Elmbridge Borough Council

Cabinet

Report of a meeting held on 5 June 2019

Members of the Cabinet:

* S.J. Selleck (Leader)
* A. Davis (Deputy Leader)

* Mrs. C. Elmer
* C.R. Green
* Mrs. M. Marshall
* Mrs. K. Randolph

* C.R. Sadler
* Mrs. T. Shipley
* Mrs. J.R. Turner

Also present:


1/19 Declarations of Interest

There were no declarations of interest.

2/19 Minutes of the Cabinet meeting held on 13 March 2019

The Minutes of the Cabinet meeting held on 13 March 2019 were agreed as a correct record and the Leader acknowledged that Councillor J.W. Browne would be invited to sign them as a correct record having chaired that meeting.

Recommendations to Council on 17 July 2019

3/19 2018/19 4th Quarter and Year End Council Performance Report

(Link to Council Priorities: All)

The Leader introduced the report which set out the quarterly performance monitoring against the 2018/19 basket of performance indicators and Council Plan objectives. It was noted that the monitoring report would be presented to the Performance and Finance Standing Panel on 2 July 2019.

It was acknowledged that this report encapsulated the work of the previous Administration and in this regard, the Leader updated that with effect from May 2019, there had been some slight changes made to the Portfolios. It was noted that future quarterly performance monitoring reports would be updated to reflect these changes.
The Cabinet considered the progress made during the fourth quarter and the opportunity was taken for each of the Portfolio Holders to provide updates in respect of their areas of responsibility together with the priorities for 2019/20.

In respect of the Planning Portfolio, the Portfolio Holder briefly commented on the performance statistics. With regard to Performance Indicator L-TP4 (Percentage of planning appeal decisions made in favour of the Council), it was noted that the target of 65% had been met. Whilst this was not necessarily satisfactory, it was acknowledged that this figure was below the actual figure for 2017/18. Whilst this performance indicator covered all appeals (major, minor and household), the Portfolio Holder reported that there was a Government target for planning authorities, that no more than 10% of major applications should be lost on appeal. This figure was based on a two-year rolling period and disappointingly, the Council had recently been near to this level. The Portfolio Holder advised that predictions indicated that the Council would not exceed this government figure. However, given the relatively small number of major applications, losing just a small number could have a disproportionate effect on the statistics. With regard to priorities for 2019/20, the Portfolio Holder reported that the significant priority for her and the Council as a whole, was the Local Plan. Currently, the documents in respect of the Strategic Options for the Local Plan (Regulation 18) consultation, which was due to commence in mid-August 2019, were being prepared. In this regard, she encouraged all Members and residents to actively engage in this consultation.

The Portfolio Holder for Community and Corporate Development then gave a brief update in respect of her Portfolio. She took the opportunity to provide an overview of the performance monitoring report and was pleased to update that in the fourth quarter and at the year-end, 25 (70%) of the basket of performance indicators and 15 (83%) Council Plan objectives were on target. With regard to Performance Indicator L-OD1 (Number of formal complaints received), the Portfolio Holder reported that the year-end figure had decreased by approximately 20% compared to the figure in 2017/18. In respect of Performance Indicator L-OD5 (Percentage staff turnover), whilst there had been a higher level of turnover than the target, the Portfolio Holder advised that the new exit survey, which had been introduced in January 2019, would help to better understand the reasons for voluntary resignation and what could be done to increase staff retention. In respect of her Portfolio, the Portfolio Holder reported that the Corporate element included Customer Services, Democratic Services and Organisational Development and that the Community element included Community Safety and Police & Crime.

