

# Public

## MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

**Minutes of the Council Meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames on Thursday, 27 April 2017 at 7.30 pm**

### Present:

#### Councillors:

M.M. Attewell	M.P.C. Francis	D. Patel
C.B. Barnard	N.J. Gething	J.M. Pinkerton OBE
R.O. Barratt	A.C. Harman (Deputy Leader)	O. Rybinski
S. Capes	I.T.E. Harvey (Leader)	J.R. Sexton
R. Chandler	A.T. Jones	R.W. Sider BEM
S.A. Dunn	J.G. Kavanagh	R.A. Smith-Ainsley
Q.R. Edgington	V.J. Leighton (Deputy Mayor)	B.B. Spoor
T.J.M. Evans	M.J. Madams	H.A. Thomson
K. Flurry	A.J. Mitchell	H.R.D. Williams
P.C. Forbes-Forsyth	S.C. Mooney	

In Attendance: Murray Litvak and Sue Faulkner, Chairman and Vice-Chairman respectively of the Members' Code of Conduct Committee.

Councillor A.E. Friday, The Mayor, in the Chair

**Apologies:** Apologies were received from Councillors I.J. Beardsmore, J.R. Boughtflower, S.J. Burkmar, C.A. Davis, S.M. Doran, A.L. Griffiths, N. Islam and D. Saliagopoulos

### **376/17 Presentation**

The Mayor was pleased to acknowledge the work of a group of dedicated volunteers in creating a new pocket park in Shepperton Village named Lord's Bridge Garden. Following a citation read by Councillor Leighton, the Mayor presented the members of Shepperton Village Conservation Group with a certificate in recognition of their achievement and photographs were taken.

### **377/17 Minutes**

The minutes of the Council meeting held on 23 February 2017 were agreed as a correct record.

### **378/17 Disclosures of Interest**

There were no disclosures of interest.

### **379/17 Announcements from the Mayor**

The Mayor announced that since the last meeting of this Council the Mayor's Charity has now been confirmed as an independent registered charity and he thanked Terry Collier, Chief Finance Officer and Ashley Boyce, Solicitor for their help.

He thanked those councillors who supported the Masquerade Ball on April 8<sup>th</sup> and noted the success of the Annual St. George's Day Ladies Lunch held on the 26<sup>th</sup> April.

He announced the final event of the Mayoral Year: the Civic Reception on 10th May at Shepperton Studios. This will be the night when the Mayor distributes the money raised to the charities that have been selected.

### **380/17 Announcements from the Leader**

The Leader made the following announcements:

- Pleased to announce the return of Cllr Flurry to the Conservative Group.
- Windfall Grants will not be announced until after County Council elections to dispel any suggestions of political or electoral bias
- Street lights: Despite the restoration being agreed between County Leader and myself, Surrey County Council (SCC) officers have now determined that as this was a SCC Cabinet decision they can only be restored, despite being funded by Spelthorne Borough Council, following agreement at a SCC Cabinet meeting. We have been assured that this will be on the agenda at SCC Cabinet scheduled for 30 May 2017. The agreement is for an initial period of 5 years. This dispels opposition suggestions that (1) they would be switched off again on 5th May and (2) this was for purely political advantage. The opposition may think like this but my, and my Administration's first priority is and will always be for the wellbeing of ALL Spelthorne residents and this is why we acted immediately to do our best to safeguard residents, despite it not being technically our financial responsibility.
- Security: Much has been said of recent about safety and security of those in elected public office, including but not limited to the murder of Jo Cox MP last summer, the March terrorist attack at Westminster, and indeed of recent in this Borough where a member of this Council was assaulted. I am therefore delighted to announce that in the next few days all councillors and staff in vulnerable roles will be issued with a monitored panic alarm to protect us.
- It seems every Council I have to announce the departure of one or more people and this time I have to announce that John Brooks will be retiring in late July/early August. Many will know that John has spearheaded our Planning Policy which contributed greatly to shaping the Borough. I would like to thank John for his sterling service and wish him a long and fulfilling retirement.

- Arrangements are well under way for the recruitment of Roberto's replacement and I will shortly be appointing a recruitment panel of Councillors to head this up. I can now confirm that Roberto's last day here will be 8 September 2017.

**381/17 Announcements from the Chief Executive**

The Chief Executive reminded all members of the forthcoming tour of Heathrow Airport on 8 May.

**382/17 Questions from members of the public**

There were none.

**383/17 Petitions**

There were none.

**384/17 Changes to Committee membership 2016-2017**

Details of the changes to Committee membership for the remainder of the 2016-2017 municipal year were circulated on the supplementary agenda for the meeting. The political allocation of seats was shown at agenda item 10 (Appendix A) and the members to serve on the various Committees was shown at Appendix B.

It was moved by Councillor I.T. Harvey and seconded by Councillor A.C.Harman and

**Resolved** that:

- a) The allocation of seats is agreed as shown on Appendix A.
- b) The councillors to serve on Committees is agreed as shown on Appendix B.

