

MINUTES OF THE CABINET

8 DECEMBER 2009

PRESENT:

Councillor J.D. Packman (Leader of the Council, Chairman of the Cabinet and Cabinet Member - Leader of the Council);
Councillor R.A. Smith-Ainsley (Deputy Leader of the Council, Vice-Chairman of the Cabinet and Cabinet Member for Planning and Housing);
Councillor S. Bhadye (Cabinet Member for Independent Living);
Councillor C.A. Davis (Cabinet Member for Economic Development);
Councillor G.E. Forsbrey (Cabinet Member for Environment);
Councillor Mrs. D.L. Grant (Cabinet Member for Young People and Culture);
Councillor A.P. Hirst (Cabinet Member for Communications); and
Councillor Mrs. V.J. Leighton (Cabinet Member for Finance and Resources).

Apologies: Councillor F. Ayers.

In Attendance: Councillor Ms. P.A. Broom [Chairman of the Performance Management and Review Committee].

1530. MINUTES

The Minutes of the Meeting held on 27 October 2009 and of the Special Meetings held on 29 October and 30 November 2009 were confirmed as a correct record.

1531. CLIMATE CHANGE MOTION – REFERRED FROM THE COUNCIL MEETING ON 29 OCTOBER 2009

The Cabinet considered the Climate Change Motion referred to it for consideration by the Council at its meeting on 29 October 2009.

RESOLVED that this Council supports the aims and ambitions of this national 10:10 Campaign.

1532. MINUTES OF THE SPELTHORNE YOUTH COUNCIL MEETING HELD ON 12 NOVEMBER 2009

The Cabinet discussed the Minutes of the Spelthorne Youth Council meeting held on 12 November 2009.

RESOLVED to note the Minutes of the Spelthorne Youth Council meeting held on 12 November 2009, in particular Minute 52/09 and the excellent work by the Youth Council in taking on from the Police the organisation of the “Spelthorne’s Got Talent” event now being held in March 2010.

1533. *RECOMMENDATIONS FROM THE PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE HELD ON 1 DECEMBER 2009

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The Cabinet considered a report, presented by the Chairman Councillor Ms. P.A. Broom, on the recommendations from the Performance Management and Review Committee held on 1 December 2009. The report covered recommendations on the Annual Review of the Council's Code of Corporate Governance and on the Grounds Maintenance Contract Update and Review of Uncut Grass Areas.

The Chairman also updated the Cabinet on the consideration by the Committee of a Briefing Note by the Deputy Head of Planning and Housing Strategy on the Housing Strategy 2007-2009 and 2009-2014.

Annual Review of the Council's Code of Corporate Governance:

RESOLVED TO RECOMMEND to the Council that the Council's Code of Corporate Governance, within the Council's Constitution, be amended to remove the words "produce an annual report on the activity of the scrutiny function" from the Local Code of Corporate Governance (principle 6, paragraph c).

Grounds Maintenance Contract Update and Review of Uncut Grass Areas:

RESOLVED to endorse the following recommendations from the Performance Management and Review Committee:

1. That the Cabinet note the report of the Assistant Chief Executive providing an up date on the performance of the new contract and that no change is being made to the grass cutting regime.
2. That the Cabinet note that an additional cut of Leacroft Green would be at a cost of £315.00 per year and that County Councillor Mrs. Denise Saliagopoulos would provide the funding to cover the cost.

That two of the Borough Ward Members, Councillor Miss M.M. Bain and Councillor S.E.W. Budd had also offered to make a payment via their Neighbourhood Grants (subject to the criteria of spending such grants being met and a further review being held).

3. That the Cabinet note the request of the Performance Management and Review Committee for Ward Councillors to be kept informed of residents' complaints.
4. That the Cabinet note that a meeting to be attended by Councillor Ms. P.A. Broom, Chairman of the Performance Management and Review Committee, and the relevant Borough Ward Members would be held with Residents of Leacroft, Priory Green and Sykes Drive, Staines to hear their views on the grass cutting regime.

This further meeting was necessary as these Residents had been sent by letter the wrong date for the December 2009 Performance Management and Review Committee and for this reason had missed attending the meeting.

Housing Strategy 2007-2009 and 2009-2014:

RESOLVED to note that Councillor R.A. Smith-Ainsley, the Cabinet Member for Planning and Housing, would be meeting with Councillor Ms. P.A. Broom, the Chairman of the

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Performance Management and Review Committee, to discuss some issues relating to the Housing Strategy.

