

**Minutes of the Council
14 October 2021**

Present:

Councillors:

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

Apologies: Councillors A.C. Harman

439/21 Disclosures of Interest

There were no disclosures of interest.

440/21 Minutes

The minutes of the Council meeting held on 15 July 2021 were agreed as a correct record.

441/21 MoD Employer Recognition Gold Award

Canon Peter Bruinvels presented the Armed Forces Covenant, Employer Recognition Scheme Gold Award to Councillor R Sider BEM.

442/21 Presentation of Chaplain's badge

The Mayor's Chaplain was presented with the badge of office by his Worshipful the Mayor of Spelthorne Borough Council, Councillor I Harvey.

443/21 Announcements from the Mayor

The Mayor made the following announcements:

Due to the volume of business tonight I will keep my Mayor's announcements brief.

The Mayoress and I have attended numerous events since the last Council meeting in July, and a list of these has been published.

Of particular note is that the weekend before last the Mayoress and I attended the annual twinning event with our French twin town of Melun, for their "Brie Fete". We were joined by representatives of their other twin districts from Stuttgart, Germany and Crema, Italy. It was an excellent but busy weekend and we were made to feel very welcome. Whilst there we all signed a "reaffirming of friendship" accord between the districts, but given that at the time French fishermen were threatening to blockade our return journey, we were slightly sceptical. Overall, it was a thoroughly enjoyable weekend and it is a shame that more Members did not join us; hopefully Cllr Doran, in her Mayoral year will lead a larger contingent.

I wish to thank the Mayors' Trustees for confirming the prime Mayoral charities are East to West and Ashford Youth Club which are entirely consistent with my previously announced focus on young people and their mental health. We can now finalise fund raising for these. I should also point out that we will also be hosting events in support of those suffering and their families, that may be practical, confidential and supportive rather than just fund raising. I have support from education and other professionals for these practical initiatives.

In the next week or two we also expect to announce the date of the Mayors' Ball and the Mayors Church Service, which will have a Christmas theme.

We are also finalising dates for a pre Christmas film show at Shepperton Studios and a visit to the James Bond set at Pinewood in the spring.

I would ask that as many as possible support these events for these worthy causes.

444/21 Motion to Replace the Leader and Deputy Leader of the Council

This motion was withdrawn prior to the commencement of the meeting.

445/21 Announcements from the Leader

The Leader made the following announcements:

In August the Council announced that the inquiry into the Waterfront Hotel scheme would commence in September after the appointment of an independent investigator via the Local Government Association. We can now update that, Yinka Owa, the appointed investigator has already completed her background work and is now at the stage where she will begin interviewing the initial list of individuals that she has selected. As the inquiry continues Yinka will be seeking wider input from interested persons. Yinka Owa, has over 22 years' experience of working in Local Government legal and governance roles including being a Director of Law and Governance and Monitoring Officer for a London Borough.

Following the decision of the Community Wellbeing and Housing Committee, Spelthorne will be welcoming up to five families under the Afghan Relocations and Assistance Policy scheme, providing medium-term support and accommodation for people who had been working with UK forces in Afghanistan. The accommodation will be sourced through private landlords and the scheme is being fully funded by Central Government.

The Mayor officially opened the White House, the Council's new homeless facility in Ashford which provides specialist accommodation for single homeless people. The development comprises 27 en-suite rooms with shared kitchens, four self-contained studio flats, as well as outside space. Social housing provider Metropolitan Thames Valley Housing have been appointed to manage the facility, providing an experienced team of staff with 24-hour on-site cover.

As part of the Local Plan process, we are asking residents and other stakeholders to suggest areas they would like considered for protection as

Local Green Space. Spaces that achieve the LGS designation will be protected in the new Local Plan in a similar way to Green Belt. The consultation will run for at least six weeks and won't close before the 15th of November.

We are welcoming applications for funding through the Community Infrastructure Levy (CIL) for local projects and improvements. CIL is money raised from new development to help fund the infrastructure needed to alleviate the impacts of extra homes. CIL funds are used for either local infrastructure or wider strategic infrastructure. We expect applications to come from statutory infrastructure providers and not-for-profit organisations such as state schools, community groups and registered charities. The deadline for this round of applications is the 31st March 2022. Decisions will be made by local spending boards, made up of ward councillors for each area in the Borough.

The seventh annual Spelthorne Business Plan Competition final was held on the 23rd of September at BP's headquarters in Sunbury-on-Thames. Six finalists pitched in a Dragons' Den style final for a chance to win £3,500 and a year's package of business support to help them get their business started. The standard of the presentations was extremely high and after much deliberation first place was awarded to Shannon McBride for her business idea 'Magic Elephant Ltd', a wellbeing consultancy.

Our continued efforts to create a cleaner, greener and more colourful Borough were recognised as this year's South & South East in Bloom Awards. The ever-popular Sunbury Walled Garden struck gold in the Small Park category for the third year running, and Sunbury, Ashford and Staines Cemeteries all picked up gold awards in the Small Cemetery category.