**385/17 Spelthorne Pay Award 2017-2018**

The Council considered the recommendation of the Cabinet from its meeting held on 22 March 2017, on the Spelthorne Pay Award for 2017-2018.

The report proposed an additional pay award of 1% to all scale points with effect from 1 April 2017, over and above the National Pay Award, to help attract and retain staff. This proposal follows a pay review which took into consideration pay review data from other councils within Surrey.

**Resolved** to approve the Spelthorne Pay Award for 2017-2018.

**386/17 Appointment of Independent Remuneration Panel**

The Council considered the recommendation of the Cabinet from its meeting held on 22 March 2017, on the appointment of a new Independent Remuneration Panel.

The Council is required to establish and maintain an Independent Remuneration Panel consisting of at least three members, none of whom is formally connected with the Council.

**Resolved** to approve the appointment of Sir Ivan Lawrence, Colin Squire and George McLaughlin to the Independent Remuneration Panel.

**387/17 Recommendations of the Members' Code of Conduct Committee**

The Council considered the recommendation of the Members' Code of Conduct Committee from its meeting held on 25 April 2017, on changes to the Constitution in relation to Chief Officers disciplinary procedures.

**Resolved** to agree:

1. To amend the Officer Employment Procedure Rules relating to disciplinary action by reference to the Model Discipline Procedure and Guidance as set out at Appendix 2 to the report;
2. the appointment of an:
  - (a) Investigating and Disciplinary Committee
  - (b) Independent Panelwith the Terms of Reference as set out at Appendix 4 to the report and
3. amendments to the Terms of Reference of the Staffing and Appeals Committee; and
4. to amend the introduction to the Scheme of Delegations as set out at Appendix 5 to the report.

**388/17 Reports from the Leader of the Council**

The Leader of the Council, Councillor I.T.E. Harvey, presented the reports of the Cabinet meeting held on 22 March 2017 and the Extraordinary Cabinet meetings held on the 5 April 2017 and the 27 April 2017 which outlined the matters the Cabinet had decided since the last Council meeting.

**389/17 Report from the Chairman of the Audit Committee**

The Chairman of the Audit Committee, Councillor M.J. Madams, presented her report which outlined the matters the Committee had considered since the last Council meeting.

**390/17 Report from the Chairman of the Members' Code of Conduct Committee**

The Chairman of the Members' Code of Conduct Committee, Mr. Murray Litvak, presented his report which outlined the matters the Committee had decided since the last Council meeting.

**391/17 Report from the Chairman of the Overview and Scrutiny Committee**

The Vice-Chairman of the Overview and Scrutiny Committee, Councillor S. Mooney, presented on behalf of the Chairman, Councillor C.A. Davis, the report which outlined the matters the Committee had considered since the last Council meeting.

**392/17 Reports from the Chairman of the Planning Committee**

The Chairman of the Planning Committee, Councillor R.A. Smith-Ainsley, presented his report which outlined the matters the Committee had decided since the last Council meeting.

Councillor Smith-Ainsley also informed members that a judge at Guildford Law Courts had upheld the Council's injunction in relation to the outbuilding at School Road, Ashford, rejecting Mr Van der Beeck's challenge. In addition he was found to be in contempt of the injunction. This was a successful outcome after a very long enforcement process, which first started in 2007. The judge had ordered the demolition of the outbuilding within four months or Mr Van der Beeck may be committed to prison. Councillor Smith-Ainsley thanked staff in Planning and Legal for their persistence in dealing with this case.

**393/17 Motions**

In accordance with Standing Order 17 the Council received one written Notice of Motions.

Councillor Sider moved and Councillor Harman seconded the following motion:

"That this Council strongly opposes any proposal by the NHS Trust to implement parking for charges for the disabled at St Peter's Hospital, Guildford Road, Chertsey."

The motion was carried.

**Resolved** that this Council strongly opposes any proposal by the NHS Trust to implement parking for charges for the disabled at St Peter's Hospital, Guildford Road, Chertsey.

**394/17 Questions on Ward Issues**

There were no questions on Ward issues.

**395/17 General questions**

The Mayor reported that one general question had been received, in accordance with Standing Order 15, from Councillor Edgington.

**Question 1 from Councillor Q.R. Edgington:**

“Are there any Spelthorne Conservative Councillors who do not live in Spelthorne?”

**Response from Councillor Ian Harvey, Leader of the Council:**

“Cllr Edgington, in direct answer to your question and in addition to my response at February Council that Cllr Thomson had recently moved out of the Borough, there is one other Conservative Councillor, Councillor Kavanagh who, subsequent to his engagement at Christmas has formalised his living arrangements with his fiancée in Chertsey within the last two weeks. Councillor Kavanagh has updated his details to reflect this. This has not compromised the way he continues to undertake his Spelthorne councillor duties. As you know, this is perfectly permissible.”