In thanking the Leader for giving him the opportunity to take on the Housing Portfolio again, the Portfolio Holder for Housing provided an update in respect of housing matters. He placed on record his thanks to the previous Portfolio Holder, Councillor A. Kelly and the Head of Housing Services and his Team for all the positive work undertaken in 2018/19. He explained that in the forthcoming year he would be focussing on providing more social housing and getting families out of bed and breakfast. He expressed his disappointment that there had not been a meeting of the Affordable and Social Housing Working Group in 2018/19 and advised that a meeting in this regard would be
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held in the Autumn 2019. In respect of performance indicators, with regard to Performance Indicator L-HS1 (Number of affordable homes delivered (gross) – cumulative), the Portfolio Holder was pleased to report that 118 affordable homes had been delivered in the Borough in 2018/19, which exceeded the target of 100 homes. This represented the highest annual number of completions in Elmbridge over the last five years. It was acknowledged that 21 of these homes had resulted from the Council taking a direct role in housing provision. With regard to Performance Indicator L-HS2 (Number of households in temporary accommodation), the Portfolio Holder was again pleased to report that the number of homeless households in temporary accommodation was being kept at manageable levels. Whilst it was acknowledged that the number of homeless households placed in emergency accommodation out of the Borough had been relatively low, the Portfolio Holder stressed that this Administration would be looking to increase the supply of self-contained temporary accommodation within Elmbridge so as to reduce the need to place households out of the Borough. In respect of Performance Indicator L-HS4 (Number of new placements in Private Rented Sector by the Rental Support Scheme (cumulative), the Portfolio Holder reported that 34 new tenancies had been created through the Scheme in 2018/19, which had been two below the target of 36.

In respect of the Environment Portfolio, the Portfolio Holder for Environment placed on record her thanks to the previous Portfolio Holder, Councillor G.P. Dearlove for all the work undertaken in 2018/19. With regard to Performance Indicator L-ES2(a) (Percentage of household waste sent for recycling (Joint Waste Contract Service Objective Standard)), the Portfolio Holder reported that the performance was below the target for the whole year. However, overall the tonnages had not changed and the amount of recycling waste collected had remained relatively stable. The reprocessors were pushing for higher quality materials and in this regard, tonnes of waste were being rejected. In addition, there were still no outlets for low grade plastics and whilst these were not sent to landfill, they were being sent to energy recovery facilities and as this was deemed to be ‘recovery’, it could not be counted within the recycling figures. In respect of Performance Indicator L-ES2(b) (Percentage of household waste sent for composting (Joint Waste Contract Service Objective Standard), the Portfolio Holder was pleased to update that this was on target, although there was a variation in performance as a result of seasonal fluctuations. With regard to Performance Indicator L-ES4 (Percentage of land assessed as having deposits of litter that fall below an acceptable level (Joint Waste Contract Performance Standard), whilst the target had been met, the Portfolio Holder reported that she would like to introduce a Litter Picking Scheme throughout the Borough. In respect of Performance Indicator L-ES5 (Percentage of land assessed as having deposits of detritus that fall below an acceptable level (Joint Waste Contract Performance Standard), it was noted that this target had been exceeded and accordingly, the Portfolio Holder asked residents to ensure that where detritus was identified, these areas were reported. With regard to Performance Indicator L-ES9 (Missed bin collections per 100,000 (Joint Waste Contract Performance Standard), whilst there had been a slight improvement, the target had still not been met. The Portfolio Holder reported that Joint Waste Solutions
continued to work with Amey to drive up performance and this was an area that she would be focussing on. In respect of Council Objective ET2 (Launch an initiative to assess and increase compliance with new controls and conditions on licenced taxi and private hire drivers), the Portfolio Holder updated that, in line with the recent changes to the national policy and guidance for taxi and private hire licensing, the Council was trying to withdraw the number of diesel cars which were licenced as taxis. Finally, with regard to Council Objective ET1 (Introduce a licencing scheme to control the type and location of street trading activities in Elmbridge, such as where fast food can be sold), the Portfolio Holder reported that the Council was also considering street traders licences in order to reduce and remove generators that were being run whilst they were trading.

The Portfolio Holder for Social Affairs then provided a brief update in respect of her Portfolio. Having studied the performance indicators, the Portfolio Holder was pleased to report that all the targets had been met and the Portfolio was in good shape.