446/21 Announcements from the Chief Executive

Three weeks ago I spoke at a national Excellence in Local Government conference. My presentation centred on the adaptation Spelthorne has undergone to survive the pandemic to keep residents at the very heart of everything we do.

Delegates heard how Spelthorne, having secured a national transformation award for efficiency and effectiveness, rapidly mobilised colleagues and resources to ultimately support more than 17,000 of our most vulnerable residents - throughout the gruelling past 18 months of Covid.

What astonished delegates was our ability to sustain a 99% rent collection rate for our commercial portfolio income stream throughout the most profound economic shock this country has ever experienced - securing the authority over £51 million, preserving and enhancing service provision that our residents rely on with a net contribution to frontline services of over £10.6 million per annum.

Whilst the impact of the pandemic is far from over - with demand for support forecasted to rise with the end of the furlough scheme and tenancy evictions now permitted - I'm nevertheless pleased to report that a good number of services are already operating at near pre-covid levels including our community centres Older People Actively Living (OPAL) services. The resumption of full-time reception opening hours heralds a degree of post-covid normality giving added choice for our residents to access those services.

As we embark on our 10th major resident's consultation since early 2020, this time to garner input into the formulation of our budget for 2022/23, it is a timely reminder that our residents first focus has never ebbed.

Earlier this week, our purpose built single homeless facility welcomed its first temporary resident. It was immensely humbling to hear colleagues describe this momentous occasion as the highlight of a career in local government housing spanning over 30 years.

I cannot be prouder of the astonishing commitment, care and compassion our authority displays day-in, day-out in pursuit of keeping our residents safer, healthier and supported.

To all in this chamber and to colleagues rank and file, I thank you for your part in making Spelthorne a truly special place.

447/21 Questions from members of the public

The Mayor reported that, under Standing Order 14, eleven questions had been received from a member of the public.

1. Question from Mr A McLuskey

Why, given that the Building Regulations department have passed the cladding at West Plaza as being in conformity with national rules, is the insurance company unwilling to cover the flat dwellers in the development?"

Response from the Leader, Councillor L Nichols

Thank you for your question Mr McLuskey.

The responsibility of Spelthorne Building Control, like all Building Control bodies, is to ensure that developments comply with the necessary legislation, principally the Building Regulations 2010 and the Building Act 1984.

As you have been advised by the Council's Building Control Manager, the works carried out on site to construct the West Plaza development complied with the relevant legislative requirements at the time of the development process, as well as those which apply today.

The Council's Environmental Health team routinely provide information to the Ministry of Housing, Communities & Local Government about tall buildings which may be of concern with regards to their external cladding. They also liaise with the Surrey Fire and Rescue Service, who are responsible for the enforcement of Fire Safety Orders.

Surrey Fire and Rescue Service carried out an inspection of the West Plaza in February 2021 and found the fire safety provisions to be adequate, based on the information available to them at that time. They did, however, request further documentation regarding the cladding and insulation from the managers of the building. Since receiving this information, the Fire Officer has required the West Plaza management to make amendments to the fire safety system (which have been completed) and future works to be undertaken to the cladding and insulation system.

Your question as to why insurance companies are unwilling to cover flat dwellers in these circumstances is, I'm afraid, something I cannot answer. This is a matter for their own underwriters and any questions in this regard should therefore be addressed directly to the companies concerned.

2. Question from Mr A McLuskey

Why did the Environmental Health department give permission for an Industrial Kitchen (sic) to operate on the top floor of the block with all the attendant fire risks that involves?

Response from the Leader, Councillor L Nichols

Thank you for your question, Mr McLuskey.

As you have previously been advised, the Council's Environmental Health Officers have no powers to prevent a retail food business from preparing food in a residential premises, provided they comply with food safety and hygiene regulations. All food businesses are required under the Food Safety Act to register their business with the local Environmental Health Services, so that local authorities can ensure they are inspected. The Council cannot refuse such a registration application, although in certain circumstances such businesses may separately require planning permission. When undertaking an inspection of any such food businesses, our Environmental Health team would also enforce any health and safety requirements. However, any fire safety risks associated with any part of the West Plaza block would be a matter for the Surrey Fire and Rescue Service, as I've outlined in my answer to your previous question.

The food operation you refer to is a home-based catering business rather than an industrial kitchen as you have suggested. The owners have now relocated this to a different premises in the borough, which has since been inspected by one of our Environmental Health team.

3. Question from Mr A McLuskey

Does the Council think it has fully learned the lessons of the Grenfell Tower tragedy in 2017?

Response from the Leader, Councillor L Nichols

Thank you for your question, Mr. McLuskey. Spelthorne takes the safety of its residents very seriously. Following the Grenfell tragedy, this Council took immediate steps to start identifying all high-rise buildings in the Borough which could be of a similar construction to Grenfell Tower and we have continued to work closely with Surrey Fire and Rescue Service to follow up on those that required further investigation.