**In accordance with Council Standing Order 15.2, Councillor Q.R. Edgington asked the following supplementary question:**

“Does Councillor Harvey not think that the residents of Ashford deserve better? One councillor living in Chertsey, one in Camberley and the Conservative candidate for the Ashford East by-election, a Russian friend of Councillor Davis, who lives in Sunbury.”

**The Leader, Councillor Harvey, responded at the meeting as follows:**

“When did you Councillor Edgington move in with your fiancée away from Shepperton? Would you like to answer that? The word that comes to my mind is hypocrisy. If you want to talk about who lives where for by-elections; the UKIP candidate standing for the Sunbury and Upper Halliford Division lives across the river towards Kingston, not even in the Borough. I rest my case Mr Mayor.”

**396/17 Appointment of a representative Trustee**

It was proposed by Councillor I.T.E Harvey and seconded by Councillor A.C. Harman and

**Resolved** that Mr Derek Bartlett be appointed as a Council representative trustee to serve on the Margaret Pope Educational Charity for a further three year term of office until April 2020.

**Allocation of Committee seats 27 April 2017 – 18 May 2017**

<b>Committee</b>	<b>Total number of seats</b>	<b>Conservative</b>	<b>Liberal Democrats</b>	<b>UKIP</b>	<b>Others</b>
<b>Audit</b>	7	5	1	1	0
<b>Licensing</b>	15	11	1	1	1
<b>Planning</b>	15	11	1	1	2
<b>Scrutiny</b>	15	12	1	1	1
<b>*Members Code of Conduct</b>	8	6	1	1	0
<b>Spelthorne Joint Committee</b>	7	5	1	1	0
<b>Total</b>	67*	50	6	6	4

\*There is one vacant seat on Licensing Committee due to the current vacancy on the Council.

**Note:**

(a). The political proportionality rules technically do not apply to the Members' Code of Conduct Committee, but the Council has agreed that all political groups, including a member of the Cabinet, should be represented on that Committee.

(b). Two members of the Members' Code of Conduct Committee are independent, non-councillors.

Dated: **27 April 2017**

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CABINET	AUDIT (7 seats)	LICENSING (15 seats)	OVERVIEW AND SCRUTINY (15 seats)	PLANNING (15 seats)	MEMBERS' CODE of CONDUCT <b>**[10 members](8 seats)</b>	SPELTHORNE JOINT COMMITTEE (7 seats)
I.T.E. Harvey (Leader)	M. J. Madams (Chair)	R.W. Sider BEM (Chair)	C.A. Davis (Chair)	R.A. Smith-Ainsley (Chair)	M. Francis	S. A. Dunn
A.C. Harman (Deputy Leader)	D. Patel (Vice-Chair)	R. O. Barratt (Vice-Chair)	S.C. Mooney (Vice-Chair)	H. A. Thomson (Vice-Chair)	A. Griffiths	M. Francis
M.M. Attewell Community and Wellbeing	T. Evans	M. M. Attewell	R. O. Barratt	C. Barnard	J. G. Kavanagh	I.T.E. Harvey
C. Barnard Planning and Economic Development	D. Saliagopoulos	J. Boughtflower	S. Capes	R. O. Barratt	S. Mooney	N. Islam
N. Gething Environment and Compliance	B.B. Spoor	R. Chandler	S. Doran	I.J. Beardsmore	D. Saliagopoulos	J. Sexton
A. J. Mitchell Corporate Management	H. Thomson	S. M. Doran	Q. Edgington	J. Boughtflower	R.W. Sider BEM	R.A. Smith-Ainsley
J.M. Pinkerton OBE Housing	H. Williams	S.A. Dunn	M. Francis	S. Burkmar	B.B. Spoor	H. Williams
H.R. Williams Finance and Customer Services		Q. Edgington	A. L. Griffiths	R. Chandler	H. Thomson	
		N. Gething	N. Islam	S. Doran		
		A.C. Harman	J. G. Kavanagh	P. Forbes-Forsyth	<b>**2 members are non- councillors</b>	
		A.T. Jones	V.J. Leighton	M. Francis	M. Litvak (Chair)	
		V.J. Leighton	D. Patel	T. Harman	S. Faulkner (Vice-Chair)	
		M. J. Madams	O. Rybinski	A.T. Jones		
		S.C. Mooney	R.A. Smith-Ainsley	D. Patel		
		VACANT	B.B. Spoor	R.W. Sider BEM		
	Conservative 5 UKIP 1 Lib Dems 1	Conservative 11 UKIP 1 Liberal Democrat 1 Others 1	Conservative 12 UKIP 1 Liberal Democrat 1 Others 1	Conservative 11 UKIP 1 Liberal Democrat 1 Others 2	Conservative 6 UKIP 1 Liberal Democrat 1	Conservative 5 UKIP 1 Liberal Democrat 1

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