

Roberto Tambini
Chief Executive

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13 May 2009

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

SUMMONS TO THE ANNUAL MEETING OF SPELTHORNE BOROUGH COUNCIL

You are hereby summoned to attend the **ANNUAL MEETING OF SPELTHORNE BOROUGH COUNCIL** to be held in the **COUNCIL CHAMBER**, Council Offices, Knowle Green, Staines on **THURSDAY 21 MAY 2009, beginning at 7.30pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

ROBERTO TAMBINI
Chief Executive

Please Note:-

EMERGENCY PROCEDURE

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

THE LIFT MUST NOT BE USED.

[PLEASE NOTE THAT THIS AGENDA IS AVAILABLE IN LARGE PRINT ON REQUEST TO RICHARD POWELL ON TEL: 01784 446240]

IMPORTANT PUBLIC NOTICE

MOBILE TECHNOLOGY – ACCEPTABLE USE

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in meetings can:

- Interfere with the Public Address and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

PLEASE:

Either switch off your mobile telephone etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.

A G E N D A

1. ELECTION OF MAYOR

- (a) To elect the Mayor of the Borough for the Municipal Year 2009/2010.
- (b) The Mayor to make the Declaration of Acceptance of Office.

2. APOLOGIES FOR ABSENCE

To note that apologies for absence have been received from Councillors H.R. Jaffer and S.J. Rough and to receive any other apologies for absence.

3. MINUTES - 23 April 2009 [Pages 4 to 20]

To confirm as a correct record the Minutes of the meeting of the Council held on 23 April 2009.

4. ELECTION OF DEPUTY MAYOR

- (a) To elect the Deputy Mayor of the Borough for the Municipal Year 2009/2010.
- (b) The Deputy Mayor to make the Declaration of Acceptance of Office.

5. DISCLOSURES OF INTEREST

To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members.

6. ANNOUNCEMENTS FROM THE MAYOR

To receive any announcements from the Mayor.

7. ELECTION OF LEADER AND DEPUTY LEADER OF THE COUNCIL

- (a) To elect the Leader of the Council for the Municipal Year 2009/2010.
- (b) To elect the Deputy Leader of the Council for the Municipal Year 2009/2010.

8. APPOINTMENT OF THE EXECUTIVE [CABINET]

(1) Appointment of Members to the Executive [Cabinet]

In accordance with the updated Council Constitution, to appoint 7 Members of the Council to serve on the Executive [Cabinet], with the Leader of the Council and the Deputy Leader.

(2) Areas of Responsibility for Individual Executive [Cabinet] Members

In accordance with the updated Council Constitution, to agree the specific Areas of Responsibility for individual Executive [Cabinet] Members.

The current specific Areas of Responsibility are as follows:

- (a) Leader of the Council,

- (b) Environment,
- (c) Planning and Housing,
- (d) Regeneration,
- (e) Young People and Cultural Services,
- (f) Corporate Services,
- (g) Health and Independent Living,
- (h) Community Safety, and
- (i) Communications and Engagement.

9. COMMITTEES

(i) Establishment of Committees

In accordance with Articles 6, 8 and 9 of the updated Council Constitution, and pursuant to Part 4 (a) – revised Standing Order 8.2, to appoint the following Committees of the size indicated below and with the terms of reference and functions set out in Part 3 (a) of the updated Council Constitution.

Committee	Total Voting Members**
Audit Committee	7
Improvement and Development Committee	15
Licensing Committee	15
Performance Management and Review Committee	15
Planning Committee	15
Standards Committee	**8
Staff Appeals Committee	5

(ii) Allocation of Seats on Committees

Pursuant to Section 15 of the Local Government and Housing Act 1989 to agree the representation of the different political groups on Committees.

The Council is advised that the following allocation of seats would meet the requirements of Section 15(4) of the Act.

Committee	Conservative	Liberal Democrat	Total Council Members**
Audit Committee	6	1	7
Improvement and Development Committee	12	3	15
Licensing Committee	12	3	15
Performance Management and Review Committee	12	3	15
Planning Committee	12	3	15
Standards Committee	5	1	**6
Staff Appeals Committee	4	1	5

****Note:-**

- (1) The political proportionality rules do not technically apply to the Standards Committee, but the Council has agreed that all political groups, including a member of the Executive [Cabinet], should be represented on that Committee.
- (2) Two members of the Standards Committee are independent non-councillors.

(iii) Appointment of Members to Committees

In accordance with the updated Council Constitution, to appoint the members to serve on the above Committees, including Mr. M. Litvak and Miss S. Faulkner as the non-elected Chairman and Vice-Chairman, respectively, of the Standards Committee.

[The nominations to Committees [Appendix A] will be circulated, under separate cover, as soon as they have been finalised by the Group Leaders.]

**10. CHAIRMEN OF COMMUNITY ENGAGEMENT / “HAVE YOUR SAY EVENTS”
[Formerly called Area Forums]**

To appoint Chairmen for the Community Engagement Events / “Have Your Say” Events, as follows:-

- (1) Ashford, (2) Shepperton, (3) Staines and Laleham, (4) Stanwell and Stanwell Moor, (5) Lower Sunbury and (6) Sunbury Common.

[The nominations for Chairmen of the Community Engagement / “Have Your Say” Events [Appendix B] will be circulated, under separate cover, as soon as they have been finalised by the Group Leaders.]

11. DISCRETIONARY HOUSING PAYMENTS REVIEW BOARD

To appoint all Members of the Council, except those appointed to the Executive [Cabinet], to form a Panel from which Discretionary Housing Payments Review Boards can be drawn, as necessary.

12. APPOINTMENT BY THE COUNCIL TO AN OUTSIDE BODY

To appoint a Councillor representative and a Councillor Deputy representative to serve on the following Outside Body:

South West Middlesex Crematorium Board
(1 representative and 1 Deputy)

[The nominations for this Outside Body Appointment [Appendix C] will be circulated, under separate cover, as soon as they have been finalised by the Group Leaders.]