1534. NOMINATIONS FOR TWO SURREY LOCAL GOVERNMENT ASSOCIATION [SLGA] APPOINTMENTS

The Cabinet considered a report seeking authority for the nomination of representatives to the following SLGA Outside Bodies - (1) Surrey Climate Change Partnership Members' Group [SCCPMG] and (2) Active Surrey Sports Partnership [ASSP].

The options considered were in the main body of the report.

RESOLVED to endorse the nomination to the SLGA of Councillor Gerry Forsbrey to serve on the Surrey Climate Change Partnership Members' Group [SCCPMG] and the nomination to the SLGA of Councillor Mrs. Denise Grant to serve on the Active Surrey Sports Partnership [ASSP].

1535. *MINOR VARIATIONS UNDER THE LICENSING ACT 2003

The Cabinet considered a report informing Members of new statutory provisions which have been inserted into the Licensing Act 2003. These provisions would allow for a procedure for making minor variations to premises licenses and club premises certificates. The report was seeking authority to update and amend Delegations to Officers in the Council's Constitution.

The above minor variations proposals were endorsed by the Licensing Committee at its meeting on 18 November 2009.

The options considered were in the main body of the report.

RESOLVED TO RECOMMEND that the Council agree to delegate authority to the Head of Environmental Health and Building Control Services, in consultation with the Chairman of the Licensing Committee, to determine minor variation applications under sections 41A to 41C and 86A to 86C of the Licensing Act 2003, including the power to decide whether to consult with Responsible Authorities and that the Scheme of Delegations to Officers in the Council's Constitution be amended accordingly.

1536. *THE GAMBLING ACT 2005 – ADOPTION OF STATEMENT OF GAMBLING POLICY 2010-2013 – KEY DECISION

The Cabinet considered a report seeking the approval and adoption of Spelthorne's Statement of Gambling Policy 2010 – 2013 (the Policy), as shown in Appendix A to the report by the Assistant Chief Executive. The Statement of Gambling Policy provided a clear framework to promote the three gambling objectives within the Borough.

The Statement of Gambling Policy was endorsed by the Licensing Committee at its meeting on 18 November 2009.

The options considered were in the main body of the report.

RESOLVED TO RECOMMEND that the Council:

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1. Adopt the Statement of Gambling Policy 2010 – 2013, as set out at Appendix A to the report by the Assistant Chief Executive, subject to the word “workplace” in the last line of the first paragraph on page 47 being replaced by the words “licensed premises”.
2. Agree that the Scheme of Delegations to Officers in the Council’s Constitution be amended accordingly, as highlighted in Appendix C to the report by the Assistant Chief Executive.

1537. SURREY MINERALS PLAN – CONSULTATIONS – KEY DECISION

The Cabinet considered a report on the Surrey Minerals Plan documents recommending a number of responses to Surrey County Council. These responses were considered important to ensure that the policies set out in the various Surrey Minerals Plan documents would most effectively protect and enhance the environment of the Borough.

The options considered were in the main body of the report.

RESOLVED to:

1. Endorse the Council’s formal response to Surrey County Council on the Surrey Minerals Plan Development Plan Documents (DPDs), as outlined in Appendix A to the report of the Deputy Chief Executive, subject to including the following amendments made by the Cabinet: (i) at paragraph 15.2 f) after “Watersplash Farm” add “and express support for the need to effectively safeguard the River Ash corridor throughout any period of working and restoration of the site.” and (ii) at paragraph 15.2 g) after “to” and before “object” add “strongly”.
2. Authorise the Officers to pursue further, as necessary, concerns over the legal status of the Minerals Proposals Map and to respond as necessary on the minor points of detail relating to the Minerals Site Restoration Supplementary Planning Document (SPD).

1538. LOWER THAMES FLOOD RISK MANAGEMENT STRATEGY – KEY DECISION

The Cabinet considered a report on the Lower Thames Flood Risk Management Strategy explaining what the Strategy proposed, the issues that it raised and recommending a formal response to the Environment Agency.

The options considered were in the main body of the report.

RESOLVED that:

1. The Cabinet supports the Lower Thames Flood Risk Management Strategy set out in the Environment Agency’s consultation documents, subject to:
 - a. The detailed points set out at paragraph 4.6 of the report of the Deputy Chief Executive.
 - b. The concern generally about the lack of progress in progressing the Strategy project.

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2. The Cabinet asks that the Deputy Head of Planning and Housing Strategy, in consultation with the Cabinet Member for Planning and Housing, invites representatives of the Environment Agency [EA] to make a presentation on the Lower Thames Flood Risk Management Strategy to a special Seminar at Spelthorne Borough Council for all Members, and to which a representative from each main Residents' Association in the Borough and members of the Community Support Group on Flooding will also be invited.
3. Officers liaise with neighbouring Local Authorities seeking their support on a joint approach and to report back to the Cabinet.

