

**Roberto Tambini
Chief Executive**

For this Council meeting, please telephone: Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: g.hobbs@spelthorne.gov.uk

8 December 2010

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

SUMMONS TO MEETING

You are hereby summoned to attend the **Meeting of Spelthorne Borough Council to be held in the Council Chamber, Council Offices, Knowle Green, Staines on THURSDAY 16 DECEMBER 2010 beginning at 7.30pm, or at the conclusion of the Special Council meeting, whichever is the sooner,** for the purpose of transacting the business specified in the Agenda **set out on the next page.**

Councillors are encouraged to wear their badge of past office at the Council meeting.

ROBERTO TAMBINI
Chief Executive

EMERGENCY PROCEDURE: - In the event of an emergency the building must be evacuated. All Councillors and staff should assemble on the Green adjacent to Broome Lodge, Staines. Members of the Public present should accompany the Staff to this point and remain there until the senior member of staff present has accounted for all persons known to be on the premises. **THE LIFT MUST NOT BE USED**

PUBLIC SPEAKING AT COUNCIL MEETINGS - For this Council meeting, please telephone Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: g.hobbs@spelthorne.gov.uk

(1) Asking a Public Question; (2) Presenting a Petition; (3) Representations on Recommendations

(1) Public "Question Time" is near the start of Council meetings and is an opportunity for any person to ask the Leader of the Council, or his nominee, a question about a matter in which the Council has powers or duties or an issue that affects the Borough.

(2) The Council has a procedure to enable any person to present a petition at a Council meeting and for the presenter to address the Council for a maximum of three minutes. Anyone wishing to present a petition should refer to the Council's Petition Scheme.

(3) Before the Council considers a recommendation from the Cabinet or a Committee and before it makes a decision on that recommendation, any person can put forward views on the issues involved by making representations to the Council for a maximum of three minutes.

Persons wishing to (1) ask a public question or (3) make representations on a recommendation **must** notify the Chief Executive [CX] in writing by letter, FAX or e-mail before **12 Noon, five working days prior to the day of the Council meeting (i.e. before 12 noon on the preceding Thursday for a Council meeting on the following Thursday)** and at the same time **must** deliver to CX (1) their written question or (3) their written statement of representations.

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

PAGE No.

1. APOLOGIES FOR ABSENCE

To note apologies received from Councillor Bhadye and to receive any other apologies for non-attendance.

2. MINUTES – COUNCIL MEETING HELD ON 21 OCTOBER 2010

7 -18

To confirm as a correct record the Minutes of the Council Meeting held on 21 October 2010.

3. DISCLOSURES OF INTEREST

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

4. SOUTH EAST EMPLOYERS CHARTER FOR ELECTED MEMBER DEVELOPMENT

Councillor R. Love, Chair of South East Employers and Deputy Leader at Shepway District Council to present a framed copy of the Charter for Elected Member Development to the Mayor.

5. ANNOUNCEMENTS FROM THE MAYOR

Spelthorne Business Forum - Christmas Cards Competition – Presentation of Certificates to students from Matthew Arnold School

The Mayor to present certificates to students from Matthew Arnold School who have participated in the successful Christmas Card Competition in partnership with the Spelthorne Business Forum and the Borough Council.

Planned Mayoral events

The Mayor to announce details of planned events.

6. ANNOUNCEMENTS FROM THE LEADER

To receive any announcements from the Leader.

7. ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE

To receive any announcements from the Chief Executive.

8. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Leader or his nominee to answer questions raised by members of the public, *[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

9. PETITION

To receive any petitions submitted in accordance with the Council's Petition Scheme which have sufficient signatories to be debated by Council, *[where proper notice of the petitions and the persons wishing to speak to them has been given in accordance with the procedures laid down in the Petition Scheme]*.

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| 10. | RECOMMENDATION FROM THE CABINET
To consider the recommendation from the Cabinet on adoption of a Statement of Licensing Policy 2011-14. | 19 - 20 |
| 11. | REFERRAL FROM THE CABINET
To consider the report of the Assistant Chief Executive on parking in Orchard Meadow Car Park and The Avenue, Sunbury following referral of a petition on the matter by Cabinet at its meeting on 23 November 2010. | 21 - 26 |
| 12. | RECOMMENDATION FROM THE STANDARDS COMMITTEE
To consider the recommendation from the Standards Committee on the revised Planning Code. | 27 - 46 |
| 13. | REPORT FROM THE LEADER OF THE COUNCIL
To receive the report from the Leader of the Council on the work of the Cabinet. | 47 - 48 |
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To receive the report from the Chairman of the Audit Committee on the work of his Committee. | To follow |
| 15. | REPORT FROM THE CHAIRMAN OF THE CRIME AND DISORDER SCRUTINY COMMITTEE
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To receive the report from the Chairman of the Licensing Committee on the work of his Committee. | 51 - 52 |
| 17. | REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee. | 53 - 54 |
| 18. | REPORT FROM THE CHAIRMAN OF THE PLANNING COMMITTEE
To receive the report from the Chairman of the Planning Committee on the work of his Committee. | To follow |
| 19. | MOTIONS
Under Standing Order 16.3, the Council has received Notice of the following three Motions: | |
| | 1) That committee room 4 be re-designated and hereafter known as "The Trevor Baker Room" in memory and in recognition of the outstanding service to this council by the late Trevor Laurence Baker. | |

Proposed Cllr Robin Sider
Seconded Cllr Kevin Flurry

- 2) Council notes that the quality of scrutiny in Spelthorne Borough Council has decreased, is decreasing and ought to be restored.

Proposed Cllr Caroline Nichols
Seconded Cllr Lawrence Nichols

- 3) As a matter of urgency this Council resolves to produce an SPD which reduces the annual housing target 2011-2026 from 166 to 120 dwellings per annum.

Proposed Cllr Ian Beardsmore
Seconded Cllr Lawrence Nichols

20. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer questions from Members on issues in their Ward, *[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

21. GENERAL QUESTIONS

- (1) Under Standing Order 14, Councillor Robin Sider has submitted the following General Question:

“In view of the recent inclement weather, will the Leader join me in thanking our team of dedicated staff who continued to provide key front line services such as refuse, community centres and Meals on Wheels in what can only be described as atrocious conditions.”

- (2) The Leader or his nominee or relevant Committee Chairman to answer any other questions from Members on matters affecting the Borough or for which their Committee has responsibility, *[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

22. URGENT BUSINESS

To consider any urgent business.

MINUTES OF THE COUNCIL MEETING HELD ON 21 OCTOBER 2010

BOROUGH OF SPELTHORNE

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 21 OCTOBER 2010

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

Councillor E. O'Hara, The Mayor, in the Chair

In attendance: Mr Murray Litvak- Chairman of the Standards Committee.

309/10 TRIBUTE TO TREVOR BAKER

The Mayor, Councillor O'Hara, paid tribute to Trevor Baker, Acting Principal Committee Manager and a dear friend and colleague who worked at Staines UDC and Spelthorne Borough Council for the last forty years.

The Mayor said:

"Today as many of you will already know was the funeral of Trevor Baker, Acting Principal Committee Manager and a dear friend and colleague who worked at Staines Urban District Council and Spelthorne Borough Council for the last forty years.

Trevor died suddenly on 6 October 2010 when after attending Licensing Committee he suffered a heart attack at Staines station. It was a blessing that he did not suffer.

I would like to take this opportunity to pay tribute to Trevor, who was a very special man in many different ways. He was an exemplary officer for this Council. Not only can we point to his long and loyal service, but also to his positive outlook. He refused to let his disabilities deter him from leading a full and active life.

Trevor was born in Hatfield in 1949. He developed diabetes when he was 5 years old and received treatment at King's College Hospital under Dr RD Lawrence the first doctor to prescribe insulin in England.

The family moved to Brookwood, Woking when he was 9 years old.

Later, he attended Knaphill Secondary school. He didn't confine himself to purely academic studies however, discovering a love for athletics, particularly the javelin. He also took up ice skating. He also worked on a market garden throughout his school

COUNCIL, 21 OCTOBER 2010 - Continued

days saving enough money to buy a motor bike and a car by the time he was 17. He also ran his own aviary and bred finches and waxbills.

On leaving school, Trevor tried his hand at different jobs but found his heart just wasn't in it: a milk round and a carpet salesman to name but two.

In 1965 he started working in the supplies section at the Woking Excepted District for Education and this was his first taste of local government.

In 1970 he took a job as Junior Clerk at Staines UDC. Leaving Woking he decided to spend the summer touring Europe before his new job started in Staines. He enjoyed the trip so much, it was extended, and in the end, Trevor arrived back home just two hours before his new job started in Staines. He had driven back non-stop from the Munich Beer Festival with only a short diversion to home for a shower and change of clothes before clocking on with Staines UDC.

He was promoted and stayed in Staines to join Spelthorne Borough Council when it came into being in 1974.

On 1 January 1975, he was driving to work when his eyesight failed. He rested for 3 days at hospital and was told he would be driving again in 10 days but he never regained his sight. The following two years were difficult for Trevor and his family as they came to terms with his condition. Eventually, Trevor was given a guide dog and became more independent.

At work Trevor was supported by the Council as he coped with his disability. After about a week back at work Trevor went to see his manager Eric Tyerman and asked if it would be possible to keep his job as he thought he was just about coping. Eric told him not to be so stupid and to get back to work. But in those days, many blind people were not so lucky to have supportive managers and often faced unemployment or routine work such as telephony which was deemed suitable for the blind. Trevor remained forever grateful to Eric Tyerman for his support during this particular time.

In 1978 Trevor's wife Shirley gave birth to their daughter, Lorna.

In 1988, Trevor became involved with the Woodcraft Folk after being invited to give a talk at one of their local meetings. This opened up many years of volunteering with the Woodcraft Folk and saw Trevor elected onto the national council in 1992 and 1996. His involvement with young people and Woodcraft led to involvement with the disability rights movements and anti-racism movements both nationally and internationally.

At work Trevor serviced most of the Committees at Spelthorne Council. He had a great fondness for Licensing Committee and Licensing law and was responsible for the implementation of changes following on from the Licensing Act 2003. He was most proud of the training he delivered for the new Act and also the new systems which were implemented. In all that he did he was helped by his support workers. His last being Gill Hobbs, who was with him for 10 years. They formed a formidable partnership and developed a close relationship.