The Portfolio Holder for Resources then provided a brief update in respect of the Resources Portfolio. Whilst the Resources Portfolio was wide-ranging, the Portfolio Holder was pleased to report that all the targets had been met in 2018/19 together with the identified Council Objectives. With regard to Performance Indicators L-LT1(a) (Percentage of Council Tax collected – current year only) and L-LT2(a) (Percentage of Non-Domestic Rates collected – current year only), the Portfolio Holder was pleased to report that both targets had been exceeded. He also reported that the draft Statement of Accounts for the year ended 31 March 2019 had been prepared and issued before the deadline of 31 May 2019.

In respect of the Leisure and Culture Portfolio, the Portfolio Holder thanked the previous Portfolio Holder, Councillor M.F. Howard for all the work undertaken in respect of leisure and culture over the 2018/19 period. With regard to Performance Indicator L-LCS16 (Number of people engaging with Museum Learning Service activities), the Portfolio Holder expressed her disappointment that the target had not been met, specifically for Quarter 4. However, more engagement with schools would be undertaken to promote the Museum service. With regard to the green spaces and verges, it was acknowledged that now the grass had seeded, its growth should slow down. It was further noted that the installation of the flower baskets around the Borough had also commenced. The Portfolio Holder further updated that the new play area at the Xcel Sports Hub had been opened the previous weekend and she was pleased to report that, to date, it had been well received by the public.

In respect of the Transport Portfolio, the Portfolio Holder updated that key priorities for 2019/20 included the continuation of the work associated with the review of car parking charges. He also advised that he would continue to work closely with Surrey County Council so that new transport initiatives could be identified and implemented around the Borough.
**4/19 Quarterly Crime and Disorder Benchmarking Report**

(Refer to Council Priorities: All)

The Portfolio Holder for Community and Corporate Development introduced the report that provided an overview of the different types of police recorded crime in Elmbridge which had been taken from the Police Recorded Crime Survey. The data within the report was based on a 12-month period and would be updated each calendar quarter (Quarter 1: January – March; Quarter 2: April – June; Quarter 3: July – September; and Quarter 4: October – December).

The Cabinet noted that police recorded crime figures covered selected offences that had been reported to and recorded by the Police.

The Portfolio Holder advised colleagues that crime figures in respect of April 2019 had been circulated to all Members that day.

With regard to the crime figures for April 2019, the decreases compared to the previous year were in respect of theft and handling of stolen goods, vehicle interference, violence with injury, domestic burglary and fraud. In respect of fraud offences, the Portfolio Holder advised that internet fraud was a significant concern for residents and in this regard, she would be speaking to officers to see whether the figures could be established and included within this report. In respect of more local statistics, it was noted that in Walton Central there had been an increase of 11 recorded incidents of anti-social behaviour despite the success of the Public Spaces Protection Order in that area.

The Cabinet welcomed the comprehensive report and update and supported the addition of statistics in respect of cyber crime which was becoming more high profile.

The Portfolio Holder for Transport further commented that whilst this report compared Elmbridge with the other local Surrey Boroughs and Districts, he considered it would also be interesting to compare similar statistics with the London Boroughs of Kingston and Richmond, which both bordered Elmbridge.

**Recommended:** that the data within the report be noted.
Recommendations of the Overview and Scrutiny Parking Task and Finish Group

(Link to Council Priorities: P1: Character and Environment; P3: Economic Development)

The Portfolio Holder for Transport introduced the report and reminded Members that the Overview and Scrutiny Committee had established a Parking Task and Finish Group in January 2019 to scrutinise the Council’s Saturday free parking offers, following a request by Council on 5 December 2018.

As a number of the recommendations from the Overview and Scrutiny Committee referred to a more comprehensive review being undertaken, the Portfolio Holder considered that recommendation (b) – all local village car parks offer two hours free car parking on Saturdays, be not supported at the current time and that it be included within the wider review due to take place shortly.