There will clearly be many lessons to be learned from this tragedy and we await the findings of the ongoing Inquiry. Spelthorne will of course take account of any guidance arising from the Inquiry and as a Council we will fulfil our responsibilities for implementing any requirements arising from the Building Safety Bill, which is currently going through Parliament.

4. Question from Mr G Lock

When will the identity of the investigator be announced, and will full details of his/her background and experience with similar such politically sensitive independent investigations as well as his/her independence from Spelthorne Borough Council (including from its current and former staff and Councillors) be included in the announcement?

Response from Councillor C Barnard

The Waterfront Inquiry Review Group issued a statement on 11th October to update councillors and the public on the progress to date. It contains the name of the independent investigator, her background and experience in this type of work, and that she has had no contact with any officer or councillor prior to taking on this investigation.

5. Question from Mr J de Pear

Why did the Chief Executive (Daniel Mouawad) not recuse himself from any involvement in the establishment and/or administration of the investigation into the provenance of and contract for the Waterfront Development Project, given

- a) the clear inappropriateness of such involvement because of his central role in this “officer led” project and
- b) Declared intent of the investigation originally announced on 28 April to “explore the possibility of misconduct and/or fraud?”

Response from the Leader, Councillor L Nichols

In May this year the Council moved to a committee system of governance. Under this system, decisions cannot be delegated to individual Councillors or groups of councillors, decisions can only be made by the Council, Committees, Sub-Committees, and officers.

The decision taken by the Corporate Policy and Resources Committee sought to initiate the Inquiry into the Waterside Hotel development without further delay. To achieve this, it was decided to delegate the finalisation of the terms of reference (and amendments) and the appointment of the investigator (and possible replacement) to the Chief Executive in consultation with the Review Group. Without this delegation there would have been considerable delay in commencing the inquiry, as the appointment of the investigator and any adjustments to the terms of reference would have had to be referred to a meeting of the Corporate Policy and Resources Committee.

The Chief Executive was named as the officer who was to hold the delegated power. This delegation can only be exercised in consultation with the Review Group. It was the members of the Corporate Policy and Resources Committee who agreed the terms of reference. In

practice it was the Review Group who approved the appointment of the independent investigator. The Chief Executive has only used his delegated authority to give effect to these decisions. Subsequent discussions with Yinka Owa, the Investigator, have been held without the Chief Executive being involved. There is no need for the Chief Executive to recuse himself, this is already the case in practice, but there remains a requirement for someone to hold the delegated authority to enact any further decisions.

The Review Group have been clear in all discussions that the investigation should cover any and all relevant areas without restriction. There are no “no go” areas and all requested documents are being made available.

In regards to your reference to the “Declared intent of the investigation originally announced on 28 April”, please note that the document to which you refer was released by an external third party via social media, not from the Council.

6. Question from Mr J de Pear

Was any attempt made to persuade the Chief Executive to recuse himself?

Response from Councillor R Noble

The appointment of an independent investigator to undertake the Waterfront Enquiry required the actions of a senior officer under the governance system that the council operates. The Corporate Policy and Resources Committee, through the appointed Review Group, requested the Chief Executive to exercise the delegation under their direction to issue the initial terms of reference and seek support from the Local Government Association to provide recommendations for an Independent Investigator. Nothing more.

The Review Group chose and appointed the Independent Investigator. The Review Group met with the Independent Investigator to ensure the initial terms of reference were sufficient for her to begin her inquiries.

The Chief Executive was not involved in the agreed appointment nor any discussions on the initial terms of reference.

The Chief Executive has not taken part in any meetings with the Independent Investigator subsequently, has had no contact with the Independent Investigator either in the past or currently, nor has he been involved with the additional terms of reference that have been added since the investigation began.

There has been no need for the Chief Executive to recuse himself and neither the Corporate Policy and Resources Committee, nor the

appointed Review Group, feel the need for him to undertake such a step given his total lack of involvement apart from ensuring that requests for all information, either via written documentation or via future interviews required with any staff members, are facilitated.

7. Question from Mrs M Geraci

What role did the Chief Executive (Daniel Mouawad) and/or the Leader of the Council at the time (Cllr Ian Harvey) have in drafting the scope of the investigation into the Waterfront Development Project (essentially draft terms of reference) as set out with the draft minutes of the Policy and Resources Committee of 5 July 2021 and announced on 20 August 2021, and what role do either have currently in briefing the investigator?

Response from Councillor C Barnard

The Chief Executive played no role in the preparation of the terms of reference presented to the Corporate Policy and Resources Committee. He was made aware of the content just prior to the meeting as is normal practice in disseminating the information between the officers and Management Team.

The former leader, Cllr Ian Harvey, played no part in drafting the terms of reference. They were drafted by the Group Head of Corporate Governance and presented to the Corporate Policy and Resources Committee on the 5th of July.

The briefing of the investigator is entirely in the remit of the Review Group. The Chief Executive or former leader do not play any part in the review meetings and do not attend those meetings.

The Chief Executive's only role has been to request the Local Government Association to provide an experienced investigator, who was interviewed and selected by the Review Group. He was also requested to instruct the administrative support team to compile the information requested by the investigating officer.