In 2008 Trevor was nominated by Councillor Robin Sider for Council Worker of the Year. Trevor made the finals and the Council celebrated Trevor's achievements publicly on the internet and in the Borough Bulletin to gather as many votes as possible for Trevor. The competition finished with a gala dinner and awards ceremony in Bournemouth and

although Trevor was not the successful candidate his achievements made a lasting impression on many people connected with the event.

This year, Trevor was promoted to Acting Principal Committee Manager following the retirement of Richard Powell. It was a challenge which he relished and he threw himself into the new responsibilities.

His death after 40 years of service is a tremendous loss to the Council. Many people will recall fond memories of Trevor and his work with the Council; the help and advice that he offered as well as the dedication and service of a true friend and colleague. I would like to ask you to stand now in a minute's silence to remember with me, Trevor Baker".

The Leader of the Council, Councillor J.D Packman in endorsing the words of the Mayor paid his own tribute to Trevor Baker:

"Mr Mayor, thank you for a very warm tribute to Trevor. Let us rejoice and celebrate his life because that is what Trevor would have wanted. It was an honour and a privilege to have met him and worked with him over so many years. Unique in his character, and as such you would not very often meet someone like this. He never bore a grudge and never lost his temper, highly regarded and respected and I have to say, one of the most respected persons to be working in this building. Trevor was highly regarded by all his colleagues and that is an ultimate honour to him.

You mentioned the funeral this afternoon and I was delighted that the Council was so strongly represented and Trevor would have had a little chuckle about that, I am sure.

I thought that along with the others I knew Trevor, which I did, up to a point. But it wasn't till this afternoon at the funeral when the vicar read out more or less a case history, together with Michael's tribute to him; thank you Michael for a genuinely sincere tribute, until I suddenly realised what he had achieved and what he had done, the places he visited. I would respectfully suggest to everybody here that he did more than most of us that are here. He visited so many places, mentioned the Woodcraft Folk – and some of his woodcraft experiences and what he had got up to which were a joy to hear. As I say it was a privilege and an honour.

Yesterday I took the opportunity to read the book of condolence outside the Goddard Room. Without exception, everybody that had written in that book pays tribute to his humour, his jokes and lessons in life, that he enjoyed so much. That is unique in itself.

The one story that I do remember of Trevor, which is absolutely true, was a few years ago. A lift was taken out of service and because it needed some work on it and the engineer forgot to barricade the entrance to the lift – poor old Trevor went along there and went straight down. So he laid on top of the lift in darkness and said "is anybody there?" and eventually the engineer came down and said "how did you get down there?" and Trevor said "by express lift".

I had a nick name for him and that was "Baker Man" and when he had frequently phoned me he would say "Baker Man here" so we always had a laugh and a joke about it. Baker Man, you were genuine, you were sincere, you will be sadly missed and we will remember you for a long time to come. Thank you".

Councillor Beardsmore on behalf of the Liberal Democrats endorsed the remarks made by both the Mayor and the Leader of the Council and paid his own tribute to Trevor Baker:

“Councillor Packman has hit the nail on the head about celebrating Trevor’s life. Lets celebrate what Trevor achieved and who he was. I have only known him for 19 years – that’s more than enough time to get to know somebody at least in passing. All the words, everything that has been said, about Trevor – conscientious, hardworking, reliable, solid but always just as Councillor Packman said, that wicked sense of humour underneath it. Just the little things that he would come out with, here and there, a little dig and other things that he’d put a smile on your face and you’d think, that’s Trevor.

I did know a little thing about his activities at the Woodcraft Folk, but not the detail. He will be sorely missed and for me, he always was Council Employee of the Year, no matter what anyone else says”.

Members, Officers and residents present joined the Mayor to stand for a minute’s silence in honour of his memory.

310/10 APOLOGIES

Apologies for absence were received from Councillors Mrs E.M Bell, S.J. Fairfax, D.L McShane, R.A Smith Ainsley (Deputy Leader) and C.V Strong. Apologies were also received from Ms Sue Faulkner, the Vice Chairman of the Standards Committee.

311/10 MINUTES

The minutes of the meeting held on 22 July 2010 were approved as a correct record.

312/10 ANNOUNCEMENTS FROM THE MAYOR

1) Staines Brass Band

The Mayor, Councillor O’Hara, reported the success of the Staines Brass Band for winning the Brass Band Challenge Shield at a recent competition.

2) Mayoral Events

The Mayor reminded members of the following forthcoming civic events: Race Night at Kempton Park Racecourse on 04 November 2010 and the Service at St Peter’s Church on 12 November 2010.

313/10 ANNOUNCEMENTS FROM LEADER

1) Special Overview and Scrutiny Committee

The Leader of the Council, Councillor J.D Packman, reported on the success of the Special Overview and Scrutiny Committee meeting held at Halliford School to consider the Surrey County Council Eco Park proposals for Charlton Lane, Shepperton. He reported that it had been an excellent meeting with over 300 residents in attendance. The Leader gave his thanks and appreciation to the officers involved in the arrangements and the Chairman Councillor Philippa Broom for conducting the meeting in a fair manner.

2) The Benwell Centre

The Leader of the Council, Councillor J.D. Packman reported on the opening of the new Benwell Centre and was pleased that it had become a reality. He invited Members to

visit the centre and see for themselves how delighted the residents were with the new facility.

314/10 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor, Councillor E. O'Hara, reported that under Standing Order 13, two questions had been received from residents of the borough, who due to other commitments were unable to attend the meeting. A copy of the questions together with responses had been laid round at the meeting and would be sent to the residents concerned.

For reference purposes the questions together with the responses are set out below:

Question from Mr. A.L. Mockford, 36 Kinross Drive, Sunbury on Thames:

"How much does it cost the council to produce, publish & deliver the Borough Bulletin each year? Not the cost per household, but the total cost per annum including officer time."

Councillor Mrs. J Pinkerton the Cabinet member responsible for communication responded as follows:

"The Bulletin contract has only recently been re-tendered and so it has not run for a complete year. However, based on the last (September) edition, the annual cost, including advertising income, print, paper and distribution as well as staff time, should be £43,688. This could be slightly more or less as advertising income is variable.

Three years ago, the cost was £58,796 which included external design, print, paper and distribution and Spelthorne Council staff time. On this basis, the unit cost of each edition is currently 26p compared with 35p in 2008.

The public rightly expects to see evidence of what its local authority is doing with its money and Spelthorne, like most other authorities, has published a regular publication for more than 10 years.

During this time, it has carried out both informal and formal surveys into residents' attitude to the Borough Bulletin.

Those who have taken part show a strong connection with it and think it should be further developed to be the Council's main source of information thus streamlining and saving on print costs.

Interest is shown in local news and 'news to use' – that has a shelf life like the annual rubbish and recycling collection days' calendar - and is kept as a reference. There is also interest in community news and crime prevention advice.

Residents also clearly recognise the Bulletin as a Council publication, associating it strongly with the Spelthorne tree logo and the consistent use of the Council's blue and green colours.

Bearing this in mind and the costing demonstrated, it represents very good value when compared with the average cost of a daily newspaper or the price of the local paid for paper."

(1) Question from Martin Willing, 214 Clare Road, Stanwell:

“I would like to ask this question at the next council meeting dated 21st October 2010.

In March this year I contacted Spelthorne Council to apply for an allotment at the 'Vineries' site, Spout Lane, Stanwell Moor. I have since spoken to Sabina Simms on several occasions and have still got no further.

Having visited the site, it appears most of the land has not been worked for many years. I have offered to mark out and clear a plot for myself, which has also been rejected.

My question is; when can I expect to be offered an allotment on this almost vacant site?”

Councillor Mrs D.L. Grant, Cabinet Member responsible for Young People and Culture responded as follows:

“Mr Willing, Thank you for your question and we commend you for your determination to obtain an allotment plot.

A large number of the plots at the Vineries, Spout Lane, Stanwell are overgrown and not in a fit state to be let however, I do have some good news. The ward Councillors Flurry, Pinkerton and Chouhan have donated a sum of money from their Neighbourhood Grant to clear and mark out some of those plots which will be let to the next people on the waiting list. Mr Willing you will be one of them.”

315/10 PETITIONS

None had been received.

316/10 ARTICLE 4 DIRECTION -09/00739/CLD – THE NUTSHELLS, ABBEY ROAD, SHEPPERTON

The Council considered the recommendation of the Planning Committee from its meeting held on 13 October 2010 requesting that Article 4 (1) Direction to withdraw the permitted development rights in respect of land at The Nutshells, Abbey Road, Shepperton to be confirmed.

The Chairman of the Planning Committee, Councillor Thomson, in presenting the recommendation asked that the date of when the Direction was made be incorporated within the recommendation and not the date the Direction was issued.

RESOLVED that the Article 4 (1) Direction made on the 22 June 2010 to remove the permitted development rights at The Nutshells, Abbey Road, Shepperton and relating to Classes A, B, D and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 be confirmed.

317/10 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor J.D. Packman, presented his report, which outlined the various matters that Cabinet had decided since the last meeting.

318/10 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 M.T Royer responded to a question raised concerning Committee Members' attendance at Audit Committee meetings.

319/10 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.

Councillor Sider also placed on record his thanks and appreciation to Trevor Baker for the support he had given to the work of the committee over the years and in particular his work on the Licensing Act 2003.

320/10 OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee, Councillor Philippa Broom presented her report which outlined the matters the Committee had dealt with since the last Council meeting. The Chairman responded to questions raised about the Special Overview and Scrutiny Committee held to consider the Proposed Eco Park development at Charlton Lane and confirmed that answers would be obtained for the questions submitted by residents and publicised on the Councils website. The Chairman also confirmed that the outcome of the meeting would be considered at the Committee meeting taking place on the 02 November 2010.

321/10 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor H.A. Thomson, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting and responded to the question raised.

322/10 STANDARDS COMMITTEE

Mr Murray Litvak, the Chairman of the Standards Committee presented his report which outlined the matter that the Committee had dealt with since the last meeting.

