

**Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday 18 December 2014 at 7.30pm**

**Present:**

**Councillors:**

Ayers F.	Francis M.P. (Deputy Mayor)	Rough M.W.
Ayub A.	Frazer C.M	Saliagopoulos D.
Beardsmore I.J.	Friday A.E.	Sider R.W. BEM
Broom P.A.	Gething N.	Smith-Ainsley R.A.
Davis C.A.	Grant D.L.	Spoor B.
Dunn R.D.	Harvey I.T.E.	Strong C.V.
Dunn S.A.	Leighton V.J.	Taylor S.D.
Forbes-Forsyth P. (Deputy Leader)	Madams M.	Watts R.L. (Leader)
Forsbrey G.E.	Patel D.	Webb S. (Mayor)
	Pinkerton J.M. OBE	

Chairman Councillor Suzy P. Webb, the Mayor.

**337/14 Apologies for absence**

Apologies were received from Councillors C.A. Bannister, S.E.W. Budd, M.W. Bushnell, T.J.M. Evans, D. Gohil, A.J. Mitchell, A.C. Patterson and J. Sexton, and Mr. Murray Litvak, Chairman of the Members' Code of Conduct Committee.

**338/14 Minutes**

The minutes of the Council meeting held on 23 October 2014 and the Extraordinary Council meeting held on 18 November 2014 were confirmed as a correct record.

**339/14 Disclosures of Interest**

There were none.

**340/14 Announcements from the Mayor**

The Mayor wished everyone at the meeting the season's greetings.

**341/14 Announcements from the Leader**

The Leader made the following announcements:

I would like to remind all councillors about the seminar 'Making the best use of our assets' which is to be held on 6 January 2015 in the Council Chamber, starting at 7pm, and encourage you all to attend.

From the 1 April 2015, residents will be able to recycle more material at the kerbside and continue to increase our recycling rate whilst reducing the amount of rubbish disposed of. The Council will be introducing a collection service for textiles, which will be undertaken in conjunction with the Salvation Army. More information will be made available in the New Year.

**342/14          Announcements from the Chief Executive**

There were none.

**343/14          Questions from members of the public**

There were none.

**344/14          Petitions**

The Council had received a petition from Mr. Kye Gbangbola which requested “a truthful public debate into the tragic death of 7 year old Zane Gbangbola, who died when hydrogen cyanide was found in his home as floodwater rose beneath.”

The Mayor advised that under the circumstances she had agreed to waive Standing Order 16.3 which restricts the petitioner’s address to no more than 3 minutes and was permitting Mr Gbangbola to speak for up to 15 minutes.

Mr. Gbangbola gave a presentation on his petition.

Councillor Daxa Patel, portfolio holder for emergency planning, responded on behalf of the Council, followed by Councillor Denise Grant on behalf of the Spelthorne Independent Party, and Councillor Ian Beardsmore, Leader of the Liberal Democrats.

The Mayor then invited councillors to vote on a recommendation from Councillor Patel to dismiss the petitioner’s request for a public debate, it being considered inappropriate in light of the forthcoming Coroner’s Inquest.

**Resolved** that the petition be dismissed.

**345/14          Attendance of Councillor Dipak Gohil at meetings**

The Council considered the report of the Monitoring Officer which sought the Council’s approval to waive the application of the six months’ rule to Councillor Gohil due to his work commitments abroad.

**Resolved** to approve Councillor Gohil’s absence from attendance at meetings until 26 December 2014.

**346/14 Review of the Members' Allowances Scheme for 2015-16**

The Council considered the report of the Independent Remuneration Panel recommending an increase of £196 on the basic members' allowance for 2015-2016.

**Resolved** to reject the panel's recommendation for an increase in the basic members' allowance for 2015-2016.

**347/14 Crooked Billet and funding future affordable housing investment opportunities**

Cabinet considered a report on the development of the Crooked Billet site and funding for future affordable housing opportunities.

**Resolved** to agree to:

- (1) A supplementary capital estimate of £500,000 for the Crooked Billet project.
- (2) Setting up a £2 Million fund that can be drawn upon to be invested in affordable housing opportunities in advance of Section 106 funds being received.

**348/14 Community Infrastructure Levy (CIL) Charging Schedule implementation**

Cabinet considered a report on the proposed implementation of the Community Infrastructure Charging schedule.

**Resolved** to:

- (1) Approve the Community Infrastructure Levy Charging Schedule.
- (2) Adopt the proposed Instalment Policy.
- (3) Agree the proposed Regulation 123 list.
- (4) Agree to the implementation of the Community Infrastructure Levy Charging Schedule with effect from 1 April 2015.

**349/14 Report from the Leader of the Council**

The Leader of the Council, Councillor Robert Watts, presented the report of the Cabinet meeting held on 16 December 2014, which outlined the various matters the Cabinet had decided since the last Council meeting.

**350/14 Report from the Chairman of the Licensing Committee**

The Chairman of the Licensing Committee, Councillor Robin Sider, presented his report which outlined the matters the Committee had decided since the last Council meeting. He thanked the officers and members for their support over the past year and particularly the last couple of months.

**351/14 Report from the Chairman of the Overview and Scrutiny Committee**

The Chairman of the Overview and Scrutiny Committee, Councillor Philippa Broom, presented her report which outlined the matters the Committee had decided since the last Council meeting.

**352/14 Report from the Chairman of the Planning Committee**

The Chairman of the Planning Committee, Councillor Richard Smith-Ainsley, presented his report which outlined the matters the Committee had decided since the last Council meeting. He expressed his thanks to Mr Gerry Beckford for the work he had done on enforcement for the Council and wished him well in his retirement.

**353/14 Motions**

There were none.

**354/14 Questions on Ward issues**

There were none.