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13 May 2009

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

MEETINGS OF COMMITTEES [AT THE CONCLUSION OF THE COUNCIL AGM]**

Individual meetings of the Committees listed below will be held one after each other in the **COUNCIL CHAMBER** on **THURSDAY 21 May 2009**, the first meeting commencing at **8.00pm** or at the conclusion of the Annual Meeting of the Council, whichever is the later, to consider the business specified in the Agendas set out on the following pages.

ROBERTO TAMBINI
Chief Executive

- (1) **AUDIT COMMITTEE [page 22]**
- (2) **IMPROVEMENT AND DEVELOPMENT COMMITTEE [page 23]**
- (3) **LICENSING COMMITTEE [page 24]**
- (4) **PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE [page 25]**
- (5) **PLANNING COMMITTEE [page 26]**

****Footnote:-**

Under the Council's Constitution there is no requirement for the Cabinet or the Standards Committee to meet this evening. The Leader of the Council and the Deputy Leader are ex-officio the Chairman and Vice-Chairman of the Cabinet and the Chairman and Vice-Chairman of the Standards Committee are the two independent non-councillors appointed by the Council, namely, Mr. M. Litvak and Miss S. Faulkner.

[ANNUAL COUNCIL MEETING – 21 MAY 2009]

(1) AUDIT COMMITTEE

A G E N D A

- i. To appoint a Chairman for the Municipal Year 2009/2010.
- ii. Apologies for Absence.
- iii. To confirm the Minutes of the meeting held on 26 March 2009
[circulated to Committee members only under separate cover].
- iv. To appoint a Vice-Chairman for the Municipal Year 2009/2010.

[ANNUAL COUNCIL MEETING – 21 MAY 2009]

(2) IMPROVEMENT AND DEVELOPMENT COMMITTEE

A G E N D A

- i. To appoint a Chairman for the Municipal Year 2009/2010.
- ii. Apologies for Absence.
- iii. To confirm the Minutes of the meeting held on 2 April 2009
[circulated to Committee members only under separate cover].
- iv. To appoint a Vice-Chairman for the Municipal Year 2009/2010.

[ANNUAL COUNCIL MEETING – 21 MAY 2009]

(3) LICENSING COMMITTEE

A G E N D A

- i. To appoint a Chairman for the Municipal Year 2009/2010.
- ii. Apologies for Absence.
- iii. To confirm the Minutes of the meeting held on 23 March 2009.
[circulated to Committee members only under separate cover].
- iv. To appoint a Vice-Chairman for the Municipal Year 2009/2010.

[ANNUAL COUNCIL MEETING – 21 MAY 2009]

(4) PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

A G E N D A

- i. To appoint a Chairman for the Municipal Year 2009/2010.
- ii. Apologies for Absence.
- v. To confirm the Minutes of the meeting held on 3 March 2009
[circulated to Committee members only under separate cover].
- iv. To appoint a Vice-Chairman for the Municipal Year 2009/2010.

[ANNUAL COUNCIL MEETING – 21 MAY 2009]

(5) PLANNING COMMITTEE

A G E N D A

- i. To appoint a Chairman for the Municipal Year 2009/2010.
- ii. Apologies for Absence.
- iii. To confirm the Minutes of the meetings held on 7 and 29 April 2009
[circulated to Committee members only under separate cover].
- iv. To appoint a Vice-Chairman for the Municipal Year 2009/2010.

MINUTES OF THE COUNCIL MEETING HELD ON 23 APRIL 2009

BOROUGH OF SPELTHORNE

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 23 APRIL 2009

Ayers F.	Grant Mrs D.L.	Pinkerton Mrs J.M.
Bain Miss M.M.	Hirst A.P.	Pinkerton Jack .D.
Beardsmore I.J.	Hyams Ms N.A.	Rough Mrs M.W.
Bhadye S. (Mayor)	Jaffer H.R.	Rough S.J.
Broom Ms P.A.	Kuun C.D.G.	Royer M.T.
Chouhan K.	Leighton Mrs V.J.	Sider R.W.
Colison-Crawford R.B.	McShane D.L.	Smith-Ainsley R.A. (Deputy Leader)
Crabb T.W.	Napper Mrs I.	Spencer Caroline (Deputy Mayor)
Davis C.A.	Nichols L.E.	Strong C.V.
Dunn Mrs S.A.	O'Hara E.	Thomson H.A.
Flurry K.E.	Packman J.D. (Leader)	Trussler G.F.
Forsbrey G.E.		

Mr Murray Litvak – Chairman, Standards Committee

Miss Sue Faulkner - Vice-Chairman, Standards Committee

Councillor S. Bhadye, The Mayor, in the Chair

109/09 APOLOGIES

Apologies for absence were received from Councillors Mrs E. Bell, M.L. Bouquet, S.E.W. Budd and Mrs C.E. Nichols.

110/09 PRESENTATIONS

Presentation of the Civic Pride Environmental Awards

The Mayor welcomed Jill Stephens the Chairman of the Spelthorne Civic Pride and some of the volunteers and the Award winners who were in attendance at the meeting. He reported that Spelthorne Civic Pride was celebrating their 20 Anniversary this year.

The Mayor reported that it was a privilege to be involved with the Spelthorne Civic Pride Environmental Awards Scheme which had started in 1992 to acknowledge the work of its volunteers. Currently Civic Pride had six on-going community projects (1) Black Ditch Walk in Shepperton, (2) Laleham Pond, (3) Millennium Wood, (4) St. Nicholas Nature Reserve, Shepperton, (5) Splash Pond and (6) Nutty Wood as well as undertaking organised litter picks throughout the Borough during April and October.