323/10 REPORT ON THE WORK OF THE YOUTH COUNCIL

The Council received and noted the report of the Management Committee which outlined the matters the Youth Council had dealt with since the last meeting of the Council.

324/10 NOTICE OF MOTION

Under Standing Order 16.3 a Notice of Motion had been received on the current planning legislation:

Councillor I.J Beardsmore proposed and Councillor T.W Crabb in the absence of Councillor Strong seconded the following motion:

“This Council recognises the over-centralised and bureaucratic nature of the current planning system bequeathed by the previous Labour government.

This Council further recognises that Labour's top down heavy approach has resulted in frequent interventions by such people as the Planning Inspectorate that limits the way the Local Development Framework (LDF) can truly represent local opinion.

With the coalition government clearly signalling major changes in the planning system, this Council resolves to instruct the Leader and Chief Executive to write to the Secretary of State for Communities and Local Government to urge him to quickly introduce..

1. Legislation that allows appeals against local planning decisions by local residents
2. Legislation that developers of larger developments must collaborate with local residents before a plan is submitted

3. Legislation that all non-market housing built by housing trusts remain in public ownership in perpetuity”

An adjournment of the motion was moved by Councillor J.D Packman and seconded by Councillor Mrs V.J Leighton:

“I understand that the opposition group want to be seen to influence change, but legislation is on its way no matter what motion is passed this evening. This subject is too important to residents for us to treat it so lightly and I suggest that we debate the matter properly once the detail of the legislation is known.

I therefore move under Standing Order 18.16 (e) that this motion be adjourned until detail of the legislation is known”.

The Mayor, Councillor O’Hara reported that on such a procedural motion there would be no debate on the matter and moved to the vote.

RESOLVED to adjourn consideration of the Motion until detail of the legislation was known.

325/10 QUESTIONS ON WARD ISSUES

There were no Ward issues or questions.

326/10 GENERAL QUESTIONS

The Mayor, Councillor O’Hara had reported at the start of the meeting that under Standing Order 14.3 (b) and (c) the questions submitted by Councillors T.W Crabb, Mrs M.W Rough, Mrs S.A Dunn and C.V Strong together with the answers to these questions would not be read out but had been circulated. However, in accordance with Standing Order 14.5 supplementary questions would be permitted but that any such question would be answered in writing at a later date.

(1) Question from Councillor T.W Crabb:

“18 months ago Council was told that in the past ten years as a result of s106 agreements "more than two million pounds has been secured and already spent in the borough". However the summary received by the planning committee this July revealed that of 2.3 million received only £1.3 million had actually been spent. Can the Leader please explain this discrepancy? Can he also say what pressure he will put on Surrey County Council Highways to use the £389,000 from s106 agreements that has remained unspent and "under discussion" with Spelthorne for more than ten years?”

The response was provided by Councillor J.D Packman, the Leader of the Council is set out below:

“In December 2008 I responded to a question from Councillor T.W Crabb on this same issue. A significant amount of the money we collect under Section 106 agreements is for highway related work and Surrey County Council are party to the agreements. We forward such monies to them and they are responsible for ensuring it is spent.

The information I gave previously was provided in good faith based on our best understanding of the position at the time.

The County Council’s record keeping and performance in spending monies they have received has fallen short of what it should have been and it has transpired that some

monies that were thought to have been spent had not. Some money is however correctly held for future planned maintenance of works and the figures are not quite as portrayed by Councillor T.W Crabb. The report to the Planning Committee to which he refers sets out the detailed position which I will not rehearse tonight.

I am pleased to say that as a result of a lot of work by Borough officers behind the scenes and efforts by the County Council to get its house in order that the cause of the problems to which I refer is being largely addressed. In fact the newly appointed officer with responsibility for Section 106 monies and spoke at the last Local Committee.

I am sure Members share my disappointment in what has happened but equally be pleased to know that as reported to the Planning Committee in July this year this Council has now negotiated through Section 106 agreements a sum of just over £5.8 million pounds”.

Councillor T.W Crabb asked a supplementary question asking for clarification on the figure provided as he felt that there was a discrepancy in the figures for spending Section 106 monies:

(For reference purposes the response from the Leader of the Council, Councillor Packman to the supplementary question is set out below)

“Your question referred to £2.3 million being received and only £1.3 million having been spent – this gives a difference of £1 million. The actual figures in the Planning Committee report you referred to in the question were £2.106 million received and £1.324 million spent giving a difference of £782,000. My answer also referred to monies held for maintenance of projects already implemented. This is sum of £69,400 and in my view should be treated differently to monies held for unimplemented projects. The Planning Committee report also identified a further £74,950 which has been spent, but at the time of the report, had not been transferred to the budget account from which the project had been managed. Deducting these two sums gives a difference of £637,650 between what has been received and what has been spent or properly held for future maintenance.

Of this sum £253,100 has been held by Surry County Council for more than 10 years rather than the figure of £389,000 you referred but irrespective of the precise amount the position is of course unacceptable and reflected in my answer to your question.

I appreciate there was enormous amount of technical detail with the Planning Committee report from which you drew your figures and if you want to pursue any further points John Brooks will be pleased to assist”.

(2) Question from Councillor Mrs M.W Rough:

“Would the Leader join me in thanking Brian Kingston for all his hard work to enable Spelthorne children to enjoy and benefit from Junior Citizen Programme hosted by British Airways, but also on his efforts to provide residents with a viable opportunity to express their concerns with anti social behaviour? This has been a successful approach, demonstrating to the individual, that he or she is important and their input and local experience is valued and that change is achievable. Small local open meetings linking all resources from police, A2D and neighbourhood watch have proved a very useful tool reinforcing the larger roadshows”.

The response was provided by Councillor F. Ayers, Portfolio Holder for Community Safety and is set out below:

“With regards to the Junior Citizen scheme I am sure that all Members are aware of its value and success. The event, organised by the Safer and Stronger Partnership - was a resounding success with 20 schools and 1024 Year 6 pupils participating.

The scheme equips young people with the knowledge and confidence they need to deal with potential dangerous situations. Feedback from all those involved has been positive. As well as members of the Council, Police, Fire Service and British Airways staff all worked on this year’s event and we are extremely grateful to British Airways for its continued financial support and use of their Community Learning Centre.

The Partnership does of course play a key role in co-ordinating responses to tackle and prevent this behaviour which can be so distressing for residents and communities alike. Often this involves our Police colleagues, A2 Dominion and other social landlords and we recognise the contribution of the neighbourhood watches in making their communities and streets safer and stronger”.

(3) Question from Councillor S.A Dunn:

“Given the recent news that Surrey County Council are considering dropping their objection to the Airtrack scheme in favour of BAA paying £11.4 million to fund a mitigation scheme could the Leader state the current position of this Council?”

The response was provided by Councillor J.D. Packman, Leader of the Council and is set out below:

“As Members will re-call in September 2009, this Council raised 79 points of objection to the Airtrack scheme. In summary Airtrack would cause a wide range of problems for the residents of this Borough with little if any tangible benefit.

Over the past year we have been discussing with BAA’s consultants the extent to which some of the objections could be overcome. Despite our officers efforts BAA’s response has been slow with very few issues resolved.

At a meeting two weeks ago with Colin Mathews, Chief Executive of BAA I again pressed for him to get involved and understand our reasoning of objection.

Therefore, the Council’s position has not changed. The full impact of the Airtrack scheme has still not been properly assessed. This includes the extent of some highway impacts which neither BAA or SCC can provide credible evidence. Until you properly quantify the scale of a problem you can not identify satisfactory solutions - if they exist – and certainly not the likely cost.

One of the many issues still to be resolved is the impact of level crossing down times and the knock on effect on Staines town centre.

I am heartened by the recent statement by Phillip Hammond – MP for Runnymede and Secretary of State for Transport who sees a failure to properly address this issue as a ‘showstopper’.

This Council’s position has, therefore, not changed.”

(4) Question from Councillor C.V Strong:

“This Council held a symposium over two days, 26th and 27th July 2010. In the interests of transparency and openness could we please have:

a) the total expenditure on this symposium

- b) the names of any donors who contributed towards this expenditure and the sum donated
- c) an estimate of the total amount of officer time, in hours, spent on preparing and running this symposium”

The response was provided by Councillor V.J Leighton, Portfolio Holder for Finance and Resources and is set out below:

“The cost of the symposium, held on 25-27th July 2010, was £8228. The cost needs to be seen in the context of the overall cost of the 20th Anniversary celebrations which included the trip to Melun and Brussels from 7th -10th May. The total cost for both events was £14856 - with income from the Twinning budget, payments by visitors to Melun and sponsorship totalling £14765, meaning that almost all costs were covered (a £91 shortfall!).

In terms of sponsorship this again covered both events. It totalled £4150 and was made up as follows:

- BUPA-£500
- BP-£500
- Lotus-£500
- Myers Catering-£300
- Steria-£500
- HJR-£300
- Hunthford-£500
- County Councillor Walsh-£250
- County Councillor Saliagopoulos £300
- SLM-£500

We have not kept any records of Officer time on this project and do not see why anybody would think it necessary for us to do so. Over the two days 19 Officers were involved in the running of the symposium for part of their time there. However, more importantly, a number of Officers and Members learnt a great deal about environment, waste, democracy and economic development in Mauritius, Japan and France; subjects that this council recognise as important to us here in Spelthorne. It is a real pity that Liberal Democrat Councillors chose not to participate in this most worthwhile event. They might have learned something.”