8. Question from Mr P Bower

Terms of Reference for an independent investigation into the "officer led" Waterfront Development Project announced in April had a declared intent to "explore the possibility of misconduct and/or fraud". Key elements of these Terms of Reference are either absent altogether from those announced in August or have been rephrased to narrow significantly the context in which the issues can be investigated.

According to the draft Minutes of the Policy and Resources Committee of 5 July 2021 the Chief Executive was authorised by the Committee to finalise the Terms of Reference and appoint the investigator, to modify

the Terms of Reference “as considered appropriate”, and appoint a replacement investigator if needed. The Minutes also say the Review Group of Councillors overseeing the investigation will “receive updates from officers on the progress of the inquiry and next steps to be taken”.

1. Given the above preamble and his central role in the “officer led” Project, on what basis does the Policy and Resources Committee consider it appropriate for the Chief Executive (or any other officer) to have any role in determining the Terms of Reference for the investigation, or the appointment of the investigator, or indeed any role in the conduct of the investigation itself (other than to give evidence to it)?
2. Will the more specific Terms of Reference of 28 April 2021 be incorporated into the new Terms of Reference for the investigation?

Response to question one from the Leader, Councillor L Nichols

I would refer you to the answer given in response to a question from Mr de Pear earlier in this meeting, which covers similar issues.

The original terms of reference reflected the requirements of members for a comprehensive inquiry. The drafting of the document was undertaken by officers to formalise what members had requested. The terms of reference were formally agreed by the Corporate Policy and Resources Committee. The intent has always been to allow an inquiry to take place which was not unnecessarily restricted in its scope.

The Review Group have asked the investigator if she is prepared to incorporate additional points as raised by Staines councillors and local residents’ groups, and she has indicated that she is happy to have these points included in the terms of reference. The formal terms of reference will be revised to incorporate the additions, and these will be re-published.

The terms of reference for this inquiry are unambiguously owned by councillors and not by the Chief Executive or any other officer.

Response to question two from Councillor R Noble

The authority did not release terms of reference for this inquiry on the 28 April 2021, this relates to a document issued by an external third party on social media.

The Corporate Policy and Review Committee established at the outset of the inquiry that the Review Group could amend the terms of reference as considered appropriate as the inquiry developed, or as recommended by the Independent Investigator. The Review Group and the Independent Investigator have agreed that additional terms of reference as referred to in the motion for this council should be added to the original terms.

9. Question from Mr R Neville

The land in Feltham Road, Ashford known as Ashford Clumps has been used for allotments for over 100 years. Some current tenants have been gardening there for decades. There are three charities utilising plots at Ashford Clumps to support those with specific needs. Out of the blue allotment holders received a letter from Spelthorne Council dated 15th September 2021 giving 12 months notice to quit due to the lease expiring in March 2020 and not being renewed. The letter was abrupt and legalistic, with no apparent consideration for its impact on people. Allotments have been a sanctuary for many people across the borough during the pandemic, and provide many benefits, both for health & wellbeing and the environment.

a) What discussions and meetings took place to consider the impact of this situation and the notice to quit letter, on both the residents who rent plots at Ashford Clumps and the loss of the allotment land on Spelthorne's ability to provide allotments? The loss of this site will be an 8% reduction (62 plots) in allotment plots in Spelthorne, leaving the borough short of plots to meet demand.

b) Why was the expiry of the lease, eviction and loss of allotments not discussed at The Environment and Sustainability Committee, a meeting of which was held on 14th September 2021, the day before the notice to quit letters were dated?

10. Question from Ms J Clements

Did Spelthorne council consider any options and try and negotiate a new lease for the Ashford Clumps Allotments land to support its residents not just current plot holders but for people in the future. Or did Spelthorne Council, as it seems just accept the termination of the lease at face value, send the plot holders letters and move on.

11. Question from Ms S Mason

1. The custodians of the land on which Ashford Clumps Allotments are situated are Ashford Relief in Need Charities (ARIN) & The Charities Commissioners. Spelthorne has been leasing this land from them. The lease ended in 2020 and is not being renewed.

When were Spelthorne Council first notified that the lease was not going to be renewed and why if the lease ended in March 2020 was the notice to quit not sent until September 2021?

2. The Clumps Allotments have been used for growing fruit and vegetables by the community for many years. Council records show it being leased by them since at least 1982, however local people know it has been used by the people of Spelthorne for far longer. This land

having been appropriated by Spelthorne Council by means of a lease for at least 39 years is classed as Statutory Allotment Land. This brings certain responsibilities for a Council. These are published by the Government in a document titled 'Allotment disposal Guidance: Safeguards and Alternatives.' Are Spelthorne Council aware of these responsibilities and have they carried them out in relation to the disposal of The Clumps Allotments in September 2022?

Response from the Chairman of the Environment and Sustainability Committee, Councillor I Beardsmore to questions 9-11

I would like to thank Mr Neville, Ms Clements and Ms Mason for their questions.

