questions, and letters and emails were accepted as responses. There is a significant amount of information for officers to review, quantify and qualify. Officers are currently reviewing all the responses to the consultation. A response document will be produced and published on the Council's website in due course.

The responses to the consultation will be analysed by both officers and consultants, David Lock Associates, and reported to the cross-party

Members' Staines Development Framework Task Group. The responses and further work, particularly on sites, will inform the next stage of the production of the Staines Development Framework. At all stages Members will make decisions.

We are keen to be making the best use of previously developed brownfield sites across the borough, including within in Staines-upon-Thames. Until the Staines Town Centre Framework is at a more advanced stage, there would not be sufficient information available to consider setting a limit for the height of new developments. Further consideration would also need to be given to whether any height restrictions were uniform or staggered, if an absolute height limit (in storeys or metres) is the most appropriate way of achieving the best urban design and making the best use of brownfield sites in Staines, one of our most accessible and well-connected locations.

4. Question from Mr N. Rowe

The Council's press release yesterday (7 July) "Spelthorne Borough Council to make crucial decisions on new Local Plan strategy" begs a number of questions to which we hope the Environment & Sustainability Committee, or the Chair of E&S at full Council, will provide answers:

There is reference in the press release to excluding any sites not already identified for inclusion in the Local Plan.

Why have other sites been excluded for consideration, particularly as this will inevitably encourage overdevelopment of identified sites?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The list of Green Belt sites provided alongside the amended strategy, agreed by the Environment and Sustainability Committee on 13 July 2021, are indicative at this stage, meaning they have not been finalised and currently represent the type of sites likely to fit with the proposed strategy and meet our development needs. All sites will be subject to a more detailed assessment, in line with our Site Selection Methodology, and discussion with the Local Plan Task Group (that includes a councillor from every ward in the Borough). These sites will also be subject to public consultation whereby residents will have the opportunity to comment on the proposals.

5. Question from Mr N. Rowe

The Committee expresses a wish to "proceed without further delay" with implementing the Local Plan. How can the Council proceed with the Local Plan when the work has not been started (let alone completed) to determine whether Staines' infrastructure can be upgraded (let alone afforded) to accommodate the level of development currently contemplated? The government has made it clear that infrastructure constraints should be taken into account when setting "a sustainable housing target" and work on this has not yet been done. In recent

discussions I was told by Surrey County Council (in a meeting also attended by an SCC Councillor) that an analysis of the infrastructure issues relating to the draft development plan for Staines would probably cost about a £100,000 which SCC would undertake if asked to do so.

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Borough Council have been engaged with the County Council and other service providers over infrastructure needs for some time. Discussions regarding this are based on the housing requirement for the Borough over the plan period. This requirement is set by the Government through the standard methodology. The service providers are therefore aware of the housing requirements and where the planned growth is expected to take place in the Borough. A draft Infrastructure Delivery Plan (IDP) has been produced which has followed two rounds of consultation with service providers, including the County Council on various types of provision such as education, highways, and healthcare amongst others.

To further progress work on the IDP, it is necessary to identify the site allocations and quantum of development within these. This will allow for a Part 2 of the IDP to be carried out which will include detailed assessment of each site allocation and any necessary infrastructure required to deliver these sites, if any. This work will be undertaken in consultation with the service providers. The County Council will play a crucial role in providing data and advice to allow these requirements to be identified and solutions to be found.

6. Question from Mrs K. Sanders (OAN)

How can Council agree that we should plan to meet 611 dpa without also agreeing at the same time an Infrastructure Delivery Plan that matches that and does the Council concede that, by not taking a proportionate approach to housing growth, unconstrained growth of 9,165 units cannot be sustainably built on 70% of the land in Spelthorne (i.e. Spelthorne's total area less the 30% covered by the absolute environmental constraints of waterbodies and functional floodplain)?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Infrastructure Delivery Plan is currently in draft form and has been produced with input from infrastructure providers, including healthcare, education, and highways, so they can plan for our future growth. Two rounds of consultation with infrastructure bodies have taken place to identify the current and predicted gaps in infrastructure provision based on our housing figure and spatial strategy over the Plan period. The housing figure derived from the standard methodology has been fed into the process since the early stages of IDP development to enable infrastructure to be adequately planned for. Key stakeholders and providers have engaged in each stage of the process so that they are aware of the

planned growth and can react appropriately to enable the correct level of provision.