**355/14 General questions**

The Mayor reported that three general questions had been received from Councillors Frank Ayers and Richard Dunn. In accordance with Standing Order 15.3(c) of the Constitution, the Mayor directed that the questions and answers would be given in writing at the meeting without being read aloud. Copies had been laid around for all present at the meeting.

**Question from Councillor Frank Ayers**

“Can Councillor Watts inform members in this Chamber if he intends to take any disciplinary action against Councillor Gething for his ill-founded and inappropriate comments on his Facebook page regarding possible future development at the Brooklands College site in Ashford? Councillor Gething made comments criticising the management board of the college. He also made comments and I quote, “We will, of course, oppose any planning application that encroaches on the protected open space at the rear of the college.” Comments of this nature could be construed by the public as pre-determination of any planning application that may be submitted in the future for that site. The use of the word “we” implies that all would oppose. Councillor Gething is, of course, entitled to express his own opinion. However, making comments using the word “we” does infer that either all the planning committee, of which he is one, or all Council members, have the same opinion. A number of the vastly more experienced Councillors would never make such a fundamental error, especially when it comes to planning matters and, more importantly, if one is a current member of planning. I feel Councillor Watts deserves the opportunity to clarify whether he will take disciplinary action against Councillor Gething. If the answer is no, can we take it that he condones such comments?”

**Response from the Leader of the Council, Councillor Robert Watts**

“Thank you for your question, Councillor Ayers.

Following discussions I had with the Chairman of the Planning Committee, Councillor Smith-Ainsley, he wrote privately to Councillor Gething about the matter, and we both consider that the matter is now closed.

There is no party line on the Brooklands College development and, indeed, there can be no such line on planning matters. The application will be considered by the officers who will make a recommendation to us in the normal way. The Planning Committee will listen to all the evidence before it comes to a judgement on the application and all councillors will retain an open mind.

I would like to remind Councillor Ayers that Councillors are allowed to be pre-disposed on matters in their community and are encouraged to be involved in all local matters. There is nothing wrong with proper debate. We have a thorough Planning Code which has been reviewed a number of times by the Members' Code of Conduct Committee. This code encourages Councillors to get involved in local issues without being afraid of criticism on pre-determination. I am satisfied that one Facebook comment doesn't indicate a closed mind and I am assured that the Planning Committee Chairman's advice has been taken on board by Councillor Gething.”

**Question from Councillor Frank Ayers**

“At a time when a review of the Council Tax we pay is due to be considered, can Councillor Watts inform this Chamber of the following:

- (a). How many Councillors have been in arrears with their Council Tax at any time during the term of this administration, that is, since the 2011 Borough Election?
- (b). Which political parties were/are they from?
- (c). Of those, how many were/are Cabinet members. And will he now name those members?”

**Response from the Leader of the Council, Councillor Robert Watts**

“Thank you for your question, Councillor Ayers.

Six Councillors have been in arrears with their Council Tax at any one time during the term of this Administration, that is, since the 2011 Borough Election. They are all Conservatives.

Of those six, one was a member of the Cabinet at the time they were in arrears, and that particular Councillor is still a member of the Cabinet, though no longer in arrears.

A person's financial information is personal data within the terms of the Data Protection Act 1998. Therefore, the Council is not legally able to provide the names of the six Councillors concerned.”

**In accordance with Standing Order 15.2, Councillor Frank Ayers asked the following supplementary question:**

“Does Councillor Watts think that it is right, given that there are six councillors from the current administration who at one time or another have been in arrears with their Council Tax, and six councillors from the Conservative administration of this Council is almost 25%, that they should be involved in the decision making regarding the finances of this Council, especially if any of those are current Cabinet members, when clearly they have demonstrated they cannot manage their own finances, let alone the finances of this Council?”

**Response from the Leader of the Council, Councillor Robert Watts, given later in writing.**

“Under Section 106 of the Local Government Finance Act 1992 if any councillor is two or more months in arrears with a council tax payment they may not vote on any matter which might affect the calculation of council tax, any limitation of it, its administration or related penalties of enforcement. This is therefore of most relevance to the annual budget setting Council meeting each February.

If a councillor fails to comply with this requirement they will for each offence be liable on summary conviction to a fine, unless they prove that they did not know:

- (a) that this section applied to them at the time of the meeting; or
- (b) that the matter in question was the subject of consideration at the meeting

The arrears relating to the six councillors in question during the period since May 2011 were in each instance picked up before they became two or more months in arrears and there have been no incidences of councillors voting on council tax related matters when they would have been in breach of the s106 of the Local Government Finance Act. However, the Council and the current Leader do take very seriously the issue of ensuring councillors pay their council tax promptly.”

**Question from Councillor Richard Dunn**

“When will Spelthorne Council become a Fair Trade Borough in line with many other Surrey Councils?”

**Response from the portfolio holder for the Environment, Councillor Mitchell**

“Thank you for your question, Councillor Dunn. The Council purchases Fairtrade goods and incorporates the Fairtrade approach into our procurement strategy, but has not, and is unlikely to, become a Fairtrade Borough. We consider our current approach shows active participation in ensuring our procurement is sustainable and we encourage suppliers and contractors to adhere to best practice.”

**356/14 Appointment of Replacement Representative Trustees –  
Laleham Charities Village Hall and Recreation Ground**

The Council considered the appointment of three replacement representative trustees to the Laleham Charities - Village Hall and Recreation Ground for a four year term until December 2018.

**Resolved** that Richard Stokes, Keith Vigurs and Mavis Duncan be appointed as replacement Council representative Trustees to Laleham Charities – Village Hall and Recreation Ground, for a four-year term until December 2018.

**357/14 Urgent business**

There was none.