The Ashford Clumps allotment site, which is located outside our Borough boundary, was last leased to Spelthorne Borough Council in 2011 by the owners, Ashford Relief in Need Charities (ARIN). This lease was for 9 years expiring on 24 March 2020. The Council was notified of ARIN's intention to terminate the lease on 20 December 2020 and the charity has since served notice on Spelthorne to quit the land and provide vacant possession under the terms of the lease by September 2022.

Since becoming aware of ARIN's intention to end our lease, Council officers have had ongoing discussions with representatives of the charity's Trustees. Our understanding from those discussions was that the charity intended to dispose of the land, rather than having any new or extended lease for the site.

The decision to issue 'notices to quit' to allotment holders was not a decision which was taken lightly by the Council. We fully appreciate the implications this will have for users of the site, who will undoubtedly have put many years of hard work and passion into maintaining their plots. Officers have discussed this issue with the Leader and Deputy Leader of the Council on several occasions at briefings relating to the Council's assets but having received a termination notice from ARIN, and no confirmation of any option to extend the lease, the Council was obliged to begin the process of giving 'notice to quit' to allotment holders.

Since the service of these notices, the Council has continued to actively engage with ARIN in the hope of finding a suitable solution which would enable a satisfactory outcome for all parties concerned. Spelthorne would positively support the Ashford Clumps site remaining as allotments and if this is also ARIN's intention, we would be happy to consider options to take this forward.

We will continue our dialogue with ARIN in the hope of resolving this difficult situation and will ensure that all relevant parties are kept advised of any further developments in these discussions.

Addressing the other points raised in the questions:

This matter was not discussed at the Environment and Sustainability Committee on 14th September as the authority to issue 'notices to quit' in such circumstances is contained within the officer 'scheme of delegation', and the report being presented at that Committee related only to an update in the terms and conditions for all allotment sites.

I would apologise that the contents and tone of the letter and 'notice to quit' to allotment holders may have seemed abrupt and legalistic. I am sure that this will have come as a shock to many plot holders, but unfortunately the Council is required to use the formal legal wording expected by the courts in such circumstances.

In relation to the timing of these notices, under the 1922 Allotments Act the Council has a limited window to serve notice, which is either before April or from September onwards (effectively outside the main growing season). Ongoing discussions with representatives of the Trustees meant that the Council was not in a position to serve notice before April 2021, so the service of notices had to be delayed until September this year. This has at least given the allotment holders a further growing period over this summer.

The requirements for Statutory Allotment Land are not applicable to this site. The Clumps was leased to Spelthorne Borough Council by ARIN charity and was not purchased or appropriated by the Council for use as allotments. Therefore, it is not classed as a statutory allotment site. The Clumps is instead classed as 'temporary' allotment land and is therefore not covered by Section 8 of the Allotments Act 1925. As such, there is no requirement for the Council to follow the Allotment Disposal Guidance to obtain the Secretary of State's consent to close.

Spelthorne currently has 756 allotments available for residents of the Borough. Although the loss of The Clumps would reduce this number, the remaining plots available, together with the plots on self-managed sites at Shepperton and Shortwood North, would enable Spelthorne to continue to provide the recommended number of plots to meet demand for the number of properties in the borough.

20:00 Councillor M. Madams left the meeting

448/21 Petitions

Council considered the following petition, which had received over 1,000 signatures in accordance with Standing Order 15.

“Prevent tower-block developments in the Staines Conservation Area or overlooking the riverfront, and spread the planning housing growth target more evenly across the borough.”

Resolved that the petition be referred to the Environment and Sustainability Committee for further consideration.

Council agreed to adjourn the meeting at 20:27

The meeting reconvened at 20:40

449/21 Adoption of revised Members' Code of Conduct

Council considered the adoption of the Local Government Association Model Code of Conduct, as recommended by the Members' Code of Conduct Committee on 4 February 2021.

It was proposed by Councillor R. Sider BEM and seconded by Councillor T. Fidler and

resolved that adopt the Local Government Association Model Code of Conduct.

450/21 Amendment to the Members' Allowances Scheme for 2021-22

The Council considered the following amendments to the Members' Allowances Scheme 2021/22:

1. To pay a Special Responsibility Allowance of £2000 each, to the members of the Development Sub-Committee; and
2. To remove the 'one Special Responsibility Allowance only' rule from the Scheme.

It was proposed by Councillor L. Nichols and seconded by Councillor H. Harvey that the Council only vote on Part 1 of the recommendations and defer a decision on Part 2. This was agreed.

Councillor Boughtflower asked for a recorded vote on the motion to pay the Special Responsibility Allowance of £2000 each to the members of the Development Sub-Committee.