**RECOMMENDATION FROM THE CABINET MEETING HELD ON
23 NOVEMBER 2010**

- 1. ADOPTION OF STATEMENT OF LICENSING POLICY 2011- 2014 - KEY DECISION**
- 1.1 The Cabinet considered a report seeking members' approval to adopt Spelthorne's Statement of Licensing Policy 2011 – 2014 for implementation from 5 January 2011. A copy of the draft Statement of Licensing Policy 2011 to 2014 is available in the Members' Room and an electronic copy is available on the Council's Website.
- 1.2 It is a statutory requirement to revise the Council's Statement of Licensing Policy at least every three years, following a period of consultation. The existing policy, published in 2008, must therefore be reviewed and updated by the start of January 2011.
- 1.3 The consultation process for the draft revised policy started on 30 June 2010 and concluded on 16 September 2010. Only two responses to the draft policy were received within this consultation period. Some minor amendments were made to the Policy as a result of these responses.
- 1.4 The Policy has primarily been updated to reflect legislative changes in the period since the policy was last updated.
- 1.5 The Council's Licensing Committee considered the draft Statement of Licensing Policy 2011 to 2014 at its meeting on 6 October 2010 and agreed to recommend it to Cabinet for approval and adoption by Council.
- 1.6 The Cabinet recommends to the Council that the proposed Statement of Licensing Policy 2011-14 be adopted for implementation from 5 January 2011.**

Councillor John Packman
Leader of the Council

16 December 2010

Parking in Orchard Meadow Car Park and The Avenue, Sunbury

Council: 16 December 2010

Resolution required

Report of the Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Car parks provide off street facilities for residents and visitors to park their cars but they do have to be maintained and patrolled to ensure safety and compliance. Funding is required for this and hence introduction of charges although there is a possibility for on street parking to increase.

Purpose of Report

To summarise the petition and associated considerations around parking in The Avenue and charging in the Orchard Meadow car park Sunbury

Key Issues

- Implications of charging
- Impact on parking in the Avenue Sunbury

Financial Implications

Income to the Council

Corporate Priority A Cleaner and Greener Environment. Economic Development

Officer Recommendations

The Council is asked to agree to note the report and agree to the following recommendations

- 1) **To continue charging in the car park as this will help cover the cost of running the car park;**
- 2) **To work with Surrey County Council (SCC) on parking at the southern end of the Avenue.**

Report Author: Sandy Muirhead Head of Sustainability and Leisure

Area of Responsibility: Assistant Chief Executive Liz Borthwick 01784 446376

Cabinet member: Cllr Colin Davis

MAIN REPORT

1. BACKGROUND

- 1.1 In July 2010 The Avenue Neighbourhood Watch in Sunbury submitted a petition seeking the removal of parking charges from Orchard Meadow car park introduced by the Council in December 2009. It was signed by 285 residents of The Avenue.
- 1.2 Spelthorne Council appreciated the time and effort that The Avenue Neighbourhood Watch had put into their detailed petition raising their concerns about the number of vehicles parking in the unrestricted southern section of The Avenue.
- 1.3 The Avenue Neighbourhood Watch's primary concern was that the introduction of parking charges was causing people to park on the street rather than the car park.
- 1.4 It was argued that the concentration of on-street parking was creating real and unacceptable safety hazards for local residents, road users and pedestrians.
- 1.5 The petition asks for the removal of the parking charges, which were applied to Orchard Meadow Car Park in December 2009. The assumption is that if the Orchard Meadow Car Park was returned to free parking that this would alleviate some of the current parking problems.
- 1.6 In reference to the evidence contained in the petition (letters/e-mails/ photographs) it is clear that there are two problems that need to be considered. First, there is the safety of pedestrians and road users. The second is that the layout of The Avenue (long and straight) this type of layout can encourage drivers to drive at speed, this is identified in the evidence supplied

2. KEY ISSUES

- 2.1 To help manage costs of running car parks particularly of maintenance and business rates it was considered appropriate to charge in the majority of the Borough's car parks (Laleham, Shepperton, Ashford and Sunbury as well as Staines).
- 2.2 It was considered appropriate to charge across the Borough so that no-one area would be discriminated against and residents in one area felt they were paying towards car park up keep in another. Business rates for the car park are £4,500/year and there are ongoing upkeep and maintenance costs.
- 2.3 We have spent some considerable time studying the contents of the petition dated 12 July 2010. It is clear from the enclosed letters, e-mails and photographs that the concern is of the safety of pedestrians, road users and residents entering and leaving their property in The Avenue. To address the current problems we need to look at what can be done in the long term. Removing the parking charges from Orchard Meadow may reduce some of the current parking problems, but there is no guarantee that this will be sufficient. Putting in parking restrictions will be a deterrent and will make drivers consider using the car park. Once the parking problem has been addressed there would be the potential for

drivers to increase their speed, to deal with this problem traffic calming measures could be introduced.

- 2.4 As a result we have enquired of SCC as to whether the introduction of yellow lines and other mitigation measures is feasible at the southern end of the Avenue. Their response was that this area was already placed on their list for review early next year due to requests by local residents for yellow lines at the southern end of the Avenue.

3. OPTIONS ANALYSIS

- 3.1 To revert to not charging will burden the Council with the costs of maintenance and business rates and potentially raise the issue of “special cases” all over the Borough. This would leave the burden to cover costs on the Council tax payer and not the user of the car park which is generally thought to be a fairer approach as not all residents use car parks regularly.
- 3.2 To continue charging and seek to mitigate the parking in the southern end of the Avenue through other measures such as the introduction of yellow lines. The latter has to be undertaken by SCC as the highways authority.

4. PROPOSALS

- 4.1 It is proposed to follow 3.2 and to continue charging in the car park as this will help cover cost of running the car park.
- 4.2 Work with SCC to mitigate the parking at the southern end of the Avenue through the introduction of yellow lines to prevent parking in the affected areas. SCC have already placed this site on their list for review early next year due to requests for yellow lines to be put in by local residents earlier this year.

5. BENEFITS AND SUSTAINABILITY

- 5.1 The finances available to the Council from car park charging assists in maintaining car parks.

6. FINANCIAL IMPLICATIONS

- 6.1 The income and expenditure for the car park is given in Appendix A.
- 6.2 In reference to revenue generated by the Orchard Meadow Car Park. The revenue is required to maintain and provide for future development. If the car park was return to its former free status, this would only affect the Pay and Display revenue. Business rates for the car park are £4,500/year and there are ongoing upkeep and maintenance costs which are in the order of £500-1000 per year but also each year money needs to be put aside for the sporadic maintenance of resurfacing/relining which will cost in excess of £10k. there are enforcement costs for disabled bays and parking out of bay to ensure the car park is used effectively, which would be £1000/year.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATION

- 7.1 The introduction of yellow lines requires a process which involves consultation with the public, agreement with the Local Committee (July 2011) and implementation of a traffic order.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 If SCC agrees to the introduction of yellow lines there is a risk this may take some time to finalise as their traffic orders are generally “bundled” up with other

requests for lines and signs and dealt with in one "lot" during the year for the Borough as a whole.

Report Author: Sandy Muirhead Head of Sustainability and Leisure 01784 446318

Background Papers:

There are none

Appendix A

Orchard Meadow Car Park, measured over 28 days with a total of 50 visits. The lowest number of empty parking bays (5) was recorded 2.10pm on the 22/07/2010. The highest number of empty bays (36) was at 1.15pm on the 05/08/2010. The average number of empty bays over the period was 25.

The Avenue, measured over 26 days with a total of 46 visits. The lowest number of vehicles (8) was recorded at 4.16pm on the 04/08/2010. The highest number of vehicles (39) parked in The Avenue was at 12.41pm on the 25/07/2010. The average number of vehicles parked over the period was 23.

Orchard Meadow Income Dec-09 to Oct-10

Revenue details for Orchard Meadow Car Park

Residents Permits

Issued: 34 Revenue: £660.00

Business Permits

Issued: 21 Revenue: £1,014.50

Pay & Display Revenue (all Sunbury car parks show seasonality)

	Revenue:
Dec-09	£292.00
Jan-10	£156.20
Feb-10	£434.35
Mar-10	£663.00
Apr-10	£995.05
May-10	£1,007.80
Jun-10	£1,078.75
Jul-10	£1,419.40
Aug-10	£686.50
Sep-10	£834.38
Oct-10	£425.96

Total £7,993.39

Penalty Charge Notice

	PCNs Issued	PCNs Paid	Revenue:	Collection Rate:
Dec-09	5	3	£75	60%
Jan-10	18	14	£450	78%

Feb-10	54	33	£925	61%
Mar-10	31	28	£750	90%
Apr-10	35	27	£775	77%
May-10	49	39	£1,175	80%
Jun-10	42	31	£800	74%
Jul-10	20	14	£325	70%
Aug-10	24	15	£375	63%
Sep-10	15	12	£834	80%
Oct-10	8	3	£426	38%
Total	301	219	£6,910	72.76%

Total Income: £16,577.89

Costs: 01/12/2010 to 31/10/2010

Pay and Display Machine

The capital outlay for the machine (£2,835.00) is spread over 3 years. This will reduce the yearly amount to £945.00

Installation/Signage: £930

Maintenance: £0 (1 year guarantee)

Business rates: £4,565.81 (1 year)

Administration: £305.50 (47 weeks X 0.5 hrs per week = 19 hours at £13)

Cash collection/banking £284.40 (47 collections over 47 weeks at £5.20 per collection. Banking costs, P&D revenue £7,993.39 - 0.50p per £100 banked)

Enforcement: £1,365 (671 visits over 333 days at 10 minutes per visit = 105 hours at £13 per hour)

Total Costs £8,395.71

REVIEW OF THE PLANNING CODE

Council – 16 December 2010

For Resolution

Report of the Monitoring Officer

EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Not applicable – though the benefit of the report is that it will improve the transparency of processes and decision making at Planning Committee.

Purpose of Report

To brief Members on the suggested changes to the Planning Code in light of the recommendation of the Standards Committee.

Key Issues

- ⇒ Planning Committee
- ⇒ Council Constitution
- ⇒ “Member over-turns”
- ⇒ Planning Committee members’ discussions with residents
- ⇒ Pre-application discussions
- ⇒ Role of councillors in appeals
- ⇒ Induction of councillors
- ⇒ Public speaking and questions

Financial Implications

There are no direct financial implications arising from this report.

Corporate Priority

Not applicable.

Recommendation of the Standards Committee:

To recommend to Council the adoption of a revised Planning Code in line with the changes shown in Appendix 1 of this report.

Contact: Michael Graham, Head of Corporate Governance, 01784 446227

MAIN REPORT

1. BACKGROUND

- 1.1 The Standards Committee discussed this matter informally on 3 December 2009 and then received further reports at its meetings on 30 March and 30 September 2010. There was a slight delay in the review caused by receipt of the Trevor Roberts Associates report on the review of the planning function at Spelthorne Borough Council. Some of the recommendations within that report touched on some of the areas within the remit of the Planning Code. It was subsequently agreed that two of the report recommendations would be considered by the Standards Committee. Further details are provided below.