It must be noted that on many infra-structure issues Spelthorne are not the responsible authority for service delivery. As such, far more weight will be given to the response of the responsible authority.

Once site allocations have been firmed up with the amount of development, there will be a 'Part 2' to the Infrastructure Delivery Plan which will consider in greater detail each site allocation and look at specific needs for those sites and what is required to deliver these.

Councillors and Officers are working together to develop a robust and sound Local Plan strategy that meets our development needs on suitable sites. Through the next stage of the Local Plan – the Pre-submission draft Local Plan - allocation sites and the Local Plan approach will be subject to a Sustainability Appraisal which will assess the sustainability of the options and will also identify any opportunities to improve sustainability.

Infrastructure provision and sustainability are key considerations in developing the Local Plan strategy and a holistic approach to ensuring the proposed level of development can be supported by the necessary infrastructure has been key throughout the Local Plan process.

7. Question from Mrs K. Sanders (OAN)

Given councillors repeated commitment to Spelthorne's wider Green Belt as a whole (which covers 65% of Spelthorne's total area), does the Council agree that being forced to build 100% of the 9,165 units on only 35% of Spelthorne (give or take 1 or 2%) would represent a strong reason for restricting the housing number under Para 11b of the NPPF?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

National planning policy and guidance sets out that local authorities should identify enough land to meet their needs, then re-visit assumptions if it is unable to do so and also engage with Duty to Cooperate partners, before they conclude that needs cannot be met at Local Plan examination.

We have a broad evidence base to support our Local Plan, we have revisited our site assessments and have carried out additional work to increase our land supply in the urban area. After reviewing this evidence, we could be in a position to meet our housing needs in full. It is only after this in-depth assessment that we have looked towards a small amount of Green Belt release. We need to show an inspector that we have done all we can to meet our needs and if we fail to do so, there is a risk of our plan being found unsound.

Paragraph 11b of the NPPF sets out that there must be a strong reason for restricting the level of planned growth – we need to utilise our evidence

base to support the Local Plan strategy and show that we have tried to meet our needs and only then can we consider a lower target. We are aiming to develop a logical and robust Local Plan strategy that is able to meet our needs and is based on evidence, and as such feel it is appropriate to meet our housing needs.

8. Question from Mrs K. Sanders (OAN)

Would Council concede that any self-imposed limit of Green Belt release is arbitrary and not strategically robust or defensible (be it the 0.6% of all Green Belt land now suggested or the 1.6% proposed by the Preferred Options consultation) and that there is no built-in mechanism to shut Pandora's Box once it has been opened?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

This is not a self-imposed limit. Rather, it is the minimum quantity to meet our needs based on the data we have now. We have made it clear this is open to review and change.

Following the Preferred Options consultation, we made every effort to consider whether a brownfield-only approach would be feasible, through undertaking a call for sites to identify new development sites and reviewing existing site capacities and densities to boost the potential supply from urban sites. We concluded that a brownfield-only approach would not meet our needs and would also result in the majority of new homes being flatted developments. We determined that a minor amount of Green Belt release would allow us to meet our housing needs in full and provide a better mix of housing for the community.

If the strategy is agreed, the 0.6% of Green Belt release is the amount of land that will meet our housing needs following further analysis of the urban area. This level of Green Belt released would be fixed through this Local Plan, although a future Local Plan will need to reconsider how best to meet housing needs. There is however uncertainty in terms of planning policy and how housing requirements will manifest in future, so at present we need to produce a Local Plan that meets our development needs and follows a robust and sound approach that is best for current and future generations, using the current available evidence.