Councillor	For	Against	Abstain
Harvey I	X		
Doran S	X		
Attewell		X	
Barnard	X		
Barrett C		X	

Barrett R		X	
Bateson	X		
Beardsmore			X
Beecher	X		
Boughtflower		X	
Brar	X		
Buttar	X		
Chandler		X	
Doran J	X		
Dunn R	X		
Dunn S	X		
Fidler		X	
Gething		X	
Gibson	X		
Grant			X
Harvey H	X		
Islam		X	
Lagden			X
Leighton		X	
Mclroy		X	
Mitchell		X	
Mooney	X		
Nichols	X		
Noble			X
Rybinski	X		
Sexton	X		
Sider	X		
Siva			X
Smith-Ainsley	X		
Spoor	X		
Vinson	X		

For – 20
 Against – 11
 Abstain – 5

Resolved that a Special Responsibility Allowance of £2000 to be paid to each member of the Development Sub-Committee.

451/21 Annual Review of Complaints

The Council considered a report from the Monitoring Officer on an annual review of complaints investigated by the Local Government and Social Care Ombudsman.

It was proposed by Councillor T. Fidler and seconded by Councillor R. Smith-Ainsley and **resolved** to note the report.

452/21 Committee appointments

It was proposed by Councillor L. Nichols and seconded by Councillor H. Harvey and

resolved to appoint Councillor S. Mooney and Councillor S. Buttar to the Development Sub-Committee, following their nomination at the Corporate Policy and Resources Committee on 4 October 2021.

453/21 Appointment of a representative Trustee

1. The Council considered a request from Margaret Pope Education Charity (MPEC) to appoint a representative trustee.

It was proposed by Councillor J. Boughtflower and seconded by Councillor T. Mitchell and

resolved that Councillor S. Mooney be appointed as a Council representative trustee to serve on the Margaret Pope Education Charity.

2. The Council considered a request from the Ashford Relief In Need Charities (ARIN) to withdraw the Council's appointed trustees.

It was proposed by Councillor R. Sider BEM and seconded by Councillor C. Barnard and

resolved that the Council withdrew their appointed trustees after the current appointments of Councillor R. Sider BEM and Councillor T. Harman ended.

It was proposed by Councillor T. Fidler and seconded by Councillor N. Gething and

resolved that a letter be issued from the Council to the Ashford Relief in Need Charities expressing the Council's continued support.

454/21 Update on joint arrangements - Spelthorne Joint Committee

The Council considered a report on proposed amendments to the Spelthorne Joint Committee Constitution following decision by Surrey County Council.

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

resolved that the amendments to the Spelthorne Joint Committee Constitution as set out in the report be approved.

455/21 Counter-Fraud, Bribery and Corruption Strategy

The Council considered the recommendation of the Audit Committee to adopt the proposed changes to the Counter Fraud, Bribery and Corruption Strategy for adoption.

It was proposed by Councillor J. Boughtflower and seconded by Councillor T. Fidler and

resolved that the proposed changes to the Counter Fraud, Bribery and Corruption Strategy be adopted.

456/21 Report from the Leader of the Council

The Leader of the Council, Councillor L. Nichols, presented the report of the Corporate Policy and Resources meeting held on 04 October 2021, which outlined the matters the Committee had decided since the last Council meeting.

457/21 Report from the Chair of the Community Wellbeing and Housing Committee

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 28 September 2021 which outlined the matters the Committee had decided since the last Council meeting.

Councillor H. Harvey asked that the report be amended to the following:

At present the Council has no policy in place to enable the purchase of properties for specific local needs such as large properties or properties adapted to meet the needs of the disabled. Knowle Green Estates will be responsible for any acquisitions.

Councillor S. Mooney asked a question of Councillor S. Dunn in respect of the Search Moves Partnership Review.

Councillor S. Dunn advised that she would answer in writing as this was a Part II exempt report.

458/21 Report from the Chair of the Administrative Committee

The Chairman of the Administrative Committee, Councillor T. Mitchell, presented the report of the Administrative Committee meeting held on 7 October 2021 which outlined the matters the Committee had decided since the last Council meeting.

459/21 Report from the Chair of the Economic Development Committee

The Economic Development Committee only noted the reports that were put before them at the meeting held on 21 September 2021, so there was no Chairman's report to note.

460/21 Report from the Chair 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 23 August 2021, 14 September 2021 and 6 October 2021, which outlined the matters the Committee had decided since the last Council meeting.

461/21 Report from the Chair 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 9 September 2021 which outlined the matters the Committee had decided since the last Council meeting.

Councillor R. Barrett asked if Councillor A. Brar could advise Council on the current level of fly tipping instances recorded and whether they had reduced following lock down for COVID-19.

Councillor A. Brar advised that she would put her answer in writing to Councillor R. Barrett.

Councillor R. Barrett asked if Councillor A. Brar would be able to update Council on the performance of the Commercial Trade Waste Company.

Councillor A. Brar advised that she would put her answer in writing to Councillor R. Barrett.

Councillor R. Barrett asked if Councillor A. Brar could advise Council on the joint working between Surrey Environment Partnership and the Joint Waste Solutions Team.

Councillor A. Brar advised that she would put her answer in writing to Councillor Barrett.