1539. APPROVAL OF TENDER FOR PROPOSED CYCLEWAY AND FOOTPATH AT HAWKE PARK SUNBURY

The Cabinet considered a report recording the appointment of a contractor to undertake the work and to provide an outline of the programme of activities for the proposed cycleway and footpath at Hawke Park Sunbury.

The options considered were in the main body of the report.

RESOLVED to agree the appointment of Poulsom Plant Hire for the construction of a cycleway and footpath at Hawke Park, Sunbury (finished with Fibredec).

1540. GROUNDS MAINTENANCE CONTRACT UPDATE AND REVIEW OF UNCUT GRASS AREAS – KEY DECISION

The Cabinet considered a report updating Members on the progress of the new Grounds Maintenance Contract and informing Members of the current situation and issues in respect of the uncut grass areas.

The options considered were in the main body of the report.

RESOLVED to note the report of the Assistant Chief Executive providing an up date on the performance of the new Grounds Maintenance Contract and to endorse the recommendation from the Performance Management and Review Committee that no change is being made to the grass cutting regime.

1541. PROPOSAL FOR SPELTHORNE TO JOIN THE CENTRAL SURREY PROCUREMENT PARTNERSHIP

The Cabinet considered a report seeking agreement of Members to join the existing Central Surrey Procurement Partnership (Elmbridge and Epsom and Ewell). This proposal to join the Partnership was made in order to improve the efficiency of the Council's procurement processes and to secure cost reductions in the purchasing and service contracts.

The options considered were in the main body of the report.

RESOLVED to agree:

1. That the Council joins the Central Surrey Procurement Partnership of Elmbridge and Epsom and Ewell and that Spelthorne has access to one day a week of the Head of Procurement of the partnership.

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2. The reprioritisation of the Business Improvement Team's tasks to enable them to provide resources to help the Council organisation realise procurement savings.

1542. TREASURY MANAGEMENT HALF YEARLY REPORT 2009/2010 – KEY DECISION

The Cabinet considered a report updating Members on the Council's Treasury Management activities for the first half year to 30 September 2009.

The options considered were in the main body of the report.

RESOLVED to note the report of the Chief Finance Officer on the Council's Treasury Management activities for the first half year to 30 September 2009.

1543. DELIVERY OF SAVINGS BUILT INTO 2009-2010 REVENUE BUDGET – KEY DECISION

The Cabinet considered a report summarising the extent to which the delivery of the savings totalling £1.3million, built into the original 2009-2010 Budget, currently appeared at this stage of the financial year, to be on track.

The options considered were in the main body of the report.

RESOLVED to note the report of the Chief Finance Officer on the extent to which the delivery of the savings totalling £1.3million, built into the original 2009-2010 Budget, currently appeared at this stage of the financial year, to be on track.

1544. 2009-2010 REVENUE BUDGET MONITORING REPORT – AS AT 30 SEPTEMBER 2009

The Cabinet considered a report providing Members with the expenditure and income figures against Budget, as at 30 September 2009.

The options considered were in the main body of the report.

RESOLVED to note the report of the Chief Finance Officer on the expenditure and income figures against Budget, as at 30 September 2009.

1545. 2009-2010 CAPITAL MONITORING REPORT

The Cabinet considered a report on the current spend to date and projected outturn on the Capital Programme.

The options considered were in the main body of the report.

RESOLVED to note the report of the Chief Finance Officer on the current spend to date and projected outturn on the Capital Programme.

1546. *OUTLINE BUDGET 2010/2011 – 2014/2015 – KEY DECISION

The Cabinet considered a report on an Outline Budget covering the next four years, the first year forming the framework for the detailed Budget for the next financial year.

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Members were advised that specifically their recommending to the Council the approval of the Outline Budget would set a maximum expenditure level for 2010-2011 and would also recommend a guideline Council Tax increase.

The Council was required by law to set a balanced budget.

The options considered were in the main body of the report.

RESOLVED TO RECOMMEND to the Council:

1. That the net budgeted expenditure (before investment income and use of reserves) for 2009/2010 be set at a maximum level of £14.45m.
2. That, in order to reach this level, the Management Team, taking into account of the forthcoming recommendations of the Budget Task Group, identifies a package of options by which the budget can be balanced both in 2010-2011 and 2011-2012 and over the next 3 years of the outline period.
3. That for the purposes of the Outline Budget an annual increase of 0% has been assumed for pay and council tax increases for 2010-2011 and 2011-2012.
4. That the Council's use of reserves policy be reviewed with the aim of the council seeking to maximise the level of its reserves whilst taking account of the impact of the economic downturn and the reduced potential for capital receipts and the need to maintain a capital programme.
5. That an agreed total reserves target minimum level (as measured on 31st March each year) be set at a level of £12m for 31 March 2011.

