

## **Special Council - 19 January 2005**

**Time: 7.30pm**

**Place: Council Chamber, Council Offices, Knowle Green, Staines**

### **Public Speaking at Council Meetings**

#### **(1) Representations on Recommendations**

When the Council is considering a recommendation made to it by the Executive or a Committee, any resident can put forward views on the issues involved by making representations to the Council for a maximum of three minutes before the Council discusses the recommendation and makes a decision.

Anyone wishing to make representations on a recommendation, must notify the Chief Executive's office before Noon on the day of the meeting.

### **REVISED AGENDA**

#### **1 APOLOGIES FOR ABSENCE**

To note apologies for absence from Councillors Mrs. P.C. Amos, E.K. Culnane, H.R. Jaffer and S.B.S. Lorch and to receive any other apologies.

#### **2 MINUTES**

To confirm as a correct record the Minutes of the Council Meeting held on 16th December 2004. **(Attached at APPENDIX 1 )**

#### **3 DISCLOSURES OF INTEREST**

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

#### **4 RECOMMENDATIONS OF THE EXECUTIVE**

To consider the recommendations of the Executive on the following matters:-

**(APPENDIX 2 (attached))**

1. Leisure Centre Procurement **[To Follow]**
2. Treasury Management Strategy Statement and Annual Investment Strategy 2005/2006 **[To Follow]**
3. Review of Delegations to Officers **[To Follow]**

Note: Members of the public may make representations not exceeding 3 minutes on individual recommendations before they are discussed (provided notice of their wish to do so has been given to the Chief Executive's office before Noon on the day of the meeting).

#### **5 RECOMMENDATIONS OF THE LICENSING COMMITTEE**

To consider the recommendations of the Licensing Committee on the

following matter:-  
**(APPENDIX 3)**

**1. Licensing Act 2003 – Committee Arrangements [including revised proposals on the Exercise and Delegation of Functions, proposed amendments to Standing Orders in relation to Sub-Committees and proposed practices and procedures at meetings]. [To Follow]**

Note:Members of the public may make representations not exceeding 3 minutes on individual recommendations before they are discussed (provided notice of their wish to do so has been given to the Chief Executive's office before Noon on the day of the meeting).

**6 URGENT BUSINESS**

**1. URGENT ITEM - APPOINTMENT OF HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER**

To consider the report of the Chief Executive **attached** at APPENDIX 4.

**2.** To consider any other urgent business.

**MINUTES OF THE COUNCIL MEETING HELD ON 16TH DECEMBER 2004**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE  
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON  
THURSDAY 16<sup>TH</sup> DECEMBER 2004 AT 7.30PM**

Amos Mrs P C	Grant Mrs D L	Packman J D (Deputy Leader)
Ayers F	Hirst A P	Paton J M
Bain Ms M	Hyams Mrs M	Pinkerton J D
Beardsmore I J	Jaffer H R	Royer M T
Bhadye S	James P R	Searancke E J
Ceaser G S	Leighton Mrs V J	Sider R W
Colison-Crawford R B	Madams M J	Spencer Mrs C L
Culnane E K	Napper I	Strong C V
Davies F (Leader)	O'Hara E	Trussler G F (Mayor)
Fullbrook J M		Wood-Dow J M

G F Trussler, Mayor, in the Chair

**356/04 APOLOGIES**

Apologies for absence were received from Councillors M.L. Bouquet, K. Chouhan, R. D'Sa, G. E. Forsbrey, S.B.S. Lorch, Mrs J.M. Pinkerton, Mrs J. E. Ponton, D. Turner, Mrs P. Weston (Deputy Mayor) who was attending a Mayoral event at St. David's School, Ashford and Mr Murray Litvak.

**357/04 MINUTES**

**RESOLVED** that the minutes of the Council meeting held on 21st October 2004 be approved as a correct record.

**358/04 ANNOUNCEMENTS BY THE MAYOR**

The Mayor thanked the Members for supporting the Christmas musical event held on Saturday 11<sup>th</sup> December.

**Mayors Events**

The Mayor mentioned that there would be two events coming up in the New Year and that details would be circulated to Members in due course.

The Mayor thanked Mary Tam, the Council's former Head of Revenue and Housing Support, for her service to the Council over the past seventeen years and wished her good luck in her new job with the London Borough of Kingston.

**359/04 OUTLINE BUDGET 2005/2006 – 2008/2009**

The Council considered a recommendation from the Executive on an Outline Budget covering a four-year period.