2. KEY ISSUES

- 2.1 In order to advise all councillors, I outline below the matters which the Standards Committee discussed, the conclusions from those discussions and how the Planning Code has changed as a result:
- 2.2 **Pre-disposition of councillors to overturn an officer recommendation and the actions which should be taken when this occurs.** Often when a councillor has been considering a planning application, a view will start to form of the issues and the councillor may well take a view on the way that he or she is likely to vote at a subsequent meeting. This is called “pre-disposition”. Such a view arises when councillors make themselves familiar with the application, talk to local residents, visit the application site and review the planning policies of the Council. Sometimes, a view may form at an early stage, when the report is not yet received for the Committee or at a later stage when the advice of the officers is known. Provided the councillor keeps an open mind about the application until the Committee, this sequence of events is to be expected and is common place. Often councillors will develop questions and concerns to be raised at Committee from these early considerations.
- 2.3 Councillors are often mindful of the need to avoid “pre-determination” and in doing so might choose to say nothing on a topic for fear that they might inadvertently be held to have “pre-determined” the application. However, provided that the councillor does not close his or her mind to the possibility of taking a different view at a later stage then, generally speaking, he or she will not have “pre-determined” the matter. Case law has recently confirmed that unless there is a clear indication that the councillor has closed his or her mind and is no longer open to have his or her opinion changed by the evidence then there is no pre-determination. (Island Farm Development Ltd –v- Bridgend CBC (2006)). This leaves sufficient room for all councillors to engage in debate about planning applications without the risk of pre-determination. Our standard advice to all councillors is to avoid rash public statements or promises about the way that they will vote at Committee and remember that since all the evidence will be provided at Committee, to keep an open mind until that point.
- 2.4 An issue occurs when a councillor takes a view that they may be minded **not** to support an officer recommendation. If that councillor waits until the Committee to make that known, then he or she may miss an opportunity to take advice from the Head of Planning and Housing Strategy. If matters progress such that the councillor wishes to formulate an alternative proposal for the Committee to decide the matter then it is preferable if advice is taken at an early stage so that all possible implications of planning policy can be considered. If a councillor

“hangs-back” and does not take advice early enough because he or she is afraid of offending the rules of pre-determination then we may well lose an opportunity for better informed debate.

- 2.5 It is a difficult proposition for the Head of Planning to effectively tackle two roles in the Planning Committee without advance warning from councillors. Her first role is to give her unbiased professional advice about the correct course of action according to the law and to planning policy. The second role as a senior advisor for councillors is to help them achieve what they want to achieve as elected representatives. It is therefore appropriate for her to offer advice to councillors about situations where they feel minded to recommend an overturn.
- 2.6 Simply, the advice to now be contained in the Planning Code is to seek advice from the Head of Planning and Housing Strategy in advance. The Council’s constitution stipulates that alternative motions or amendments have to be made clear and therefore there ought to be a stipulation in the Planning Code that gives the same expectation for Planning Committee. Any proposal for the determination of an application which is not in accordance with the officer recommendation ought normally to be discussed in advance with the Head of Planning and Housing Strategy and made in writing with proper consideration for the reasons of the proposal in accordance with the Council’s procedures.
- 2.7 This advice does not preclude situations where councillors are moved to an alternative motion because of the debate. Obviously we cannot cover every possibility within a general guidance document such as the Planning Code. It is important though to promote an overall approach which encourages free and frank debate and taking advice as early as possible to allow officers to assist as far as they can.
- 2.8 **Communication between residents and councillors and the ability of councillors to take a leadership role in the community when on the Planning Committee.** Concern was raised that councillors on the Planning Committee often find themselves in a difficult position when dealing with approaches from concerned residents about applications in the neighbourhood. Often the automatic response is given that, because the councillor is not able to give a view, the resident should contact another ward member. Such a response is borne of the necessity to keep an open mind about planning application, and also, to be seen to do so. In some respects, that we have this problem is symptomatic of councillors trying to do the right thing. The advice to councillors has always been, and always will be, to keep an open mind about planning applications and to come to a decision once all the information has been provided, and debated, in planning committee.
- 2.9 Sometimes however it is difficult to square this “quasi-judicial” role of a planning committee member with the other roles as an advocate for the local residents, and perhaps as well on some occasions as a campaigner or community leader. As we have seen above, under the discussion of pre-disposition and pre-determination, there is no real need to stand back from discussion with the community about applications. Such discussions can take place on a free and frank basis provided planning committee members remember the simple advice contained within this report and already repeated in the Planning Code about the need to keep an open mind and decide when all facts are known. This means that there can be discussion about applications in advance of the Committee.

- 2.10 The dilemma was recognised in “Positive Engagement” – a guide for planning councillors. (Copies of this were distributed to members of the Standards Committee on 3 December 2009. Further copies are available from the Monitoring Officer if required). The advice recognised that councillors can involve themselves in discussions with developers, residents and others about planning matters provided that they heeded the advice in the note. Much of this is sensible advice which is already repeated in our Planning Code. Essentially, the issue of engagement is one for future induction to allow councillors to be able to steer their way through the issues and advice offered. However it is possible to suggest some changes to the wording of the present Code and these are set out at paragraph 7 of Appendix 1 attached. Again we are trying to encourage open debate and effective representation for ward issues. There is no reason for councillors not to have free and frank debate about planning matters so long as they keep an open mind about all applications.
- 2.11 **Issues associated with multi-member wards.** The issues raised in paragraph 2.8 above are brought into sharper focus on the rare occasions when a resident cannot turn to a ward councillor for support. One example might be if two members of the ward are members of the planning committee and the third member happens to be the Mayor. Although this is not an everyday scenario, it does serve to demonstrate that the Council must achieve a situation whereby members of the Planning Committee have the confidence to engage in discussions with residents without feeling that they are thereby compromising the impartiality of themselves, the Committee or the decision making process. Proper induction is an important need here but any clarifications or rectifications of the current Code are useful to set the overall framework and expectations.
- 2.12 **The nature of pre-application discussions and the ability of councillors to engage with these discussions.** The current system of pre-application advice allows developers to seek professional advice from planning officers about proposed developments and the applicable planning policies. It is highly desirable that developers come forward to seek such advice because:
- (a) it allows planning officers to spot inadvisable applications and give feedback to developers about the chances of seeking permission for schemes which will raise concerns in the community but which have little chance of success;
 - (b) it allows planning officers to open a dialogue with developers on schemes which may be acceptable but which need to be amended to take into account particular policy issues before they are submitted;
 - (c) it enables an free flow of discussion between planning officers and developers on any potential planning obligations that may need to be included in any subsequent section 106 agreement.
- 2.13 It will be noted however that within the process, the planning officers will be aware of issues at a much earlier stage than councillors. This gives rise to a concern about how councillors can feed in the views of the community. This is a difficult area since the Council needs to balance the needs of different stakeholders who may have differing expectations of the planning process. For instance, a developer may be interested in sounding out chances of a planning application but might not wish to do so if the possibility of development was going to be public knowledge. Councillors will wish to raise concerns of the community, but at the same time there will be a wish on the part of the Council

not to alarm residents unnecessarily if applications are clearly inadvisable or speculative with little chance of success.

- 2.14 The issue of pre-application advice has been considered in a Practice Note of the Planning Officers Society – Councillor Involvement in pre-application discussions. This was circulated at the Standards Committee in December 2009. The paper arises from the issues raised above but asks how councillors can act as community champions if they are not engaged in pre-application discussions for major proposals affecting their communities. It is noted that the Planning Advisory Service also encourages member involvement in pre-application discussions on major applications, provided members' roles at this stage are clearly understood. It is noted that in order to avoid any appearance of pre-determination councils should ensure pre-application discussion is conducted in the most transparent way possible. Various methods are outlined in the paper including:
- (a) Informal private briefings – with notes available for public viewing
 - (b) Interim committee reports
 - (c) Developer presentations to a Committee – Members will be aware that this is already a feature of the present Planning Code
 - (d) Developer forums – developers organise such consultation in accordance with Statement of Community Involvement requirements
 - (e) Development Control Forums
- 2.15 The Standards Committee meeting in March 2010 considered the current provisions of the Planning Code and recommended relaxations in the rules surrounding developer presentations to encourage more of these meetings and at an earlier stage as part of a process to make pre-application consideration of major applications more accessible to councillors and in turn, the public. As a result the Standards Committee has made suggested changes to the Planning Code at Appendix 1 to take this into account.
- 2.16 **Role of ward councillors in appeals.** Occasionally ward councillors and planning committee members become involved in appeals. Advice is already given in the code that where a councillor thinks it desirable to take part in any appeal they should first seek the advice of the Head of Planning and Housing Strategy. This is **not** to preclude the involvement of the councillor, but it is a courtesy and a safeguard to ensure that all those with an interest in the outcome of an appeal are appraised of what is happening so that there is less potential for conflicts of interest or embarrassing situations to arise. In order to ensure that ward councillors are informed about matters which arise in their area, it is proposed that the obligation is extended so that councillors wishing to take part in planning appeals outside their own ward, extend the courtesy of informing all ward councillors of their intention to do so. A suggested amendment is shown at paragraph 22 of Appendix 1.
- 2.17 **Technical questions at Planning Committee.** Under the rules for public speaking at Committee, both the objector and the developer are allowed a maximum of three minutes to address the Committee. The Standards Committee observed that, occasionally, strict adherence to this three minute rule was counter-productive especially the rule which allowed no questions to be addressed to the developer by the Committee. It was also noted that there have

been recent applications where the ability to clear up technical matters with the developer would have been helpful because it would have prevented subsequent appeals. The Standards Committee is therefore recommending a relaxation of the rules so that, through the Chairman, the Committee can ask technical questions of the developer. The role of the Chairman will be to ensure equality in the proceedings between the objectors and the developers, and so the revised code notes the ability for the Chairman to invite the objectors to make further comment on these technical matters if overall fairness demands it.

- 2.18 One further minor change on public speaking rights has also been recorded. The Committee Chairman has made exceptions to the three minute rule in exceptional circumstances where the application warrants it. The London Irish application at the Kempton Park special committee was such an occasion. The ability of the Chairman to make these decisions is now recognised in the Code and this is noted as a minor change to the Code.