9. Question from Mrs K. Sanders (OAN)

By the Council's own admission, it has now exhausted all potential options for meeting needs in the urban area. Where does Council propose putting any requisite essential infrastructure yet to be identified (e.g. schools and health services) that would go along with such a high level of growth? Also, given that Surrey County Council classes, to all intents and purposes, all of the non-urban area in Spelthorne as a Biodiversity Opportunity Area, would Council agree that any housing or commercial development in the non-urban area would be detrimental to biodiversity and would make it more difficult for the borough to achieve the mandatory

biodiversity net gain, which is likely to become planning law in 2023, potentially before Spelthorne's new Local Plan is signed off?

Having exhausted all potential options for meeting needs in the urban area and having done the Duty to Cooperate exercise, would the Council agree it is now time to calculate a "Policy on" housing target?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore

The Infrastructure Delivery Plan is being produced with input from relevant stakeholders to help meet the need for local services alongside housing growth. The Borough Council continue to work with the service providers to identify how the needs can be met in the most deliverable and accessible way.

I refer you back to my previous answer on the responsible authority to deal with infrastructure and service delivery.

Biodiversity Opportunity Areas are identified to promote improvements to ecological sites as part of the wider Surrey network. The mandating of biodiversity net gain provides opportunity to secure improvements to areas of existing or potential biodiversity value. All new developments will be required to fulfil biodiversity net gain and other Local Plan policy requirements through the planning application stage. The Borough Council's policies in the new Local Plan will reflect biodiversity net gain requirements, as appropriate. A Biodiversity and Planning Action Plan is being developed to inform the development of the Local Plan policies and where in the Borough benefits can be secured through Net Gain.

Do not forget the Government have already trashed promises of environmental targets once. We have an officer here who, when working with another authority, witnessed a year of work on Biodiversity thrown out the window.

The Council is aiming to identify a suitable Local Plan strategy that will meet development needs. This strategy maximises development opportunities in the urban area whilst also having regard for the need to deliver much needed family housing through a small amount of Green Belt release. If agreed, in pursuing this proposed Local Plan strategy, we feel we can meet our housing needs in full therefore it is appropriate to continue the development of the Plan using this approach.

235/21 Allocation of seats and appointments of members to the Development Sub-Committee

The Mayor informed members that the Corporate Policy and Resources Committee were unable to nominate to all five of the available seats at their meeting on 5 July 2021 but that the Development Sub-Committee could still be formed and would be able to carry out its functions providing there was a quorum present at their meetings.

The Quorum for the Sub-Committee is one quarter (two members).

The Mayor further clarified that those seats without nominations were for Conservative Group Councillors and could not be filled by other groups as there was a legal requirement for the sub-committee to be politically proportionate.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that the allocation of seats on the Development Sub-Committee as shown at Appendix A be approved.

236/21 Appointments to Outside Bodies

The Mayor explained that as there were three appointments to be made he would take each one separately.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Robert Noble serve as the Council's representative on the South West Middlesex Crematorium Board.

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Richard Dunn serve as the Council's Deputy representative on the South West Middlesex Crematorium Board

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that Councillor Bernie Spoor serve as the Council's representative on the Surrey Police and Crime Panel.

237/21 Appointment of Substitutes to Committees

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** that the Substitute members to serve on the Council's Committees, as detailed in Appendix B, be approved.

238/21 Recommendations of the Corporate Policy and Resources Committee

238a Ashford Victory Place

The Council considered the recommendation of Corporate Policy and Resources Committee on Ashford Victory Place.

Resolved to approve the specification changes (option A) sought by Planning Committee prior to submitting revisions to the Local Planning Authority (LPA).

238b Proposed Award of Leisure Centre Contractor contract

Councillor T. Fidler left the room for the consideration of this item.

The Council considered the recommendation of Corporate Policy and Resources Committee on the Proposed Award of the Leisure Centre Contractor contract.

Resolved to approve the award of a Pre-Construction Services Agreement (PCSA) to the preferred bidder identified in the report as the main contractor for the construction of the proposed new leisure centre; and the expenditure for this appointment.