The Mayor then invited Jill Stephens the Chairman of Spelthorne Civic Pride to address the Council, before he presented the awards to the successful winners in each category. Jill Stephens in addressing the Council outlined the significant contributions and long term dedication of the Civic Pride volunteers. She reported that the Spelthorne Civic Pride Environmental Awards were now in their 17th year and since 1992 they had been given to a wide variety of individuals and groups. The environmental awards covered two categories. The first was the Junior Award for those under 18, and the second Senior Award was for the more mature volunteers.

The Mayor and Jill Stephens then presented the 2008 Junior Environmental Award to representatives from Laleham Primary School in recognition of their work in caring for the environment. The type of projects undertaken by the school included developing a wildlife area with special emphasis on insect life, a bird watching hide to enable generations of young environmentalists to see the many birds and dragonflies that their pond attracts. They then presented the 2008 Senior Environmental Award to Walter Giles in recognition of over 20 years continuous voluntary work to improve the environment in Spelthorne. Mr Giles had adopted part of the River Thames from Penton Hook to St Peter's Church and kept it free from litter.

Presentation of the Lifetime Achievement Award to Mick Raynor, Community Warden for Stanwell

The Mayor reported that Mick Raynor the Community Warden for Stanwell had commenced employment with Spelthorne on 22 April 2002. His employment was within the concept of the Spelthorne Safer Stronger Partnership and he performed his duties with full support from the A2 Dominion South Housing Group.

One of his key roles was working with individuals, the local community and other organisations such as the Police and Surrey County Council to make Spelthorne a better and safer place to live, in particular the Stanwell area, to improve the environment, and to help strengthen community ties. He regularly attended Neighbourhood Watch Meetings and resident forums, to listen to concerns of residents and to help out with any ongoing issues.

His regular foot patrols had ensured that he was well known by all parts of the community. He worked with local schools and had qualified to work on the schools crossing patrol and often covered for the schools patrol during sickness and holiday. Parents felt reassured when he was outside the schools in the morning and at the end of the day.

The Mayor reported that Mick Raynor was dedicated to his work and to the people of Stanwell and had worked hard to establish a working relationship with all sections of the community. Although he was employed for 36 hours a week, Monday to Friday, his mobile telephone was never switched off.

Mick Raynor's work in the community was recognised in 2004 when he became a finalist in the Public Servant of the Year Awards and the Government of South East England (GOSE) had awarded the Stanwell Community Warden Scheme a distinction following a review of the Scheme. To add to these recognitions he had been awarded the prestigious Lifetime Achievement Award, bestowed on him by the South East Region at the 2009 Annual Warden Conference in Oxford, for his community warden work within this Borough.

The Mayor reported that this award was a magnificent achievement for Mick who is an outstanding member of staff who had gone the extra mile in pursuance of a better and safer Spelthorne. Furthermore, the award acknowledged and demonstrated this Council's commitment to the community and especially to the Stanwell area.

Finally the Mayor on behalf of the Council congratulated Mick Raynor on this wonderful accolade and presented him with his prestigious Lifetime Achievement Award

In responding to the presentation Mick Raynor placed on record his thanks and appreciation to Councillor J.D. Packman, the Leader of the Council, Roberto Tambini the Council's Chief Executive and all members. He placed on record his particular thanks to his Line Manger Steve Appleby (Communication and Community Safety Partnership Officer) for his continued support and guidance and to his wife Jane for her continued support and encouragement.

Presentation to the Fordbridge Centre of the Surrey County Council -Making a Difference Award

The Mayor reported that the Surrey County Council Making a Difference Award was to recognise organisations who make a difference to the lives of young people with learning or physical disabilities. The staff at the Fordbridge Centre had been instrumental in supporting two young people who had severe disabilities in a range of roles which had helped improved their self esteem, their communication skills and their working skills.

The Mayor presented Jan Kinsella, the Fordbridge Day Centre Manager, with the Surrey County Council Making a Difference Award which acknowledged and celebrated the work of the Fordbridge Centre.

111/09 MINUTES

Under Minute 41/09 - Notice of Motion concerning the transfer of Post Office facilities in Staines Town, the Mayor due to the immense interest in this matter agreed to allow a verbal update from Councillor Colin Davis, the Portfolio Holder for Regeneration.

Councillor Davis was pleased to inform members that Councillor Budd, the Deputy Chief Executive and himself had met with representatives of the Post Office and W H Smith on 3 April 2009 to discuss the issues raised in the Notice of Motion submitted by Councillor Miss M.M. Bain.

Councillor Davis reported that:

“WH Smith have acknowledged the views of customers that they would have preferred it if the Post Office had not been relocated. WH Smith entered into an arrangement with the Post Office as a means of protecting the continued operation of a Post Office, at a time when a number of sites were being closed.

WH Smith acknowledged that this facility would be more conveniently located at the front of their store, however it was not a viable proposition for them. Trials had been undertaken and it was not possible for them to put in a Post Office queuing system at the front of the store without causing congestion to customers not using the postal services.

WH Smith were members of the Employers Forum on Disability and had sought to do all they could to provide the best possible service for customers within this new location. WH Smith had fitted out the Post Office area with the latest low level service counters and hearing loops.

WH Smith stores were aware of the concerns regarding the length of queue time at the Post Office Counters. Average queuing times were being measured by the independent auditors appointed by Post Office Limited, who undertake regular unannounced inspections at all WH Smith Post Offices. From these audits, the queuing times have continued to reduce over the last four months.

Based on the points that were discussed, WH Smith had agreed to take the following further actions:

- a. Look to install some additional seating, in particular for the elderly and disabled customers.
- b. Access audits have been recently taken and a number of existing freestanding display units would be removed to provide some wider accessibility through central aisles. This would assist people using wheelchairs or mobility scooters.
- c. Serving hours would continue to be reviewed regularly so that queuing times were not excessive. Following a recent review, the number of serving hours allocated to the branch has been increased. In addition a new Post Office Manager had been recruited and would be responsible for monitoring the rota schedules on a daily basis to ensure that staffing meets the ebbs and flows of customer arrivals.

