

## FAQ's

### Independent Investigation Report into the Waterfront Development carried out by Yinka Owa

#### Q1 Why was it necessary to commission an Independent investigation

**A1.** Serious concerns from some residents and also from some local Councillors were raised into the way in which a contract was awarded to the Arora Group relating to the proposed Waterfront development.

The principal complaint was the size and massing of the development. These concerns fed into calls for a moratorium on development on Staines upon Thames Town Centre.

As part of this, concerns were being raised relating to the decision-making process which led to the award of contract, the procurement process and the mass, scale and density of the proposed development particularly in the context of the surrounding conservation area and the historic buildings around the site including Staines Bridge.

Also, some serious allegations were also made against senior Council officers and the then Council Leader for their respective roles throughout the process.

There had been a public briefing in February 2021, to assure residents of the lawful and transparent process.

<https://www.spelthorne.gov.uk/article/20011/Waterfront-scheme-residents-briefing-February2021>

Nonetheless, there were calls to seek verification of the project process and to ensure that due diligence was followed in the decision-making process.

#### Q2 What was the terms of reference for the Independent Investigator?

**A2.** There are two. Original (31.8.2021) and the revised expanded ones (14.10.2021). Both sets of terms of reference are attached in full as Appendices to the Investigator's report.

The revised expanded set of terms of reference, passed at Council on 14 October 2021 are set out here:

"A Council motion was passed on 14<sup>th</sup> October 2021 requiring that the Inquiry Terms of Reference be amended. The motion stated:

*"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 24th September 2021."*

#### Terms of Reference

For the inquiry to serve its intended purpose, it is important that it is thorough and credible to Councillors and the communities whose interests they serve. The Inquiry's Terms of Reference must therefore be comprehensive and robust and will be made public.

The Inquiry is therefore required to undertake a deep dive into all the points below in addition to the original terms of reference.

- The bidding and evaluation process, including the identity of other bidders and their views on the bidding process.
- The role of the Officers and consultants in the bidding and evaluation process, the process followed for the selection of the successful bidder and whether this was compliant with council policy and procedures and relevant legislation.
- The role of the Officers and consultants in maintaining the Project's confidentiality/secretcy prior to its announcement on 4 May 2020.
- The role of the then Council Leader, members of the Cabinet and other Councillors in the selection and evaluation of bidding parties, evaluation of the successful bidder's Project proposal, and evaluation, scrutiny and approval of the Development Agreement.
- The role of the then Council Leader, members of the Cabinet and other Councillors in maintaining the Project's confidentiality/secretcy prior to its announcement on 4 May 2020.
- The details of the Development Agreement including exit clauses, financial and other penalties, failure of non-delivery
- A review of all associated risk assessments undertaken with the Development Agreement, to include reputational risks.
- An audit trial of scrutiny functions in regard to the Development Agreement, including decisions taken on whether and on what basis the Development Agreement would be referred to or called in by the Council's Overview and Scrutiny Committee (given the Project's highly controversial features including its size, location, lease arrangements, financial and other implications).
- The Council's exercise of its statutory 'duty to co-operate' with affected neighbouring authorities, and the providers of relevant infrastructure, prior to the Development Agreement being approved and signed.
- The grounds on which involved Officers and/or involved Councillors concluded that the Project (given its height and mass) would be compatible with its location in the sensitive riverside Staines Conservation Area.
- The relationships that existed between the former Leader and/or the Chief Executive and/or other Councillors or Officers with the successful bidder prior to the invitation to bid."

These additions to the Terms of Reference were proposed and agreed by all 9 Staines Councillors:

Cllr Beecher- Staines  
Cllr Lagden- Staines  
Cllr Siva- Staines  
Cllr Gibson- Riverside and Laleham  
Cllr Harman- Riverside and Laleham  
Cllr Saliagopolous- Riverside and Laleham  
Cllr Bateson- Staines South  
Cllr Mooney- Staines South  
Cllr Vinson- Staines South.

**Q3. When was the Investigator appointed?**

**A3.** September 2021

**Q4. Is the Investigator independent from the Council?**

**A4.** Yes, the Investigator was procured through the Local Government Association

**Q5. When did the Councillor Task Group set up and what are its terms of reference?**

**A5** the Councillor Task group was established in July 2021. Here is a link to the Corporate Policy and Resources Committee for 5<sup>th</sup> July 2021. (See here is the reason for establishing the group and its terms of reference.)

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=296&MID=3489#AI14140>

One Group member resigned and was replaced. (4<sup>th</sup> October 2021)

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=296&MID=3490#AI15357> .

**Q6. Why did it take so long to receive the Investigator's report?**

**A6.**The Investigator, in addition to carrying out site visits, spent over 220 hrs interviewing witnesses and considered over 10,000 pages of documentation. She was appointed in September 2021 and her final signed off report was submitted to the Task Group in July 2022.

**Q7. Why can't we read the witness statements?**

**A7.** All relevant witness evidence has been assimilated in the Independent Investigator's report and her written findings.

**Q8. Was the Investigator asked to change her findings or recommendations?**

**A8.** No – absolutely not

**Q9. Will all Spelthorne Brough Councillors get to see the full report?**

**Q9** yes

**Q10. Will the public get to see the full Investigator's report?**

**A10.** Yes

**Q11. How much has the Independent Investigator's report cost the Council?**

**A.11.**The Council has so far been invoiced £63,600 for the professional services of the Independent Investigator. This is not a final invoice amount. In addition to the invoiced professional services of the Investigator there is the unquantified time spent by officers facilitating the investigation, and that of the Councillors who prepared for and gave evidence to the Investigator.

**Q12. Did the Inspector find any of the concerns raised by the public or Councillors to be upheld?**

**A.12.** No – based on the evidence, none of the concerns raised were upheld by the Investigator.