Trevor Roberts Associates Report

- 2.19 The TRA report contained two recommendations which are relevant to the Planning Code. These are:

15 - Consider ceasing the pre-committee meeting without officers.

23 - Amend the Planning Code to enable greater pre-Committee discussion between councillors and officers.

- 2.20 The second of these has already been discussed as part of the process to date. It is proposed that greater discussion can be encouraged by:

- (a) Relaxing the guidance on pre-application debate generally
- (b) Encouraging greater use of pre-committee presentations
- (c) Encouraging greater consultation in advance of motions to overturn the officer recommendation

- 2.21 The first of the TRA recommendations, in relation to the pre-committee meeting without officers, this is already addressed in the Planning Code which stresses this should be a purely procedural meeting. The Council has encouraged the pre-meeting to be attended by both political parties and the current guidance envisages a meeting which is used to update members on late changes or information and to discuss handling of the meeting itself. Pre-meetings should not discuss the merits of an application or intended voting. Nevertheless, the Standards Committee has already debated the perception which exists about the pre-committee meeting. It is fair to say that uninformed bystanders are sceptical of the meeting and the business which is discussed there, suspecting “deals behind closed doors”. Pejoratively, it is described as a “group meeting” when of course a group meeting on a planning application is inappropriate.

- 2.22 The TRA report suggests doing away with the meeting, but I view that recommendation as short sighted. It suggests that there was something wrong which needs to be abolished. This is not the case, since we have already described in the Code how such a meeting can be used for procedural purposes to ensure the better running of the main committee meeting itself.

- 2.23 Following discussion at Standards Committee the recommendation is to change the meeting so that instead of being an informal part of the procedure it becomes part of the official proceedings. Officers and members will attend the meeting. A

meeting half an hour before the start of committee can then be used as a “call-over” meeting to advise about changes to the agenda, the running order, public speaking, ward member speaking and the like. The Standards Committee recommends this meeting as taking place in public (for those that want to attend) in the Council chamber. Such a procedure could remove all speculation about the nature of the pre-meeting and improve the transparency of how the Council deals with its planning applications.

3. OPTIONS ANALYSIS

- 3.1 This report is for background information to allow Members to consider the recommendation of Standards Committee which is to adopt the new Planning Code as set out in Appendix 1 to this report.

4. TIMETABLE FOR IMPLEMENTATION

- 4.1 Following consideration at the Standards Committee it is proposed that these changes are implemented straightway.

Report Author: Michael Graham, Head of Corporate Governance, 01784 446227

Background Papers: There are none

SPELTHORNE BOROUGH COUNCIL

[Suggested changes to the] PLANNING CODE

Version dated 21 October 2010

Introduction

1. The purpose of this Code is to give clear guidance to Members about how they should carry out their duties in relation to planning and development proposals so as to ensure openness, transparency and consistency in planning decisions.

General Role of Members

2. Members have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community. Whilst representing their constituents on planning issues and taking account of their views, Members must base their decisions on material planning considerations and what they believe is best for the Borough as a whole. A Member is not under any obligation to represent a resident on a specific planning application if, in the opinion of the Member, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.

General Role of Officers

3. Officers are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on planning policies and procedures, ensuring Members are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

4. Both Members and Officers are required to observe codes of conduct and statutory provisions including the local code of conduct for Members, the aim of which is to ensure the integrity of the Council and individual Members. These require the open disclosure of any prejudicial or personal interests in issues being considered by the Council or its committees. Members and Officers are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
5. Training and guidance on the code, and in particular the local code of conduct for members on the declaration of interests, has been provided to all Members by the Council's Monitoring Officer and will be regularly updated. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual Members to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee. Officers with an interest in property in the vicinity of an application or any relationship to an

applicant, should disclose this to the Head of Planning and Housing Strategy, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Members

6. Lobbying of Members for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that Members will have, and be able to consider, all the relevant information and arguments about an application before making a decision.
7. Members should feel free to engage in free and frank discussion about all aspects of planning applications in advance of the Committee. However, it is important to maintain the integrity of individual Members and the Council as a whole that Members of the Planning Committee should:-
 - ❖ if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
 - ❖ ~~if they cannot avoid expressing an opinion~~ preface any discussion on a planning application to, make it clear from the outset that discussions are not binding ~~their opinion is only provisional and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;~~
 - ❖ declare at the Committee meeting, any meetings they have had with applicants or objectors;
 - ❖ ~~avoid giving constituents planning advice except in relation to general planning procedures;~~
 - ❖ advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee. (A draft letter which Members can use to acknowledge representations and explain their position is available from eOfficers);
 - ❖ abide by the guidance in this Code with relation to ~~See Paragraph 12 below for commentary in relation to site visits:-~~
 - ❖ ~~not~~ not organise support or opposition to any planning application, lobby other Members or put pressure on Officers for a particular recommendation because this might remove them from the decision making process.
- ❖ 8. Members are encouraged to be responsive to all residents about planning matters. Frequently, applications are daunting for residents who need advice and support about the issues which they raise. All Members are able to have

discussions with residents about planning applications even if that Member is on Planning Committee.

Declarations of interest

9. If a Member has received legal advice with regard to a declaration, a personal or prejudicial interest, then he / she may disclose the fact that legal advice has been given at the time when the declaration or interest is disclosed.

Meetings and pre-application discussions

~~8.~~10. Officers frequently hold meetings with applicants and objectors to discuss applications. These are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation they may make to the Committee and the decision of the Committee when all information is before it. Where Members will not normally attend such meetings they should abide by the guidance in this Code and the expectation is that where Members attend, the invitation should be extended to all Ward Councillors.

9.11. If a Member wishes to arrange a meeting with planning officers for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so Officers will try to attend meetings arranged by Members with their constituents away from Knowle Green provided all Ward Councillors are invited to attend.

~~10.~~12. If attending public meetings, Members of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Officers will not normally attend public meetings unless their attendance has been agreed by the Head of Planning and Housing Strategy and representatives of both the applicant and objector are given the opportunity to be present. Ward ~~Members~~ Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue either organised by Officers or which Officers have agreed to attend.

Presentation on Likely Major Development Proposals

~~11.~~13. The Council will encourage ~~The Planning Committee does not allow~~ appropriate presentations in relation to major of development proposals ~~to be made by applicants.~~ This is seen as beneficial to inform councillors at an early stage and to encourage pre-application discussion and free flow of information on what are often complex issues. The Council itself will also organises presentations to keep Members informed generally on matters which appear to have or are likely to have strategic importance for the Borough. ~~but will not usually do so in relation to any matter which is the subject of a current planning application to the Council.~~ In exceptional cases ~~t~~ The Head of Planning and Housing Strategy may also organise a technical briefings on major developments at which developers may be present. At any such presentations Members should ~~try to maintain an impartial role, listening to what is said and~~

asking questions but not expressing an opinion abide by the guidance in this Code, listening to presentations, raising concerns and questions, debating the issues but not coming to fixed or final positions in advance of the full debate at Planning Committee.

Site Visits

~~12.~~14. Formal site visits by the Planning Committee will ~~only~~ be undertaken in exceptional circumstances and in accordance with the guidelines attached at [Appendix 'A'](#). The necessity for such a visit will be agreed between the Chairman of the Committee and the Head of Planning and Housing Strategy. Ward Councillors who are not ~~on~~ Members of the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the layout of the neighbourhood. Such visits are encouraged so that the Member can become familiar with the application site and the layout of neighbouring properties etc. Provided that no other persons are present then Members do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then Members should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Officer Reports to Committee

~~13.~~15. All matters requiring a decision by the Planning Committee should be the subject of a written report from Officers which should be accurate and cover all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The report should include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed should be reported verbally to the Committee at its meeting.

Procedure at Committee Meetings

~~14.~~16. Applicants and objectors will be able to address the Planning Committee in accordance with the procedure agreed from time to time by the Council, the current version of which is attached at [Appendix 'B'](#). This outlines the issues which the Committee can and cannot normally take into account.

17. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, -in his or her discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.

~~15.~~18. Where Members who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have

addressed the Committee. Non members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward Councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward.

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at the Planning Committee.

Call-over

19. The Council will organise a meeting immediately prior to the Planning Committee (a "Call-Over") which will deal with the following administrative matters for the Committee:

Ward councillor speaking

Public Speakers

Declarations of Interests

Late Information

Withdrawals

Changes of condition; or

any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

20. The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be in the same room planned for the Committee. The Planning Committee Chairman will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

16-21. Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

Decision Making

16.—A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All Councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application. Any political group meetings prior to a Committee meeting should not be used to discuss the details of applications or to reach conclusions. Group meetings should confine themselves to the following procedural matters:

18.~~22.~~ Public Speakers

- Declarations of Interests
- Late Information
- Withdrawals
- Changes of condition; or
- any other procedural issues.

17.~~23.~~ The law requires that where the development plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise. If the Officer's report recommends a departure from the development plan the justification for this must be included in the report.

18.~~24.~~ Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.

19.~~25.~~ If the Committee wishes to make a decision contrary to the eOfficers' advice, an officer present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application or impose additional conditions the reasons for doing either must be clearly stated when this is proposed. The decision and reasons for it as agreed by the Committee must be minuted.

19.~~26.~~ Members who pre-disposed wish to propose an outcome against officer advice should first seek advice from the Head of Planning and Housing Strategy. Any motion contrary to officer advice should be formulated in writing with reasons which can be handed up to the Chairman if requested.

Applications Involving Members, Officers or the Council

20.~~27.~~ Any planning application made by a Member or Officer or the Council itself should be determined by the Planning Committee and not by the Deputy Chief Executive under his delegated powers. Members of the Planning Committee and Officers should not normally act as agents for another person or body pursuing a planning matter with the Council and if they do any planning decision must be made by the Planning Committee and not under delegated powers.

21.~~28.~~ Whenever possible a Member making a planning application should appoint an agent to act on their behalf. The Member must take no part in making a decision on the application.