Councillor S. Mooney asked Councillor A. Brar if she shared her concern over the issue of domestic abuse and would she ensure, moving forward, that this would be included in the Community Safety Report.

Councillor A. Brar advised that she would put her answer in writing to Councillor Mooney.

It was proposed by Councillor R. Smith-Ainsley and seconded by Councillor I. Beardsmore that Standing orders be suspended until close of business and this was agreed by Council.

The meeting was adjourned.

Councillor T. Mitchell left the meeting

462/21 Report from the Chair of the Audit Committee

The meeting was reconvened

The Chairman of the Audit Committee, Councillor J. Boughtflower, presented the report of the Audit Committee meeting held on 29 July 2021 which outlined the matters the Committee had decided since the last Council meeting.

463/21 Report from the Chair 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.

464/21 Report from the Chair of the Planning Committee

The Chairman of the Planning Committee, Councillor T. Lagden, presented his report of the Planning Committee meetings held on 15 September 2021 and 13 October 2021, which outlined the matters the Committee had decided since the last Council meeting.

465/21 Report from the Chair of the Standards Committee

The Chairman of the Standards Committee, Mr. Ian Winter, presented his report which outlined the matters the Committee had decided since the last Council meeting.

466/21 Motions

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

Motion 1 – Government planning reforms

In the forthcoming government planning reforms, this council believes that planning works best when developers and the local community work together to shape local areas and deliver necessary homes, and therefore calls on the government to protect the right of communities to object to individual planning applications.

Proposer: Councillor R Sider BEM

Secunder: Councillor C Barnard

The motion was carried

Motion 2 – Decision of the Corporate Policy and Resources Committee on 5 July 2021, as detailed in minute 214/21.

This motion is in relation to the decision by Corporate Policy and Resources Committee on 5 July quoted from the Publicly available Minutes Point 214/21, title “Establishment of Task Group” with related announcement in a Spelthorne News Release on 20 August titled “Update on Waterfront Inquiry” the following Points being subject of this motion:

- “3. in consultation with the Review Group, to authorise the Chief Executive to finalise the terms of reference for the inquiry which are to be based upon the terms of reference set out in the report at Appendix B;
4. in consultation with the Review Group, to authorise the Chief Executive to amend the terms of reference as considered appropriate as the inquiry develops or as recommended by the investigator;
5. in consultation with the review group, to authorise the Chief Executive to appoint the investigator; and
6. in consultation with the Review Group, to authorise the Chief Executive to appoint any replacement investigator if the original investigator appointed can no longer act.”

This motion is in three parts, with the request that each part be subject to a recorded vote:

- a) The Terms of Reference for the independent investigation that formed part of the announcement on 20 August 2021 are not comprehensive enough to guarantee that all possible aspects are

fully investigated. The Review Group, comprising Cllrs Nichols, Barnard and Noble, are instructed to revise the Terms of Reference to incorporate all the points requested by the Councillors for Staines, Staines South and Riverside and Laleham and detailed in their email dated 24 September 2021. The Council further notes that the Independent Investigator is prepared to accept these additions and requires that the revised Terms of Reference are published without delay.

- b) The Review Group are instructed to ensure that the Chief Executive shall have no involvement in the conduct of the Inquiry or its Terms of Reference, and will ensure that the Principal Lawyer undertakes the cooperation with all requests for information and cooperation from Council staff. The Council notes the public concern that is associated with the Chief Executive having any involvement in the Inquiry, other than to give evidence to it, given his central role in the Waterfront Development Project which is the subject of this Waterfront Inquiry.
- c) The person appointed to conduct the independent investigation shall have access to any or all documentation and/or personnel he/she feels would be relevant to his/her investigations without encumbrance.

Proposer: Councillor S Mooney

Seconder: Councillor V Siva

Supported by (in accordance with Standing Order 20.1): Councillor M Beecher, Councillor C Bateson, Councillor J Vinson, Councillor D Saliagopolous, Councillor M Gibson, Councillor I Beardsmore, Councillor J Boughtflower, Councillor N Islam, Councillor M Attewell and Councillor T Lagden.

Council agreed to accept the alterations to the motion as advised by Councillor Mooney.

Councillor H. Harvey left the meeting.

It was proposed by the Mayor and agreed by Council that one vote would be taken to cover all three parts of the Motion.

Councillor	For	Against	Abstain
Harvey I			X
Doran S	X		
Attewell	X		
Barnard	X		
Barrett C	X		
Barrett R	X		
Bateson	X		
Beardsmore	X		
Beecher	X		
Boughtflower	X		

Brar	X		
Buttar	X		
Chandler	X		
Doran J	X		
Dunn R	X		
Dunn S	X		
Fidler	X		
Gething	X		
Gibson	X		
Grant	X		
Islam	X		
Lagden	X		
Leighton	X		
Mclroy	X		
Mooney	X		
Nichols	X		
Noble	X		
Rybinski			X
Sexton	X		
Sider	X		
Siva	X		
Smith-Ainsley	X		
Spoor	X		
Vinson	X		

For – 32
Against – 0
Abstain – 2

The motion was carried

Motion 3 – WHO guidelines for air pollutants

“Spelthorne Borough Council shall advocate the new World Health Organisation guidelines for maximum average annual levels of air pollutants, that is to say, for PM2.5 a maximum level of 5 microgrammes per cubic-metre, for PM10 a maximum level of 15 microgrammes per cubic-metre, and for Nitrogen Dioxide (NO2) a maximum level of 10 microgrammes per cubic-metre, in all council air quality measurements, reviews and assessments.”