Councillor Davis thanked the Mayor for allowing him the opportunity to update members on the outcome of the meeting and confirmed that he would email the full response from WH Smith to all Members of the Council.”

The minutes of the meeting held on 26 February 2009 were approved as a correct record, subject to Minute 42/09 – Questions on Ward Issues being amended by adding “2010” after the words “completion by mid Summer” in the response to the question raised by Councillor Mrs C.E. Nichols.

112/09 DISCLOSURES OF INTEREST

No disclosures were made.

113/09 ANNOUNCEMENTS FROM THE MAYOR

(1) Opening Ceremony of the Daybreak Respite Care Centre - 21 April 2009

The Mayor reported on the official opening of the respite Care Centre provided by Daybreak in Staines held on 21 April 2009. Guests at the ceremony included the Bishop of Kensington and the High Sheriff of Surrey Mrs Bara.

The respite Care Service provided by Daybreak would offer specialist day care for people with long term illnesses and disabilities

(2) Forthcoming Events

The Mayor reminded members of the following forthcoming events:

14 May 2009 - Civic Reception at BP Sunbury

19 May 2009 – Special Council Meeting to commemorate the signing of the Twinning Arrangements with Grand Port/Savanne, Mauritius.

114/09 ANNOUNCEMENTS FROM THE LEADER

(1) Surrey Police Authority Appeals Against Capping Decision

The Leader of the Council, Councillor J.D. Packman, reported on a letter from the Chief Constable advising that they would be making representations to the government minister appealing against their decision to begin capping procedures.

The Leader went on to explain the current position on the funding of policing in Surrey and the action that they had taken to minimise what they would ask for from the Surrey taxpayers. A great number of policing posts had been cut as well as other significant spending cuts. He referred to the Surrey Police's expenditure per Band D property was now the lowest than that of any other Police force.

The Leader urged all members and residents to support the police by writing letters of support to the government minister. To assist in this task arrangements were being made for a link to be added to the council website.

(2) £2 million budget gap

The Leader of the Council, Councillor J.D. Packman, referred to the investigations carried out by Councillor L.E. Nichols which had resulted in a cost of £5,000 to the Council. The Leader supported the right for any councillor to raise concerns and undertake investigations. However he felt that the councillor had gone too far when after discussing the matter with the Council's Chief Finance Officer, and the Audit Commission he raised the matter with KPMG at a cost of £5,000 to the Council. The Leader felt that in this economic climate the funds could have been better spent in supporting local community groups.

115/09 ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE

The Chief Executive confirmed that he had no announcements to make.

116/09 QUESTIONS FROM MEMBERS OF THE PUBLIC

QUESTION FROM MR M.J. WAY OF 17 ROSARY GARDENS ASHFORD

The Mayor reported that under Standing Order 13 advance notice had been received that Mr M.J. Way wished to raise a question at the Council. However, whilst notice had been received in the correct timescale the actual submission of the content of his question had not. The Mayor reported that on this occasion he would allow Mr Way to address the Council with a written response being sent to him in due course with a copy being sent to all Members of the Council.

Mr Way's question related to his concerns over the recent changes to the Borough's Parks Opening / Closing Times which resulted in all pedestrian gates being left open 24 hours a day all year round. This posed security and unsociable behaviour concerns to those residents with properties backing onto the parks.

Mr Way asked that details of when and where the decision to enable the change to the opening and closing times of parks was discussed and agreed and why the matter was not discussed by the Council.

The response sent to Mr Way is set out below:

"Thank you for your letter dated 17 April 2009 and your question to the Council on 23 April. I will respond to each of the points I believe you raised at the meeting.

1. The decision making process

As part of a review of the new grounds maintenance contract and in an effort to achieve required savings, a task group of members was set up to suggest ways in which costs could be reduced without having too much of a detrimental impact on residents use of the facilities. Officers and members met regularly to review

and agree the proposed changes prior to the finalised specification being tendered last year.

The decision to not lock the pedestrian gates in any of our parks will achieve some of these savings as well as giving residents the opportunity to use the facilities at all times.

For your information, here is the list of meetings where the contract (in general) and the locking of parks (specifically) was discussed and agreed by members.

Council's Executive - 17.6.08, specifically paragraph 3.1.

Council's Executive - 15.7.08, specifically paragraph 3.1.

Council's Executive - 20.1.09.

Improvement and Development Committee - 01.7.08, specifically paragraph 3.1.

Improvement and Development Committee - 15.1.09.

2. Lack of security and anti-social behaviour

Both the police and ourselves do not believe that leaving the pedestrian gates open will have any detrimental effect. In fact, on the contrary, the police will not follow people into parks over locked gates as they are advised not to.

Furthermore, several of our parks have been left open on a trial basis over the last two years (including Clockhouse, Lane, Ashford) without any increase in theft or anti-social behaviour.

We do not feel that leaving this particular gate unlocked will have a detrimental effect on the lives of residents in the surrounding roads and as mentioned, this decision has already been made and approved by the Executive of Councillors.

We will however, monitor incidents that may occur in this particular area with the community safety team and if issues arise that are directly linked to this entrance of the park, we will then re-assess the situation.

May I take this opportunity to thank you for taking the time to raise this issue with the Council. We will also consider how our information to residents can be improved with regard to public question time."

117/09 UPDATES TO THE COUNCIL'S CONSTITUTION

The Council considered the recommendation of the Executive on the updates to the Council's Constitution.

RESOLVED to approve the various revisions to the Council's Constitution as set out in the report of the Deputy Chief Executive to the Executive on 18 March 2009.

118/09 IMPROVEMENTS TO THE BUSINESS MANAGEMENT AND CIVIC LIFE OF THE COUNCIL

The Council considered the recommendation of the Executive on Improvements to the Business Management and Civic Life of the Council.