239/21 Amendments to the Council's Constitution

The Council considered a report from the Group Head of Corporate Governance on amendments to the Constitution consequential to the change to the Committee System.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** to approve the amendments to the Constitution as set out in the report.

240/21 Appointment of a representative Trustee

It was proposed by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved that Mrs Daphne Harman be appointed as a Council representative trustee to serve on the Staines Parochial Charity for a four year term of office until July 2025.

241/21 Amendments to the Spelthorne Joint Committee constitution following implementation of the committee system

The Council considered a report from the Group Head of Corporate Governance on amendments to the Spelthorne Joint Committee constitution following implementation of the committee system.

It was moved by Councillor S. Mooney and seconded by Councillor C. Barnard that this item and item 16, Appointment of Chairman to the Spelthorne Joint Committee for a two year term to May 2023, be deferred as it was unclear how long the tenure of the Chairmanship should be and clarification should be sought.

Members debated the motion to defer and noted that the minutes of the Spelthorne Joint Committee meeting held on 15 July 2019 stated that the Chairmanship *“would now be a two yearly tenure and that chairmanship would now revert to last year’s chairman, County Councillor Richard Walsh to continue into his second year.*

The reasons for the change are two-fold: As committee cycles run only for four formal meetings, a longer stint allows the chairman to become more established in the role and follow through on issues. Secondly, the timing of

the change means that no chairman should be actively up for re-election whilst holding this office.

The legal advisers from both authorities supported this change. No change is the constitution is required at this stage.”

A vote was held and the motion to defer FELL.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and **resolved** to approve the amendments to the Spelthorne Joint Committee constitution as set out in the report.

242/21 Appointment of Chairman to the Spelthorne Joint Committee for a two year term to May 2023

The Chief Executive informed the Mayor that just prior to the meeting starting Councillor J. Boughtflower had informed him that he would be taking up the current vacant Conservative position on the Spelthorne Joint Committee and therefore Councillor Boughtflower would need to be added to the list of members to be considered for the position of Chairman.

It was proposed by Councillor J. Sexton and seconded by Councillor R. Smith-Ainsley that Councillor L. Nichols be nominated to the position of Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

It was proposed by Councillor S. Mooney and seconded by Councillor N. Gething that Councillor J. Boughtflower be appointed Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

A vote was held and it was **resolved** that Councillor L. Nichols be nominated to the position of Chairman of the Spelthorne Joint Committee for a two year term to May 2023.

243/21 Motions

In accordance with Standing Order 16 the Council received three written Notices of Motions.

Motion 1

Councillor D. Saliagopoulos moved and Councillor T. Lagden seconded the following motion:

To appoint a member “Mental Health Champion” to:

- advocate for mental health issues in council meetings and policy development and reach out to the local community to raise awareness of mental health issues and challenge stigma.
- listen to people with experience of mental health note their perspective on local needs and priorities.
- scrutinise areas that have an impact on people's mental health.
- foster local partnerships between agencies to support people with mental health problems more effectively.

- identify at least one priority each year for focused work.
- have access to advice, support and other member champions to share information, experience and ideas.

The motion was carried.

Resolved to

- appoint a member “Mental Health Champion” to:
- advocate for mental health issues in council meetings and policy development and reach out to the local community to raise awareness of mental health issues and challenge stigma.
- listen to people with experience of mental health note their perspective on local needs and priorities.
- scrutinise areas that have an impact on people's mental health.
- foster local partnerships between agencies to support people with mental health problems more effectively.
- identify at least one priority each year for focused work.
- have access to advice, support and other member champions to share information, experience and ideas.

Motion 2

The Mayor informed the Council that this motion had been altered and that a copy of the altered motion had been circulated to all members in advance of the meeting. In accordance with Standing Order 18.7 the Mayor sought the consent of the Council and it was **resolved** that the altered motion be accepted.

Councillor D. Saliagopoulos moved and Councillor T. Lagden seconded the following motion:

To appoint, when possible, an existing officer of the Council to act as a lead officer for mental health to:

- advise the member Champion on current issues and priorities;
- support implementation of strategies initiated by the member champion;
- in conjunction with the member champion, look to support positive mental health in our community, including in local schools, neighbourhoods etc

The motion was carried.