The Leader then invited Councillor Mrs. R. Mitchell, a Hersham Village Ward Councillor, to address the meeting. Councillor Mrs. Mitchell asked that as the Cabinet was minded to make no change to the current parking arrangements, whether the cost to the Council remained at £34,000. The Portfolio Holder advised that given the future arrangements in respect of Drewitts Court, there could be a need to expeditiously review the parking arrangements in this car park so a change to the timetable could be required and therefore this figure could change.

The Leader then invited Councillor S. Bax, a Molesey West Ward Councillor, to address the meeting. Councillor Bax reminded Members that recommendation (b) had been included by the Overview and Scrutiny Committee and queried whether this recommendation would be withdrawn completely from consideration in the future. The Portfolio Holder for Transport clarified that the case for that recommendation had been well made by the Overview and Scrutiny Committee. He considered that a more pragmatic approach should be taken and that this should therefore be included with a more comprehensive review of parking generally.

On consideration of the recommendations from the Overview and Scrutiny Committee, the Cabinet supported the deletion of recommendation (b), mindful that this would be considered as part of a more comprehensive review.

**Recommended:**

(a) it be noted that the Parking Task and Finish Group had concluded its review and fulfilled its terms of reference;

(b) the Drewitts Court (Walton) Saturday free parking offer be renewed after it expires in June 2019 with the offer subject to review in light of any future ‘significant’ change;
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(c) the Manor Road and Ashley Park (Walton) Saturday free parking offer be renewed after it expires in June 2019 with the offer subject to review in light of any future ‘significant’ change;

(d) should any car park within the Saturday free parking offers regularly see more than 80% occupancy then the free parking offer should be reviewed;

(e) the principles and wider parking considerations raised be noted with a view to the Task and Finish group being reconstituted in the new Municipal Year to consider these matters; and

(f) the financial implications of changing the Saturday free car parking offers be noted.

Matters of Report

6/19 Unauthorised moorings

(Link to Council Priorities: Character and Environment, Quality Services, Community Wellbeing)

The Portfolio Holder for Leisure and Culture introduced the report that sought approval to commence stakeholder consultation on a range of options to seek a long-term solution to manage the ongoing issues of mooring without consent.

The Cabinet acknowledged that in recent years, there had been an increase in the number of boats moored without permission along the River Thames. This had recently been exacerbated following the increased enforcement activities in Kingston and Richmond which had displaced boats into Surrey.

The Portfolio Holder explained that the Environment Agency (EA) was the navigation authority for the non-tidal River Thames from Cricklade in Wiltshire to the tidal boundary at Teddington in Middlesex, passing through the Boroughs of Elmbridge, Runnymede and Spelthorne. The EA had the responsibility to manage the waterway and ensure that it could be used safely by as many people as possible.

The Cabinet noted that the EA and other landowners did provide short stay public / visitor mooring sites to encourage passing boats to stop for short periods and enjoy the peace of the waterside and use local amenities.

A number of sites along the River Thames had taken the decision to charge, either for mooring at any time, or after an initial free period. In these cases, signage would usually show the charges payable and by mooring at these sites the boat owner / user was agreeing to pay them. There were also many less formal areas along the River Thames where boats could moor. However, as most of this land was private, boats were encouraged not to moor on private land and where no mooring signs were displayed.
The Portfolio Holder advised that within the Public Right of Navigation there was deemed a right for boat owners to stop on land, subject to the necessary landowner’s consent, for a reasonable period. This followed the EA’s policy that 24 hours was considered a reasonable time within normal navigation unless signage stated otherwise. Boats could stay for longer, provided they had the landowner’s consent to do so. The Cabinet noted that all vessels on EA waterways, which included narrowboats, cruisers, barges, unpowered house boats, canoes and rowing skiffs, had to be registered.