In accordance with Standing Order 11.1, Mr Eric Ollington made a Statement to the Council, expressing his views on this recommendation, which is set out below:

“Purpose of the Constitution

3. Help councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create an effective means of holding decision-makers to public account;
6. Ensure that no one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
9. Ensure that high standards of probity and ethics are evident in all aspects of the Council’s decisions and activities

Purpose of the Amendments

To improve item 4 but it only makes it quicker – fails on efficiently and effectively

- 1 While the report does nothing to support items 3 and 5 in the Constitution its effect is to be in conflict with the most important function of a Councillor which is to represent the electors of his/her ward.
- 2 It is important that Councillors can ask questions to properly represent their wards and to ensure that proposals do what they purport. The proposals limit this so are contrary to the purpose for which we have a council.
- 3 If long questions are asked and a written answer provided this could be printed as part of the Agenda for a meeting so that all members and the public can see what is asked and the answer. There is little point to this if the member cannot then ask questions about the answers given and, provided that the supplementary questions are on the original question or the answer, the chair should have no authority to intervene.
- 4 The problem with allowing the person in the Chair discretionary powers is that this only works in a non partisan atmosphere. Watching this Council in action, it does not always happen. The office of Mayor is not shared between the political parties as in most councils before the current organisation of Councils was introduced. If the Chair of Committees was shared this would be different but with the executive system from one party system it is wrong both for the person asking and the person deciding. It is fundamental that the Councillors hold the Executive and the Officers to account. If they do not do this why have them at all?
- 5 If supplementary Questions are asked about a question or answer the officers and Executive member should be able to answer the question. If they cannot they should not be holding the office or the matter has not been properly considered. In this case the person responsible should be admonished not the questioner punished for exposing that the matter has not been properly considered.
- 6 In the same way, if the matter in the supplementary question should have been covered under the original question, there is no excuse for not requiring the person responsible for the reply to provide the necessary information. If this is not done inadequate replies will be forthcoming failing to properly answer the question being asked. Failure to adequately answer a question of which notice

is given must not be permitted. An officer should never be at Committee or Council inadequately prepared for subjects of which notice has been given.

7 Extract from Standing Orders

14. QUESTIONS BY MEMBERS

14.1 General

Provided that the Chief Executive has received a copy of the question to be asked before 12 noon three working days before the meeting, a Member of the Council may at any ordinary Council meeting

- (a) ask the Leader, his nominee or a member of the Executive about an issue in the Member's ward;
- (b) ask the Leader, his nominee or a member of the Executive about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chairman of a Committee about something for which their Committee has responsibility

There is nothing here to suggest that only one question per member may be asked at any meeting. The singular refers only to notice of the question and that does not indicate that there may not be more than one question on a topic or a range of topics. The alternative is long convoluted questions covering all items requiring clarification. Specifically there is no "or" between (a), (b) or (c). The proposed alteration would prevent proper information being available to members and the public.

- 8 Item 2.6 suggests that the Officers are not very well informed about the matters for which they are responsible; not a very satisfactory situation. If there are many questions for one officer a holding reply may be satisfactory if agreed with the Member asking the question. This should not be within the purview of any other person. As a matter of courtesy members should give officers and portfolio holders as much time as possible of questions but, where information is released just before a meeting or is uncovered, the time limit does not hold as this should be an emergency question with specific provision.
- 9 If information is released a short time before a meeting, as members are not sitting around waiting for something to question, they also need time to digest the released information and consider the need for a and form of question. Therefore any matter raised within two weeks of a meeting should be considered subject to emergency questions procedure.
- 10 It is unacceptable that the person in the Chair of a scrutiny committee should be able to veto a matter three members wish to investigate. This is contrary to the whole principle of providing scrutiny. The ruling group already control membership and the chair of all committees. Scrutiny is pointless without members being able to call-in matters over which they have concern.
- 11 The most sensible change to the Constitution would be that "there must be a minimum of three members of the overview and scrutiny committee not members of the ruling group". This will ensure that where members wish to look at a matter Party interest cannot prevent the matter be considered.

Democracy is a hard taskmaster and the recent problems in Parliament show the need for a strong group to oversee those in power. It is not the integrity of the members but of those who may follow, with fewer scruples, against which safeguards are required.

A few may genuinely believe these amendments will have no such effect but careful analysis will expose the error of such thoughts.”

In accordance with Standing Order 11.1, Mr John Hirsh made a Statement to the Council, expressing his views on this recommendation, which is set out below:

“I must first spend a few moments dealing with the report on which you will be asked to vote.

The purpose of the report “Seeks to improve the democratic processes of the Council and underscore the position of councillors within the Community.” It is my contention that it does not achieve its intended purpose; in fact it does the opposite.

It is proposed to make this part of the Council meeting ‘more effective’ - but for whom will it become more effective?

With reference to questions, the report states that “It can be a longwinded and ineffectual part of the Council meeting.” On whose reckoning would that be? Much of Council debate can be unglamorous and unabsorbing. It’s the nature of local government. True democracy is the thief of time whether we like it or not.

The report makes the mystifying claim that “Any person watching in the public gallery must wonder what is going on.” This is simply untrue. If questions are properly framed and answers given, it would be (and is) perfectly clear what is going on. I, for one, have never had difficulty understanding the business under discussion.

The report continues “A discretionary power of the Mayor can be exercised proportionately” ‘Proportionately’ is a relative term and open to subjective interpretation. What may be proportionate to one mayor may be something quite different to another.

Under ‘call-ins’ we have an “elected Chairman”. True, but elected by whom? The Chairman may not be partisan but the system by which she was elected most certainly is.

In short, the report on which you are being asked to vote, even if benign in its intentions, contains unsupported assertions and draws a number of questionable conclusions.

I will now turn to the implications of the Report.

Earlier Constitutional changes restricted to one, the number of questions which may be put by members of the public. This was excusable, since they are unelected; but what is being proposed here is of a different order of magnitude.