Involvement of Members in Appeals

22.~~29.~~ Where a Member wishes to play a part in any appeal, he/she should seek first the advice of the Head of Planning and Housing Strategy and as a courtesy, inform the relevant Ward Councillors. -

Training of Members in Planning Issues and Procedures

30. No Member should be appointed to the Planning Committee without having agreed to undertake training suitable induction and familiarisation in planning procedures and the Code of Conduct. The Head of Planning and Housing Strategy with the support of the Monitoring Officer and after consultation with the Chairman of the Planning Committee will arrange suitable training induction opportunities at regular intervals and will supplement this with written guidance. It is expected that such induction should take place within six months of appointment to the Committee.

23.~~31.~~ It is also envisaged that all Members of the Council will partakeengage in traininginduction and familiarisation about planning matters and this Planning Code so that as Ward Councillors they can effectively represent residents and promote the interests of the Borough as a whole.

Review of Decisions

24.~~32.~~ Arrangements will normally be made annually for Members to visit a sample of sites where planning permissions have been implemented to assess the quality of the built development/respective schemes.

PLANNING COMMITTEE – FORMAL SITE VISITS

PROCEDURES AND PROTOCOL

Circumstances

1. A formal site visit by Members should only occur ~~on rare occasions~~ when:-
 - a) An application is under consideration with such Borough-wide implications that Members feel unable to assess the nature/impact of the scheme without a detailed site inspection accompanied by Planning Officers to point out and explain the application “on the ground”.
 - b) A retrospective application is under consideration and a refusal of the proposal, contrary to officer recommendation, would be likely to result in enforcement action requiring demolition and/or cessation of works/uses etc.

Arrangements

1. Members of the Planning Committee (and Ward Members) should meet at a pre-arranged date, time and location in order to conduct a formal Member site visit. Officers will write to Members with details.
2. Officers will pre-arrange access to the relevant site(s) in order to allow Members to observe the application site from all necessary vantage points.
3. The site visit will be guided by the Planning Officers who will point out matters of material relevance to the application and answer Members’ questions.
4. The purpose of the inspection is to gather information about the site and visually assess the likely or actual impact of the proposal, not to debate the merits of the application or the officers’ recommendation.
5. During the formal site visit detailed discussions and/or negotiations should not be conducted with the applicant or third parties by either Members or Officers. It is appropriate for councillors to ask questions through the Chairman for clarification of any technical points raised. These questions maybe directed to the developer if the Chairman considers appropriate in order to answer a technical query. All Primary discussion and debate should be ~~undertaken at~~ reserved for the Planning Committee itself when the application is presented for formal consideration. Any arguments applicants or third parties wish to put forward can be heard at that stage through the public speaking arrangements and the debate will be in public. -
- 4.6. Where mebers of the public are present at site visits it will not normally be appropriate for any public speaking as this will be reserved for the Committee.

PROCEDURES FOR PUBLIC SPEAKING AT PLANNING COMMITTEE (REVISED JUNE 2003)

~~How Public Speaking at Planning Committee operates at Spelthorne~~

The procedure allows for **one** person to speak in support of a planning application and **one** against the application. Unfortunately we have to say that Requests to speak are dealt with on a "first come, first served" basis. Therefore, if someone has already asked to speak, for example, against an application, and you wish to do likewise, you will not be able to do so. We do, however, try to put you in touch with the speakers registered to speak on an item, provided that person gives their consent, as they may be willing to speak on your behalf also.

Each person making representations will be allowed a maximum period of three minutes in which to speak and the issues must represent issues which the Planning Committee can take into account when considering the application. ~~{Advice on how to comment on proposals and the type of issues which can be raised are~~ is set out overleaf}. During the three minutes you will not be permitted to ask questions of the Committee and nor will you be questioned. ~~If you represent others, apart from your household, for example, neighbours, you will need to bring with you documentary evidence that these people have agreed to you making representations on their behalf. This documentary evidence may take the form of a letter signed by them or other similar authorisation.~~

~~Only the authorisation allowing you to speak on the behalf of others can be circulated at the meeting. No other~~ fresh material, including e.g. photographs, plans etc, can be handed to the Committee Members. All such requests will be refused.

You are strongly advised to read the Officer's report on the application before deciding to make representations to the Committee. In this way you can be sure you understand what is being proposed. The report is available at on the Council's Offices website five working days before the meeting. If you require any further advice please contact the Council's Planning Service on 01784– 446360 or your local Ward Councillor (details of whom can be obtained from the website or Customer Reception Services on telephone 01784– 451499).

How do I register my wish to speak? - As stated above, requests to speak are dealt with on a first come first serve basis. If you wish to speak to the Committee you should:

Ring 01784 446276 on the day of, or the day before,

tThe committee meeting between 9.00am - 4pm on either day

We will need to know:-

- The application on which you wish to speak
- Your full name, address and telephone number
- Whether you are in favour or against the application and whether you also represent anyone else
- Whether we can pass your details on to any other caller with a similar point of view

Please note - speaking to the planning officer(s) will not register you to speak. You must separately register to speak as detailed above.

At the meeting you should make yourself known to the Committee Administrator **15 minutes before the start of the meeting** so that your attendance can be noted.

If after registering to speak you wish to change your mind, then please advise us on the number given above.

ORDER OF SPEAKING AT THE COMMITTEE - PROTOCOL

The Chairman will announce, at the start of each item being considered, the title of the application and whether public speaking will take place and will introduce you to the Committee by name and invite you to make your way to the public speaking chair to address the Committee.

- (a) On items where there is public speaking, the Planning Officer will be asked to present the plans to the Committee and add any further information relevant to the application and the report.
- (b) The Chairman will call upon the person registered to represent all objectors to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (c) The Chairman will call upon the person registered to represent persons supporting the application to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (d) Any ward Councillor who is not a member of the Planning Committee may make representations on cases affecting his/her ward. They will each be allowed three minutes to make their representations.
- (e) The Planning Officer will comment on any factual matters raised by any speaker during stages (b) - (d)
- (f) Members will then debate the application/ask questions of officers in the usual way and reach a decision, ~~without further public involvement.~~
- (f)(g) The Chairman in his or her discretion may decide to allow points of clarification to be raised by Members to the developer. This is intended to resolve factual issues and produce better outcomes in decision making. Where the Chairman decides to allow further points of clarification, he or she will take into account the need for overall equality between the parties and may ask the objectors to comment on the further information.
- (g)(h) After the debate a decision will be made by the Committee, either by a formal vote or by way of consensus and the Chairman will then announce the decision which has been made by the Committee so that this decision may be formally minuted.

In the event of any dispute over these procedures or protocol the Chairman's decision is final.

When putting your case, you should only talk about **planning issues** as the Committee can only make a decision on **planning grounds**.

A. ISSUES THE COMMITTEE CAN TAKE INTO ACCOUNT

In considering planning applications, the Council has a statutory duty to have regard to the provisions of the Development Plan and any other material considerations.

1. Any policy in the Development Plan (ie. Surrey Structure Plan and Spelthorne Local Plan) may be debated.
2. Some of the most common "material considerations" include:
 - Loss of light;
 - Overshadowing;
 - Overlooking and/or loss of privacy;
 - Adequacy of parking/loading/turning;
 - Overbearing;
 - Loss of trees;
 - Layout and density of buildings;
 - Design, appearance and materials;
 - Hazardous materials;
 - Nature conservation;
 - Tourism;
 - Disabled persons access;
 - Previous appeal decisions;
 - Effect on Listed Buildings & Conservation Areas;
 - Landscaping;
 - Road access;
 - Highway safety;
 - Traffic generation;
 - Noise and disturbance resulting from use;
 - Smells;
 - Local strategies, regional & national policies;
 - Archaeology;
 - Previous planning decisions;
 - Visual amenity (but loss of private view is not material);
 - Government planning policy guidance, circulars, orders and statutory instruments.

B. ISSUES THE COMMITTEE CANNOT NORMALLY TAKE INTO ACCOUNT

1. Matters controlled under the Building Regulations and other law:
 - Safety of materials (eg. asbestos);
 - Capacity of private drains;
 - Encroachment of foundations, gutters, pipes etc;
 - Structural stability of the property or adjacent property;
 - Terms of alcohol or gaming licences;
 - Control of rodents etc.;
 - Noise and dust from construction works.
2. Issues between neighbours/properties:
 - Boundary disputes;
 - Private rights of way, light or other easements;
 - Private covenants or agreements;
 - Damage to property;
 - Getting access to property to keep it in good order;
 - Feelings towards neighbours;
 - The applicant's conduct, private affairs or how a business is run;
 - Age, health, status or background of anyone objecting to the application;
 - Size of the applicant's family and need for development;
 - How long the applicant has been living in the property;
 - The applicant's motives (profit);
 - What the applicant intends to do with the building in the future;
 - Loss of private view;
 - Loss of trade elsewhere.
3. Construction issues such as:
 - Standard of workmanship and the way it is carried out;
 - Time taken to do work.
4. Precedent - unrelated decisions that have been made before.
5. Moral or other such issues as amusement arcades, betting shops etc.
6. Litter (except in very rare circumstances).
7. Loss of value of property.
8. Complaints about procedures in dealing with applications.

REPORT FROM THE LEADER OF THE COUNCIL ON THE WORK OF THE CABINET

This is my report to the Council as the Leader of the Council on the work of the Cabinet. It is an overview of some of the more important issues the Cabinet discussed at its meeting on 23 November 2010.

The Cabinet has made two recommendations to the Council, one on the new form of Governance which will be considered at a Special meeting of the Council on 16 December and one which will be considered earlier on this agenda, on a Statement of Licensing Policy 2011-2014.

1. REVENUE GRANTS

- 1.1 The Cabinet considered a report setting out recommendations for funding in 2011/12 to assist the financial stability of key voluntary sector organisations which provide crucial services to the more vulnerable people of Spelthorne.
- 1.2 The Cabinet agreed funding for the various organisations as set out in Appendix A to the report of the Assistant Chief Executive and to receive a report on accommodation at the next Cabinet meeting.

2. COMMUNITY ENGAGEMENT

- 2.1 The Cabinet considered a report on the most recent round of Have Your Say events and proposals for future community engagement events and whether to continue to hold Have Your Say events in a concentrated programme in the summer bearing in mind the costs, logistics and preparation needed when weighed up against the small proportion of Spelthorne residents attending. Cabinet considered the original purpose of these events which was to enable that community to raise concerns and find out about relevant issues in their locality.
- 2.2 The Cabinet agreed to replace the local Have Your Say events with theme specific meetings at central, sizeable venues but Officers, Councillors and Partners would attend Resident Association meetings on an annual basis and also consider a range of communication channels accessible to different age groups to allow residents to engage with the Council through electronic media.