Resolved to

appoint, when possible, an existing officer of the Council to act as a lead officer for mental health to:

- advise the member Champion on current issues and priorities;
- support implementation of strategies initiated by the member champion;
- in conjunction with the member champion, look to support positive mental health in our community, including in local schools, neighbourhoods etc

Motion 3

Councillor R. Noble moved and Councillor M. Gibson seconded the following motion:

This Council resolves to establish the principle that a permanent memorial be created to recognise those in the Borough of Spelthorne who have sadly lost their lives during the unprecedented Covid 19 pandemic.

If that is agreed, we request that Officers begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

Councillor R. Smith-Ainsley proposed the following amendment by the **addition** and deletion of words, which was seconded by Councillor S. Dunn:

*This Council resolves to establish the principle **believes** that a permanent memorial **should** be created to recognise those in the Borough of Spelthorne who have sadly lost their lives **through** ~~during~~ the unprecedented Covid 19 pandemic.*

*If that is agreed, we request **Council therefore resolves** that Officers **in consultation with the Leader and other political group leaders** begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.*

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

The amendment was put to the vote and agreed.

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

Resolved:

This Council believes that a permanent memorial should be created to recognise those in the Borough of Spelthorne who have sadly lost their lives through the unprecedented Covid 19 pandemic.

Council therefore resolves that Officers in consultation with the Leader and other political group leaders begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

244/21 Report from the Leader of the Council

The Leader of the Council, Councillor L. Nichols, presented the report of the Corporate Policy and Resources Committee meetings held on 5 July 2021 which outlined the matters the Committee had decided since the last Council meeting.

245/21 Report from the Chairman of the Environment and Sustainability Committee

The Chairman of the Environment and Sustainability Committee, Councillor I. Beardsmore, presented the report of the Environment and Sustainability Committee meetings held on 30 June 2021 and 13 July 2021, which outlined the matters the Committee had decided since the last Council meeting.

The Chairman of the Environment and Sustainability Committee drew members attention to the omission of the word *sound* between *a* and *strategic* at point 2 on page 3 of the supplementary agenda. This sentence should have read:

*“That they would benefit from independent support and advice on the formulation of a **sound** strategic vision for the borough.”*

246/21 Report from the Chairman of the Community Wellbeing and Housing Committee

Before the consideration of this item it was moved by Councillor I. Beardsmore and seconded by Councillor C. Barnard to suspend standing orders to continue for a further 30 minutes as per Standing Order 5.2.

The Chairman of the Community Housing and Wellbeing Committee, Councillor S. Dunn, presented the report of the Community Housing and Wellbeing Committee meeting held on 29 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

247/21 Report from the Chairman of the Neighbourhood Services Committee

The Chairman of the Neighbourhood Services Committee, Councillor A. Brar, presented the report of the Neighbourhood Services Committee meeting held on 24 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

248/21 Report from the Chairman of the Economic Development Committee

The Chairman of the Economic Development Committee, Councillor C. Barnard, presented the report of the Economic Development Committee

meeting held on 22 June 2021 which outlined the matters the Committee had decided since the last Council meeting.

249/21 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.

250/21 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.

251/21 Report from the Chairman of the Administrative Committee

The Chairman of the Administrative Committee, Councillor T. Mitchell, presented the report of the Administrative Committee meeting held on 1 July 2021 which outlined the matters the Committee had decided since the last Council meeting.

252/21 General questions

The Mayor reported that two general question had been received, in accordance with Standing Order 15, from Councillors J. Boughtflower and S. Mooney.

Question 1 is from Councillor J. Boughtflower

Can the Leader confirm that Cllr Sexton was on, or not on, Cabinet at the time of the 8 April 2020 Cabinet meeting and what period of time by dates Cllr Sexton was a Cabinet member.

Cllr Sexton clearly stated "I was not" on Cabinet during the time the Aroura Deal was made at the public meeting of the Corporate Policy and Resources Committee held on the Monday 5 July 2021.