The proposals are likely to impinge seriously upon the duty of elected Sunbury councillors to do their job. It is well known that Sunbury is represented by nine ward councillors, eight of whom combine to form the sole Opposition in the Council Chamber. What I have to say is emphatically not an endorsement of the party in opposition but,

regardless of one's individual political allegiance, such proprietorial changes to the Council's Constitution will be seen as an affront to local democratic accountability, and an insult to the councillors and residents who elected them.

Apart from one notable exception, who asked six questions through the year, the total number from the remaining 30 members of the majority party amounted to a mere seven for the whole of 2008. By contrast the 8 member party in opposition, as one would expect, tabled no fewer than forty five, with eleven supplementaries. Research by my Association would indicate that none of these questions were either vexatious or mischievous (as distinct from inconvenient or difficult). One is therefore bound to conclude that these proposals are hostile to the concept of democratic accountability; and that they will be perceived to have been deliberately designed to curb the legitimate functioning of the Opposition. By all means, if it would expedite Council business, there should be no objection to written questions and answers provided the consent of the questioner is first obtained. This option should not be the exclusive preserve of the Mayor.

Perhaps the most worrying proposal concerns the changes which relate to call-ins. During the year, a mere two items have been 'called in' - hardly an overload on the Scrutiny Committee I would suggest! Now that the consent of the Scrutiny Committee Chairman will be required, it is quite possible that any future attempt to 'call in' may be frustrated at the discretion of the Chairman, effectively giving her an absolute veto. This cannot possibly be fair. Again, regardless of her adherence to neutrality, such an authority should not be written into the Constitution; the very instrument which underpins our local democratic accountability. If she chose to exercise that discretion, she would always be vulnerable to accusations of gagging. This would be much less of an issue if the Chairman were not appointed from the ruling party (as is the case with many other Councils).

In closing, I would observe that this report is predicated on two broad propositions: (1) the non-partisan role of the Mayor; and (2) the non-partisan role of the Scrutiny Committee Chairman (neither of which are being argued here); so I would urge you to vote in a similar non-partisan spirit and reject this report as it stands. This is not a time for drifting comfortably with the consensus if one should exist."

The Deputy Leader, Councillor R.A. Smith-Ainsley thanked both Mr Ollington and Mr Hirsh for addressing the Council on this matter. He gave an assurance that Members would take account of the issues they raised in their statement when debating the recommendation by the Executive.

During the general discussion on the matter Members had regard to the report of the Chairman of the Standards Committee on this matter.

RESOLVED to:

1. Adopt the proposals, as set out in the report of the Deputy Chief Executive to the Executive on 18 March 2009; and
2. Delegate authority to the Head of Corporate Governance to make all necessary amendments to the Council's Constitution, as required, (including delegation to make any consequential amendments elsewhere as are required to implement the changes).

COUNCIL, 23 April 2009 - Continued

In accordance with Standing Order 21.4, a request was made by Councillor C.V. Strong for the voting on the motion to be recorded. The vote was carried as follows:

FOR (27)	Councillors J.D. Packman, R.A. Smith-Ainsley, F. Ayers, Miss M.M. Bain, Miss P.A. Broom, K. Chouhan, C.A. Davis, K.E. Flurry, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Miss N.A. Hyams, H.R. Jaffer, C.D.G. Kuun, Mrs V.J. Leighton, D.L. McShane, Mrs I. Napper, E. O'Hara, Jack D. Pinkerton, Mrs J.M. Pinkerton, Mrs M.W. Rough, S.J. Rough, M.T. Royer, R.W. Sider, Mrs C.L. Spencer, H.A. Thomson, and G.F. Trussler.
AGAINST (6)	Councillors I.J. Beardsmore, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, L.E. Nichols and C.V. Strong
Abstain (1)	Councillor S. Bhadye

119/09 REVIEW OF FILM LICENSING

The Council considered the recommendation of the Licensing Committee that as the responsibility in relation to film classification was now covered by the Licensing Act 2003, the Council withdraw from the Surrey County Districts Film Licensing Joint Committee with immediate effect.

RESOLVED that this Council withdraws from the Surrey County Districts Film Licensing Joint Committee and informs the other constituent authorities of the decision.

120/09 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor J.D. Packman, presented his report, which outlined the various matters the Executive had dealt with since the last Council meeting.

121/09 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor M.T. Royer, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

Councillor Mrs I Napper asked the following question:

“In these testing financial times could the Chairman please confirm that we as a Council are committed to continuing to achieve our excellent status as rated by the audit council so we can guarantee to the residents through an independent body that our council monies are being spent wisely and well?”

The Chairman of the Committee Councillor M.T. Royer responded as follows:

“I would advise the Council under 1.2 Use of Resources paragraph on the Executive Summary of the Annual External Audit Report KPMG it states:

“The Council has maintained good performance in Financial Management, Financial Standing, Internal Control and Value for Money”

I feel that it is also worth mentioning that:

In Paragraph 3.7 KPMG state that the 2009 UOR assessment will be the 1st to be performed under the new Comprehensive Area Assessment methodology. The current criteria are replaced by 3 (managing finances, governing the business and managing resources) which are drawn together to form an overall judgment which is unscored.

Also to paraphrase the rest of 3.7- "The new assessment will present a significant challenge and will require us to demonstrate innovation as well as best practice to seek higher scores".

122/09 IMPROVEMENT AND DEVELOPMENT COMMITTEE

Councillor H.R. Jaffer, a member of the Improvement and Development Committee, presented the report, which outlined the matters the Committee had dealt with since the last Council meeting.

123/09 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

124/09 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Chairman of the Performance Management and Review Committee, Councillor Ms P.A. Broom, presented her report, which outlined the matters the Committee had dealt with since the last Council meeting.