Proposer: Councillor M Beecher
Seconder: Councillor V Siva

Council agreed to accept the alterations to the motion as advised by Councillor M. Beecher.

The motion was carried.

467/21 General questions

The Mayor reported that three general questions had been received, in accordance with Standing Order 14, from Councillors R.W. Sider BEM, N Gething and R Barratt.

1. Question from Councillor Robin Sider BEM

The South and South East in Bloom awards attract hundreds of entries each year in this prestigious competition, and once again Spelthorne has achieved gold awards for Sunbury Walled Garden in the small park category, with the judge commenting ' How impressed I was with by the amazing, beautiful and very attractive gardens, maintained to a very high standard ', and the Staines, Ashford and Sunbury Cemeteries receiving similar accolades for their work in their respective category. That said, will the Leader join me in congratulating Head of Neighbourhood Services and her team for these outstanding achievements, and agree with me, that these awards demonstrate the passionate care that employees have in portraying the borough at its very best for the benefit of its residents.

Response from the Leader, Councillor L Nichols

Thank you Cllr Sider., I would certainly like to join you in congratulating the Neighbourhood Services Team for their hard work and commitment in achieving these prestigious awards, and I am sure that our fellow Councillors will wish to do the same.

I am aware that these awards are not easily achieved and when you consider that the borough achieves these year-on-year this clearly demonstrates the passionate care that employees have in presenting the borough at its very best.

The high standards seen by those judging the Sunbury Walled Garden and our Cemeteries are there for our residents and visitors to enjoy all year round and do, as you have said, improve our environment for all to enjoy.

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

2. Question from Councillors N Gething and R Barratt

Can the leader please tell this chamber and the residents of Spelthorne, when the five Independent Disciplinary Committee members will be announced?

Can the leader also announce a date when this public committee will first meet to cover its responsibilities, although it may not have matters at this time to discuss?

Lastly can the leader inform us of how Spelthorne residents will be informed of the workings of this committee and its purpose, as it is a platform for our residents to make complaints if required.

Will the Leader agree that this should be announced in the next edition bulletin magazine?

Response from the Leader, Councillor L Nichols

In accordance with the terms of reference of the Investigations and Disciplinary Committee, as set out in the Council's Constitution, all Councillors form a panel and are eligible to serve on the Committee. As and when a committee is required to sit a panel of five councillors will be selected by Group Leaders on a proportional basis.

As there is currently no business for this committee no selections have been made and no meeting will be called until there is business within the committee's remit to undertake.

Residents can find full details of this committee in the terms of reference section in the Council's Constitution. The Council's Monitoring Officer is liaising with the Committee Service's team to add this to the committee section of the Council's website and to make it clear where complaints should be directed if this concerns the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers).

This committee is not a platform for residents to make complaints. This committee conducts initial assessments of allegations against the Statutory Officers, considers suspension of such officers and decides whether to appoint an Independent Investigator and consider their report.

If a resident wants to make a complaint about the Chief Executive, this should be made to the Monitoring Officer or Section 151 Officer. If it is a complaint about the Monitoring Officer or Section 151 Officer this should be made to the Chief Executive.

This will not be announced in the Bulletin as suitable information will be provided on the Council's website.

3. Question from Councillor N Gething

At the Environment and Sustainability Committee meeting when it was agreed (with some reluctance by some) to proceed with the vision alongside the existing process, I assumed it would help us make progress with our plan. I went to the last session expecting to see some positive outcomes and get an idea of what this process was going to contribute. What I got was an aimless wish list that still did not seem anywhere near completion.

Who wrote and supervised the brief for this process? Who signed it off?

Response from the Leader, Councillor L Nichols, and Deputy Leader, Councillor J Sexton

Thank you for your question.

The purpose of this exercise was to create a vision to give both context and some ownership to the objectives of the Local Plan. In our view, the lack of any view on what we wanted would mean that we would have no way of assessing if the Local Plan would deliver what we wanted for our borough.

As it stands, the Local Plan is all about how we deliver the excessive number of homes that the Conservative government is forcing us to build in the coming years. We all know that this level of house building is unsustainable and will entirely change the character of some parts of the borough. We also know that the Department for Levelling Up, Housing and Communities (the MHCLG as was) are not interested in recognising our unique circumstances.

In this context we sought to engage with a national expert to help us develop a view of what we might want Spelthorne to be like in future. The brief was drafted by Leader and Deputy Leader in consultation with the Chair of the Environment and Sustainability Committee and refined following discussion with the consultant.