The residents clearly need to know the factual position of this matter.

Response from the Deputy Leader, Councillor J. Sexton

Thank you for your question Councillor Boughtflower, I agree that it is important that the facts be made clear for all.

At the meeting of the Corporate Policy and Resources Committee on Monday 5 July I did state that I was not on Cabinet at the time the Tender report on Staines Development was considered and at the time of making that statement I genuinely believed it to be an accurate one. Members present at that meeting or watching online will have noted that I sought confirmation from the Monitoring Officer who at that time also thought my statement was correct. However, having had the opportunity to review previous Cabinet meetings I have found that the Tender report was presented to Cabinet on 8 April 2020, and it appears that I was present however, there was some uncertainty as the

attendance records indicate that I had given apologies but the minutes note that I was in attendance.

Committee Services have now confirmed that I was a member of the Cabinet from January 2020 until June 2020

In accordance with Standing Order 14.3, Councillor J. Boughtflower asked the following supplementary question:

Can Councillor Sexton inform us of if any other errors have been made?

Response to supplementary question from Councillor J. Sexton:
With respect Councillor Boughtflower, you were not at the meeting. I don't understand what you are inferring, it was a genuine mistake.

Question 2 is from Councillor S. Mooney

I note the agenda item from the recent Policy and Resources Committee meeting on Monday evening states the Committee are asked to:

1. consider the establishment of an investigatory task group; and
2. the Terms of Reference for the task group (the terms of reference are to follow and will be published as soon as possible).

Does the Leader acknowledge that much of the concerns raised about the Arora proposal highlights the need for absolute clarity and impartiality in terms of the investigation. What assurances can he give to this chamber that the investigation will be transparent and shared with all councillors, including the terms of reference. To what extent will any of the Councillors or Officers involved with the development of the contract have any involvement in defining the terms of reference, selecting the person to conduct the inquiry, and overseeing the work on the investigator?

Response from the Leader, Councillor L. Nichols

At the Corporate Policy and Resources Committee on 5 July the formal process of conducting the Inquiry was started. This established a Waterfront Inquiry Review Group of members to oversee the process.

The Review Group has already met with the Chief Executive and has agreed a way forward. Further meetings will take place as soon as possible to appoint an investigator and establish a draft timetable. The investigator will be given the opportunity to review the draft terms of reference to ensure that they allow for the effective conduct of the Inquiry. Once the arrangements for the conduct of the Inquiry are agreed, a statement on the process, the investigator and its final terms of reference will be made public.

The necessary delegation to establish the inquiry was given to the Chief Executive, in consultation with the Review Group. This is the only constitutional way to allow issues arising to be resolved without having to refer back to the Corporate Policy and Resources Committee for all decisions. In practice, it will be impossible for the Chief Executive to act contrary to the

wishes of the Review Group. The Review Group does not include any councillors who were involved in the award of the contract for the Waterfront Hotel development.

The Review Group will be overseeing the work of the investigator as set out in Review Group's terms of reference. The organisation and support of the investigator will inevitably involve some officers who will be expected to contribute to the Inquiry. A record of all interactions with the Inquiry process has already been established and will be maintained for the duration.

It is essential that officers are involved in and answer questions around the transaction. The Review Group members will retain oversight of the entire process and will ensure that the investigator has unfettered access to information and witnesses.

At the conclusion of the investigation, a report and any recommendations will be made public. It is highly likely with an Inquiry of this nature that some aspects will have to remain confidential.

I would like to assure all councillors and members of the public that the Review Group are committed to seeing an Inquiry conducted which leaves no stone unturned. The members of the Review Group are adamant that the Inquiry must be both comprehensive and fair.

In accordance with Standing Order 14.3, Councillor S. Mooney asked the following supplementary question:

Who are the members of the Review Group?

Response to supplementary question from Councillor L. Nichols:

The members of the review group are myself, Councillor Noble and Councillor Barnard, we have a really good understanding of what needs to be achieved and have started to work well together. I am absolutely certain that we will do this properly and that is my personal commitment.