125/09 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor E. O'Hara, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

126/09 STANDARDS COMMITTEE

The Chairman of the Standards Committee, Mr M. Litvak, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

The Chairman in receiving compliments from various members on his excellent report reminded Members that the Standards Committee was non political and transcends all political parties. He was pleased to acknowledge that all members of the Committee had felt they had received ample opportunity to debate the matter on Improvements to the Business Management and Civic Life of the Council at the Committee meeting.

127/09 MOTIONS

Under Standing Order 16.3, a Notice of Motion had been received regarding the Audit Commission's report on Surrey County Council.

Councillor I.J. Beardsmore proposed and, in the absence of Councillor Mrs. C.E. Nichols, Councillor C.V. Strong seconded the following Motion:

"This Council notes the recent Audit Commission report that downgraded Surrey County Council Comprehensive Performance Assessment from 3 stars to one star.

Council further notes that the Audit Commission said "Surrey's services for vulnerable children and young people do not meet minimum requirements and safeguarding is inadequate."

Council resolves to deplore Surrey County Council's level of service to the Borough of Spelthorne.

Council resolves to invite the Leader of Surrey County Council to explain how he intends to improve the services that the County Council is providing to Spelthorne residents.”

After debate by Members and after voting thereon, the Motion was lost.

128/09 GENERAL QUESTIONS

Under Standing Order 14, Councillor R.W. Sider asked the following question:

“Would Members of the Council take note that this year Spelthorne Civic Pride Volunteers will celebrate their 20th Anniversary. During this period of time they have carried several major projects resurrecting overgrown ponds, clearing ditches and derelict sites, and promoting wildlife. They have also planted thousands of trees and thousands of bulbs, and in doing so their work has been recognised by their winning a multitude of local and National Awards, including the coveted Queen’s Award for Voluntary Service. Will the Leader and this Council join me in congratulating the vibrant Chairman, her Committee and the host of Volunteers who have contributed so much to the ambience and environment of this Borough by their unswerving dedication and commitment to the community?”

The Leader, Councillor J.D. Packman responded as follows:

“I am confident that all members of the Council will not hesitate in supporting Councillor Sider on this issue. The Chairman of Spelthorne Civic Pride, Jill Stephens, (who was in attendance earlier this evening) is one of the community’s most hard working volunteers who instils an equally enthusiastic approach from her Committee and volunteers. For your information, 2009 is the 20th Anniversary year for Civic Pride. Jill Stephens has been chair for 15 of those years and there are over 200 volunteers who work hard on their 37 project sites. Their commitment and partnership work with ourselves, the residents and the business community has resulted in numerous successful projects for Spelthorne. I thank Councillor Sider for raising this matter”

Under Standing Order 14, Councillor C.V. Strong asked the following question but due to the lateness of the hour agreed that a written response could be provided.

“To the Cabinet Member for the Environment. There are currently five drinks cartons recycling banks across Spelthorne in Sunbury, Staines, Stanwell and Upper Halliford. What is the Council doing to secure a drinks cartons recycling bank in Ashford?”

The written response to the question is set out below:

“The contract in place provides a maximum of five banks with a free collection service provided by Tetrapak. However, when the five Tetrapak drinks cartons recycling banks were installed in Summer 2008 there were no appropriate sites available in Ashford at that time.

The recycling bank situation has since changed in Ashford and a potential site might now be available.

Officers are, therefore, currently investigating the current usage of both of the existing two sites in Staines with a view to replacing one of the sites in Ashford, possibly in Woodthorpe Road or Woodlands Parade.

Officers are discussing possible additional collection sites with Tetrapak to improve the service further.”

Under Standing Order 14, Councillor Mrs. E.M. Bell had submitted the following question. It was agreed that in her absence and due to the lateness of the hour a written response would be provided.

“To the Cabinet member for the Environment. The recent report to the Improvement and Development committee concerned the potential to harness the flow of the River Thames for hydroelectric power generation.

It is also noted that the government has a 2010 target that 10% of the country's electricity should come from clean, renewable sources of energy.

Is this sustainable project worthy of further exploratory talks with the Environment Agency.”

The written response to the question is set out below:

“The need for renewable energy is indeed recognised by the Council and there may be opportunities through the Surrey Climate Change Partnership to research schemes such as this.

In fact today I have received an invitation to an LGA summit on opportunities to lower carbon, tackle fuel poverty and increase local resilience which I will make available for the Councillor to attend if she is interested.

In relation to the government target, we are progressing a number of projects that will help us meet the target such as a Combined Heat and Power Unit, solar panels on a number of our community buildings, monitoring local River Thames flow rates and increasing our overall electrical efficiency. Officers are already aware of the Environment Agency's work on the Thames River Basin Management Plan and exploratory discussions are already underway.”

Under Standing Order 14, Councillor Mrs. D.L. Grant asked the following question:

“I would like the Leader to clarify the plan for tennis court refurbishment in Spelthorne as I am slightly confused following my reading of the Liberal Democrat Newsletter which states that only Cedars Tennis Courts are being refurbished.

It is my understanding as a Member of the Executive and Portfolio Holder for Young People and Cultural Services that the Council have already refurbished Bishop Duppas and Staines Park and that funding was agreed through the capital programme and following a further report to the Executive in January 2009 to have a planned yearly programme to upgrade all the tennis courts in Spelthorne. The first courts to be refurbished are indeed Cedars, but followed later this year with Clockhouse Lane and then year on year upgrades at all the parks until 2014. It is my understanding that the Executive agreed this report and the capital expenditure.

Would the Leader please confirm that this is his understanding and the fact?”

The Leader, Councillor J.D. Packman responded as follows:

“The Councillor is correct that a programme of refurbishment was approved at the January 2009 meeting of the Executive.

The Executive resolved to:

1. Agree the capital funding of £20,000 for the refurbishment of the Cedars Tennis Courts in 2008/2009.
2. Agree to the allocating of funds of £30k per year for the refurbishment of the remaining Tennis Courts within the Borough for the next 3 years.