1547. THE CABINET FORWARD PLAN

RESOLVED to note the revised version of the Council's Cabinet Forward Plan for the period from 1st November 2009 to 31st October 2010.

1548. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated below.

1549. FOOD WASTE COLLECTION SERVICE - KEY DECISION

[Paragraph 3 – Information relating to the financial or business affairs of any particular person [including the authority holding that information.]]

The Cabinet considered an exempt report seeking the approval of Members on the principle of providing a food waste collection service.

The options considered were in the main body of the report.

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RESOLVED to:

1. Authorise further investigations into how Food Waste Collections would work in the Borough and the possible implementation in April 2011.
2. Authorise the Head of Environment Services and the Assistant Head of Streetscene to investigate procurement of vehicles for the service.

1550. MATERIALS RECOVERY FACILITY - KEY DECISION

[Paragraph 3 – Information relating to the financial or business affairs of any particular person [including the authority holding that information.]]

The Cabinet considered an exempt report seeking approval of the Materials Recovery Facility Contract with Grundon and a partnership with Elmbridge Borough Council in managing this contract.

The options considered were in the main body of the report.

RESOLVED to:

1. Approve Grundon as the successful tenderer for processing the Borough's dry recyclables.
2. Approve the development of a partnership agreement with Elmbridge Borough Council to allow maximisation of the savings offered under a jointly procured contract.

1551. HUMAN RESOURCES AND PAYROLL SOFTWARE PROCUREMENT

[Paragraph 3 – Information relating to the financial or business affairs of any particular person [including the authority holding that information.]]

The Cabinet considered an exempt report on the proposed award of a contract for the supply, installation and support for a replacement Human Resources and Payroll computer system.

The options considered were in the main body of the report.

RESOLVED to defer this matter and to refer the exempt report to the Joint Scrutiny Committees' Outline Budget Strategy Task Group for consideration and for report back to the Cabinet.

1552. HARDSHIP RELIEF

[Paragraphs 1 and 3 – Information relating to any individual and Information relating to the financial or business affairs of any particular person [including the authority holding that information.]]

The Cabinet considered an exempt report on an application for hardship relief from Wraysbury International Ltd in respect of three hereditaments at 99 Staines Road West, Sunbury.

The options considered were in the main body of the report.

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RESOLVED, in light of Members having read all the supporting documents, to reject the application for hardship relief from Wraysbury International Ltd. (in respect of three hereditaments at 99 Staines Road West, Sunbury), on the grounds that it is not in the interests of the Council Tax payer.

1553. GENERATING INCOME FROM COUNCIL ASSETS

[Paragraph 3 – Information relating to the financial or business affairs of any particular person [including the authority holding that information.]]

The Cabinet considered an exempt report seeking Members views on the possible Sale/Disposal of various Council Assets to raise income to support the ongoing budget deficits.

The options considered were in the main body of the report.

RESOLVED to agree that the Cabinet Member for Community Safety [including responsibility for Assets] [Councillor F. Ayers] be authorised to set up a Members' Working Party of 5 Members comprising himself as Chairman, together with the Cabinet Member for Young People and Culture [Councillor Mrs. D.L. Grant], the Cabinet Member for Economic Development [Councillor C.A. Davis] and Councillors D.L. McShane and K.E. Flurry, to explore in detail with the Officers each of the identified possibilities for Generating Income from Council Assets and to report back to the Cabinet with a set of recommendations identifying which of the opportunities identified in this report should be progressed.

NOTES:-

- (1) *Members of the Improvement and Development and Performance Management and Review Committees are reminded that under Overview and Scrutiny Procedure Rule 16.2 in the Council's Constitution, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) *Members of the Improvement and Development and Performance Management and Review Committees are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) *Within three working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of either the Improvement and Development or the Performance Management and Review Committee are able to "call in" a decision which falls within the functions of their own particular Committee;***
- (4) *To avoid delay in considering an item "called in", an extraordinary meeting of the relevant Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) *When calling in an Cabinet decision for review the members doing so should in their notice of "call in":-***
 - *Outline their reasons for requiring a review;***

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- ***Indicate any further information they consider their committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
 - ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
 - ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) *The deadline of three working days "for call in" by Members of the Improvement and Development and Performance Management and Review Committees in relation to the above decisions by the Cabinet is the close of business on MONDAY – 21 DECEMBER 2009.***