The Portfolio Holder took the opportunity to update the Cabinet on the current position with regard to unauthorised moorings within the Elmbridge area. Elmbridge currently had 50 to 80 boats moored along the River Thames without consent between the boundary with the London Borough of Kingston at Surbiton / Thames Ditton and Weybridge, with the majority being moored on a mixture of private and public land. The Borough had recorded 89 complaints linked to anti-social behaviour with the main issue being mooring without consent. To inform residents and Ward Councillors of the action being taken in this regard, a dedicated web page had been produced which was updated regularly.

The Cabinet noted that as the enforcement activity in Kingston and Richmond had displaced boats further along the river, it was proposed that Elmbridge, Runnymede and Spelthorne Borough Councils work in partnership to bring about new powers at the same time and in a coordinated fashion. In this regard, an early stage of public consultation with key agencies who had a stake in the use and enjoyment of the River Thames, would be carried out between June and July 2019 to seek a view of the possible solutions that could be taken forward to manage the issue. The possible solutions included the introduction of a Public Space Protection Order; Byelaws; managed moorings; and a ‘do nothing’ option, the details of which were outlined in the report.

The Portfolio Holder further advised that at the same time as the stakeholder consultation was being carried out, it was proposed to implement a 1 year pilot for managed moorings on Elmbridge owned land from Hampton Court Bridge to the borough boundary with Kingston. This would include Cigarette Island, Albany Reach and Ditton Reach. Signs would be installed at regular intervals along the rivers’ edge of all 3 sites informing boats that mooring was permitted at a cost of £150 a day. It was considered that this high price would deter boats from staying. The Cabinet was pleased to note that for the 1 year pilot, District Enforcement had offered to enforce the area at no cost to the Council. At the end of the pilot, the results would be reviewed and presented to Cabinet.

The Portfolio Holder for Community and Corporate Development welcomed the comprehensive report and was pleased to note that consideration had also been given to those individuals that could face homelessness should action be taken to end an unauthorised mooring.

The Leader then invited Councillor A. Tilling, a Weybridge Riverside Ward Councillor, to address the meeting. Councillor Tilling thanked the Head of Leisure & Cultural Services and his Team for the work being undertaken in
testing a Community Protection Order procedure to move a residential barge off a stretch of water in Walton on Thames.

The Portfolio Holder for Leisure and Culture then asked the Head of Leisure and Cultural Services to provide an update on the current position with regard to unauthorised moorings. The Head of Leisure and Cultural Services referred Members to the Council’s website where information regarding unauthorised moorings within the Borough was being updated on a daily basis. Current areas of concern included Cherry Orchard Gardens where planning enforcement action was being taken to remove the boats and structures that had been erected next to the boats. In the same area, Community Protection Warning Notices had been served as a result of the destruction of the riverbank. An update was also provided in respect of Ditton Wharf and as the 21 day appeal period had now ended, arrangements were being put in place to secure a Magistrates Court hearing date.

The Cabinet supported the approach being taken to seek a long-term solution to manage the ongoing issues of mooring without consent whilst being mindful that the Council could only act when it affected Council-owned land. The Council would of course continue to work with the other partner agencies as appropriate.

Resolved that

(a) the proposed consultation on approaches to manage mooring without consent be supported;

(b) the results of the initial stakeholder consultation be reported back to the Cabinet once the consultation period had closed, in order to agree next steps; and

(c) managed moorings be trialled for a period from Hampton Court Bridge to Surbiton on Elmbridge Borough Council-owned land.

7/19 Corporate Parenting

(Link to Council Priorities: Community Wellbeing, Leisure and Culture)

The Children and Social Work Act 2017 introduced seven principles of corporate parenting which local authorities, including Borough Councils, were required to have regard to for looked after children or care leavers. As a two-tier local authority area, the County Council retained the legal responsibility for looked after children and care leavers. However, the legislation from 2017 stated that all local authorities, including District and Borough Councils, had a responsibility to be ‘good corporate parents’.