Therefore, I too am confused by any statement that only Cedar Tennis Court is being refurbished because the report presented at the January Executive proposed a full

programme of refurbishment with a view of reviewing it in 3 years to check on progress and, if appropriate, agree funding for all the courts listed within the programme.”

For Information Only:

Park	Year
Cedars Park	March/April 2009
Clockhouse Lane	September 2009
Lammas	Sept/Oct 2010
Stanwell	Sept/Oct 2011
Fordbridge	Sept/Oct 2012
Staines Park	Sept/Oct 2013
Bishop Duppas	Sept/Oct 2014

Under Standing Order 14, Councillor L.E. Nichols asked the following question:

“In March the High Court quashed the grant of planning permission for an incinerator at Capel in Surrey. What implications does the Cabinet member see the judgement as having for the Charlton site? Does the Council see in the judgement any potential risks to Spelthorne's Development Plan?”

The Cabinet Member for Environment, Councillor G.E. Forsbrey responded as follows:

“Thank you Councillor Nichols for your question. The effect of the High Court judgement dated 5 March was to delete from the adopted Surrey Waste Plan 2008 references to the Clockhouse Brickworks at Capel in Policies WD2 and WD5, together with related references in the Key Diagram, Key Criteria and Site Maps. The decision also quashed the planning permission for an energy from waste plant at Capel. Surrey County Council will now have to reconsider this application having regard to the policies of the amended Waste Plan.

The Surrey Waste Plan remains unaltered apart from the deletion of the references to Capel. As a result, Charlton Lane remains one of thirteen sites identified for the recycling, storage, transfer, materials recovery and processing of waste (including in-vessel composting, but excluding thermal treatment); and one of four sites identified for the thermal treatment of waste. All the same development criteria for any proposed development at Charlton Lane, including the demonstration of very special circumstances relating to development in the Green Belt, would need to be satisfied.

A planning application for the thermal treatment of waste at Trumps Farm, Longcross in Runnymede, is still under consideration by Surrey County Council. It is considered that the Capel decision on its own has no immediate implications for Charlton Lane, and the judgement carries no potential risk to Spelthorne's Core Strategy and Policies Development Plan Document, which does not deal with waste or minerals issues.”

Under Standing Order 14, Councillor Mrs. S.A. Dunn asked the following question but agreed that due to the lateness of the hour a written response would be provided

“With the new grounds maintenance contract, the Council is reducing the grass cutting in 27 parks. In drawing up the revised programme, what assessment was done of the potential safety hazards in leaving the grass uncut – both in terms of accumulated litter and of the fire risk? What assurances can the Cabinet member give concerning the risk of fire in the event of a long dry summer?”

The written response to the question is set out below:

“As part of the review of the new Grounds Maintenance Contract and in an effort to achieve required savings, it was decided not to cut some areas within the parks and open spaces. The areas selected were considered as they would have less impact on the community because they are not highly used. As part of the current contract, litter is cleared from all areas on a daily basis and this will include the uncut areas.

The risk of fires in such areas was considered to be low risk, however, in the event of a long dry summer the potential risk of fires in all areas of the Council’s parks would have to be re-assessed.”

Under Standing Order 14, Councillor Mrs. C.E. Nichols had submitted the following question it was agreed that in her absence and due to the lateness of the hour a written response would be provided.

“Please could the Cabinet member give an update on the Council’s progress on recycling. What are the quarterly figures for recyclables (both tonnage and as a percentage, with green waste separately identified) since the launch of Alternate Weekly Collection? What price will Grundons be charging per tonne to process Spelthorne’s recyclables during 2009/2010? What plans are there to boost the tonnages of recyclables collected in Spelthorne?”

The written response to the question is set out below:

“Councillors will be aware that Spelthorne launched Alternate Weekly Collections in October 2007. The tonnages and percentages are available on this sheet that I will give to Councillor Mrs. Nichols.

Percentages have ranged from a total recycling percentage of a low of 30.5% to a high of 38%.

To boost the tonnages of recyclables collected we are carrying out a number of initiatives including;

Implementing a new garden waste scheme to improve the efficiency, take-up and quantity of garden waste diverted from landfill.

In the process of moving previously identified difficult properties onto Alternate Weekly Collection.

The Borough’s schools are now being included into the Alternate Weekly Collection scheme to boost recycling rates.

Identifying and targeting specific areas of low participation.

Targeting relevant messages to problem areas as well as providing a clearer picture of locations that require a more focused approach – to increase dry recycling.

Continual marketing and awareness raising campaigns are planned throughout the year, including waste minimisation messages.

COUNCIL, 23 April 2009 - Continued

A Research project currently ongoing looking at local opportunities for including more plastics into all Surrey collection schemes.

Finally, Grundons will be charging £38.88 per tonne to process our recyclables for 2008/09, which was an increase of £1.88 per tonne or 5% on 2007/08. The Depot is unaware at this stage what the charges are for this financial year. However the increase is normally inline with the Retail Price Index which is lower than the 5% it was last year.

However, the amount we receive from recycling credits has increased by 3%, making the predicted difference fairly small.”

For information Spelthorne Recycling percentage October 2007 – March 2009:

Date	Recycling tonnages	Garden waste tonnages	Total waste collected	% 1. Recycling 2. Garden
Q3 2007 Oct-Dec	2628.83	Not available	Oct: 2726.3 Dec: 2394.7	1. Oct: 29% Dec: 38% 2. N/A
Q4 07 Jan-Mar	2394.16	N/A	N/A	N/A
Q1 08 Apr-June	2584.11	290.04	8258.01	1. 31% 2. 3%
Q2 08 July-Sept	2254.11	285.23	8180.3	1. 27.5% 2. 3%
Q3 08 Oct-Dec	2567.17	252.9	8102.9	1. 32% 2. 3%
Q4 08 Jan-Mar	2406.3	53.3	7637.2	1. 32% 2. <1%