Councillor John Packman
Leader of the Council

16 December 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee held a meeting on 9 December 2010 and considered the following items of business.

1. CORPORATE RISK MANAGEMENT

The Committee noted the quarterly update on the Corporate Risk Register and recommended it to Cabinet for approval.

2. INTERNAL AUDIT INTERIM REPORT

The Committee considered and approved the interim report which outlined the work undertaken by Audit Services during the period April to November 2010.

3. CONFIDENTIAL REPORTING CODE (WHISTLEBLOWING) POLICY

The Committee reviewed and approved, without amendment, the report on the Confidential Reporting Code (Whistleblowing) Policy.

4. COMMITTEE WORK PROGRAMME 2010/11

The Committee considered and approved its Work Programme for the remainder of the municipal year 2010/11.

Councillor M.T. Royer
Chairman of the Audit Committee

16 December 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE CRIME AND DISORDER SCRUTINY COMMITTEE

The Crime and Disorder Scrutiny Committee has met once since the last Council meeting and this report gives an overview of the issues considered.

1. MEETING ARRANGEMENTS

- 1.1 This was the first meeting of the Crime and Disorder Scrutiny Committee and in accordance with the established protocol Inspector Sarah Greenhalgh from Surrey Police and Councillor Ernest Mallett the Spelthorne Member for the Surrey Police Authority attended the meeting and took part in the discussion.

2. THE SPELTHORNE STRONGER, SAFER PARTNERSHIP

- 2.1 The Committee received a presentation from Tim Kita, the Head of Community Safety and Corporate Services. The presentation provided information about the work undertaken by the Stronger and Safer Partnership and outlined the targets for the years between 2010 and 2013 for reduction in crime. The presentation also provided statistics and data for current crime levels within Spelthorne and identified crime projections. It also highlighted issues and challenges facing the Partnership as well as opportunities.
- 2.2 During the discussion, Ernest Mallett and Sarah Greenhalgh provided details about the possibility of using proceeds of crime for community based projects.
- 2.3 One of the main areas of discussion was on the comprehensive review being undertaken by the County Safer, Stronger Board on community safety services across the county. The Committee acknowledged that under this review funding would be reduced and discussed how the following current funding streams would be affected.
- (a) The pooled budget was funded by key stakeholders such as the Borough Council, County Council, Surrey Police and the NHS Surrey.
 - (b) The Basic Command Unit Fund would cease at the end of the financial year as part of the spending review.
 - (c) The Area Based Grant was allocated via the County Council but was likely to be effected by the spending review and had already faced a 50% reduction in the capital allocation and 20% reduction in the revenue allocation.
- 2.4 The Committee were pleased with the work undertaken by the Partnership and particularly made reference to:
- (a) The continued reduction in overall crime in the Borough with the exception of drugs (up by 6%) and theft (up by 7%); and
 - (b) The continued success of the numerous initiatives organised by the Partnership including PAD's (Partnership Action Days) Junior Citizen and the Neighbourhood Watch Scheme.

- 2.5 The Committee were pleased to receive complimentary comments from Ernest Mellett the Spelthorne Member for Surrey Police on the high standard of debate and on our comprehensive understanding of the new role of Crime and Disorder Scrutiny.
- 2.6 The Committee agreed that the findings of the review by the County Safer, Stronger Board be circulated to all Committee Members in December 2010 (or as soon as completed) together with details of the final reductions in the Area Based Grant.

Councillor Philippa Broom

16 December 2010

Chairman of the Crime and Disorder Scrutiny Committee

REPORT OF THE CHAIRMAN ON THE WORK OF THE LICENSING COMMITTEE

There have been four Licensing Sub-Committee meetings since my last report. Details of their work are set out below.

LICENSING SUB-COMMITTEE 25 OCTOBER 2010

A Licensing Sub-Committee considered an application to vary the premises licence at Forest And Ocean, 13-15 High Street, Market Square, Staines. The application was refused for the reasons set out in the decision notice.

LICENSING SUB-COMMITTEE 9 NOVEMBER 2010

A Licensing Sub-Committee considered an application for a premises licence at Shepperton Filling Station, 26 – 34 High Street, Shepperton. The Premises Licence was granted subject to modification by addition of conditions, for the reasons set out in the decision notice.

LICENSING SUB-COMMITTEE 30 NOVEMBER 2010, AM

A Licensing Sub-Committee considered a report to determine whether Mr M. Bird is a fit and proper person to hold a hackney carriage driver licence. The licence issued to Mr Bird to drive a Hackney Carriage was suspended for a period of thirty (30) days, for the reasons set out in the full decision notice.

LICENSING SUB-COMMITTEE 30 NOVEMBER 2010, PM

A Licensing Sub-Committee considered a report to determine whether Mr I. Sardar is a fit and proper person to hold a hackney carriage driver licence. The licence issued to Mr Sardar to drive a Hackney Carriage was suspended for a period of twenty-one (21) days, for the reasons set out in the full decision notice.

Councillor Robin Sider
Chairman of the Licensing Committee

16 December 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee has met twice since the last Council meeting and this report gives an overview of the issues considered.

1. PROPOSED ECO PARK DEVELOPMENT CHARLTON LANE, SHEPPERTON

- 1.1 The Committee held a special meeting in public on 20 October 2010 to formally consider the proposed eco park development at Charlton Lane, Shepperton. This proposal was from Surrey County Council and its partner Surrey Waste Management Limited and included:
 - (a) A batch oxidation gasification facility that would treat 60,000 tonnes of household waste each year.
 - (b) An anaerobic digestion facility that would treat 40,000 tonnes of Surrey's food waste.
 - (c) Facilities to manage recyclable waste such as paper, glass and plastics.
 - (d) A community recycling centre (retain existing facility).
 - (e) A visitor education centre.
 - (f) Additional land around the site had been obtained for landscaping and to encourage biodiversity.
 - (g) Establish a fund for local environment projects.
- 1.2 Over 300 members of the public attended the special committee meeting. To assist residents and other interested parties to have a clearer understanding about the plans representatives from Surrey County Council, SITA UK, experts from Fichtner Consultants, AXIS and, independent professional academic consultants to provide independent technical information were in attendance to answer questions. The questions raised by committee members were based on the questions/concerns received from residents and local organisations.
- 1.3 ***The committee resolved:***
 - (a) To note the main concerns expressed by residents via the questions submitted on the proposed development of an Eco Park at Charlton Lane, Shepperton; and
 - (b) To note the advice provided by the three independent expert witnesses.
- 1.4 **The Committee recommended that** the County Council should provide accurate baseline assumptions for both air and water-borne pollutants, and to establish satisfactory monitoring procedures with publically available results, if, the facility is developed.
- 1.5 **The Committee further:**
 - (a) Identified the need to ensure that a rigorous process was established to monitor traffic/vehicle movements against assumptions made at the time of the Planning application;
 - (b) Arrange for written answers to be obtained for all questions submitted by the residents and be published via the Borough Council's website - Questions submitted after the meeting to be processed in the same way;

- (c) Consider that appropriate penalties for non compliance to achieving environmental contributions should be established and enforced; and
- (d) That Surrey County Council hold a further open forum for all members of the public to attend.

1.6 At the conclusion of the meeting as Chairman I confirmed that the views already submitted by residents and any late submissions would be forwarded to Surrey County Council for a response. These together with the answers received would be placed on the Council's website with any other relevant information.

http://www.spelthorne.gov.uk/news/nws_10_ecoplanning.htm

2. FINANCIAL REPORTS

2.1 The Committee received two financial monitoring reports setting out the provisional outturn position for both revenue and capital for the period April to September 2010. In relation to Capital £742k had been spent to date against the original annual budget of £2,204k and against the revised annual budget of £2,767k. In respect of the Revenue budget £4,816m had been spent to date against the original annual budget of £13,851m.

2.2 The Committee in relation to the revenue monitoring report asked for further information to be provided to clarify the statistics, data and the general layout to the report.

3. RECYCLING UPDATE

3.1 The Committee received a presentation from the Head of Sustainability and Leisure Services on the progress and performance of the Alternate Weekly Collection scheme since its introduction in September 2007.

4. CORPORATE DEBT POLICY

4.1 The Committee discussed the report from the Chief Finance Officer on the establishment of a corporate debt policy. It was noted that the existing budget of £28,000 would be used to cover the administration of the new corporate approach which would cover the cost for tracing and court fees etc.

4.2 The Committee supported the adoption of the corporate debt policy as submitted for implementation from 1 December 2010.

5. WORK PROGRAMME

5.1 The Committee agreed that a future topic for inclusion in the work programme would be to look at the future funding of the Stanwell New Start Scheme and the potential financial impact on the Council.

5.2 If any members of the Committee have any issues they wished to be considered for inclusion in the work programme details should be sent to me as Chairman and to Brian Harris, Assistant Chief Executive.

Councillor Philippa Broom
Chairman of the Overview and Scrutiny Committee

16 December 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE PLANNING COMMITTEE

The Planning Committee has met twice since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key items considered by the Planning Committee at those meetings held in November and December.

The meeting on **10 November** dealt with 6 items. There were no public speakers on any of the items. The most notable items on the agenda were:

- The approval of 4 houses at land to the side of the George PH in Staines Road East, Sunbury and the conversion of the public house into 3 flats.
- Permission was also refused at the meeting for the erection of two blocks of flats providing a total of 12 units at Broad View, Long Lane, Stanwell.

The meeting on **8 December** dealt with 11 items. One member of the public took the opportunity to address the Committee. The most notable items on the agenda were:

- The refusal of an application seeking to relax a condition imposed on a previous permission at Sundeala Close, Sunbury which required the installation of noise mitigation equipment. The issuing of Enforcement Notices in relation to the work carried out on this site was also authorised.
- Permission was also approved at the meeting for the extension of the Echelford home for the elderly, in College Way, Ashford, to provide an additional 18 new bedrooms.

Councillor Howard Thomson
Chairman of the Planning Committee

16 December 2010