In this regard, the Portfolio Holder for Resources introduced the report that detailed the Council’s Corporate Parenting responsibilities together with a series of proposed concessions.
The Cabinet noted that the Surrey Corporate Parenting Board had recently been refreshed and as a result of a reorganisation of the Children’s Directorate at the County Council, it had been considered the right time to review how best the County, Districts and Boroughs could work together. Accordingly, the County Council had asked the Boroughs and Districts to look at providing various concessions. The Cabinet further noted that the County Council was itself considering concessions in respect of the statutory local offer for care leavers; general advice around employment and benefits; and transport concessions.

In view of the request by the County Council, the Portfolio Holder took the opportunity to update colleagues on the proposed offer from Elmbridge.

In respect of Council Tax, under Section 13A(1)(C) of the Local Government Finance Act 1992, local authorities had the discretionary power to reduce the liability for Council Tax for a chargeable dwelling for a specified period in any case as the local authority for the area in which the dwelling was situated as it saw fit. Therefore, it was proposed that the Council provide care leavers living in independent accommodation, Council Tax exemption between the ages of 18 and 25 using the powers under Section 13A. The Cabinet noted that based on the numbers provided, the loss of Council Tax income would be between £10,000 and £15,000 and in this regard, the County Council had committed to cover 75% of the loss, resulting in the need for this Council to meet between £2,500 and £3,750.

With regard to leisure concessions, whilst the Council already provided several concessions through the More Card discount scheme, as a result of discussions with Places Leisure, it was proposed to offer the following package of leisure concessions to looked after children; care leavers between the ages of 18 and 25; and young carers:

- free swimming;
- free virtual spin;
- a 50% discount on racquet sports, Monday to Friday, 9 a.m. to 5 p.m.; and
- a 50% discount on soft play.

The above offer would only apply to those that were not currently using the facilities and that there would not be a significant financial impact commercially. Whilst it was acknowledged that there would be a loss of potential income, this was difficult to determine until the likely uptake was clear. The Portfolio Holder reported that it was also the intention to include this concessionary offer within the new Leisure Contract with effect from 2021.

The Portfolio Holder then invited the Strategic Director to update the Cabinet following further discussions with Places Leisure in respect of the leisure concessions. The Strategic Director was pleased to report that following further discussions with Places Leisure, the Council would also be offering reduced casual gym access during off-peak periods, as part of the leisure concessions.
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package, which would result in a fee of £2 rather than £10. The exact concession would be:

- casual gym access - £2 gym entry, Monday to Friday, 9 a.m. to 4 p.m. (reduced from £10); and
- teen gym access - £2 to attend session / attend with appropriate adult.

The Leader then invited Councillor Mrs. V. Macleod, a Weybridge Riverside Ward Councillor, to address the meeting. Whilst supporting the proposals put forward, Councillor Mrs. Macleod asked whether the designation of young carers, which currently covered those up to the age of 18, could be extended to include those carers between the ages of 18 and 25. The Portfolio Holder for Resources welcomed this suggestion and agreed that this could be considered at a future date.

Resolved that

(a) care leavers in independent accommodation be exempt from Council Tax from age 18-25 subject to Surrey County Council meeting costs in proportion with the amount of Council Tax they receive; and

(b) looked after children, care leavers between the age of 18 and 25, and young carers, be provided with free swimming, free virtual spin, a 50% discount on racquet sports (Monday to Friday, 9 a.m. to 5 p.m.), a 50% discount on soft play; casual gym access with a £2 gym entry fee (Monday to Friday 9 a.m. to 5 p.m.); and teen gym access of £2 to attend session / attend with an appropriate adult.

The meeting commenced at 7.00 pm and concluded at 7.49 pm

S.J. Selleck
Leader

Democratic Services Officer
Mrs. T. Hulse Principal Committee and Member Services Officer

Other Officers in attendance
R. Moran Chief Executive
Mrs. S. Selvanathan Strategic Director and Deputy Chief Executive
R. Lee Strategic Director
A. Harrison Head of Legal Services
Mrs. N. Anderson Head of Organisational Development
I. Burrows Head of Leisure and Cultural Services
M. Kearton Environmental Services Officer