**RESOLVED: -**

- (1) **That the net budgeted expenditure for 2005/2006 be set at a maximum level of £12.862m.**

- (2) That, in order to reach this level, the Strategic Director (Support) identifies a package of options by which the budget can be balanced both in 2005/2006 and over the Outline Budget period.
- (3) That the Strategic Director (Support) reports back to the Executive on either 7 December 2004 or 11 January 2005 on the Provisional Grant Settlement.
- (4) That, in light of the further report to the Executive at (3) above, a guideline council tax increase be considered at that particular time.

#### **360/04 CAPITAL PROGRAMME 2005/2006 – 2008/2009**

The Council considered a recommendation from the Executive on the proposed Capital Programme for 2005/2006 to 2008/2009.

**RESOLVED** to approve the Capital Programme for 2005/2006 to 2008/2009, set out at Appendix A to the report of the Strategic Director (Support).

#### **361/04 SPELTHORNE COMMUNITY PLAN 2005-2015**

The Council considered a recommendation from the Executive on the Spelthorne Community Plan, the proposals for its revision and the recommendations arising from the consideration of the draft Plan by the Spelthorne Local Strategic Partnership.

**RESOLVED** to: -

- (1) Agree to the revision of the Community Plan.
- (2) Approve the draft Spelthorne Community Plan 2005-2015, set out at Appendix A to the report of the Chief Executive, subject to adding the further amendments shown at paragraph 2.3 of the report, including the 'big issues' which would make a significant difference to Spelthorne by 2015, such as the impact of Heathrow Airport, flooding, drugs and crime, and access to health treatment.

#### **362/04 CRIME AND DISORDER STRATEGY 2005-2008 – AUDIT AND EMERGING ISSUES**

The Council considered a recommendation from the Executive on the progress of the Audit of Crime and Disorder consultations to date and the emerging issues.

**RESOLVED** to: -

- (1) Note progress to date.
- (2) Confirm that it is in agreement with the emerging issues identified as the basis for development of strategic priorities and actions within the Crime and Disorder Reduction Strategy 2005-2008.
- (3) Agree that in order to achieve a significant reduction in crime and disorder in the Borough, in line with Government targets, and to reflect the increasing higher crime levels in Spelthorne compared to other districts of Surrey, that Surrey Police and the Police Authority be requested to allocate additional resources to the Borough Commander for next year and beyond and that consideration be given to Spelthorne having representation on the Police Authority.

- (4) **Agree that in taking forward the draft priorities now agreed, the Crime and Disorder Reduction Partnership be asked to concentrate its resources on schemes and initiatives that make the highest impact on combating the increase in anti-social behaviour. This is of major concern to the residents of Spelthorne.**

#### **363/04 UPDATE ON LEISURE AND CULTURE STRATEGY 2001-2005**

The Council considered a recommendation from the Executive on the achievements to date from the action plan in the Leisure and Culture Strategy 2001-2005 and the need to commence preparation for a new Leisure And Culture Strategy in May 2005.

**RESOLVED to: -**

- (1) **Note the actions and achievements in the Leisure and Culture Strategy 2001 - 2005.**
- (2) **Agree to the Head of Community Services starting consultations for a new Strategy in May 2005.**

#### **364/04 SPELTHORNE PAY 2005/2006**

The Council considered a recommendation from the Executive on proposals for Spelthorne Pay 2005

**RESOLVED to: -**

- (1) **Agree that Spelthorne Pay is continued for 2005/2006.**
- (2) **Agree an overall increase of 3.45% on the 2005/2006 Salary Budget to include 3.25% for all Spelthorne staff with effect from 1 April 2005, and the remaining 0.20% ring-fenced for recruitment and retention purposes.**
- (3) **Note the comments of Unison set out at Appendix 1 to the report of the Chief Executive.**

#### **365/04 COUNCIL TAX SECOND HOME DISCOUNTS**

The Council considered a recommendation from the Executive on reducing or removing council tax discounts for prescribed classes of dwellings, following powers provided to Local Authorities under the Local Government Act 2003.

**RESOLVED to agree to the reduction of 40% council tax discount for properties defined in class A and B of section 11A of the Local Government Finance Act 1992 to a discount of 10%.**

#### **366/04 IMPLEMENTING ELECTRONIC GOVERNMENT RETURN 2004**

The Council considered a recommendation from the Executive on Spelthorne's progress in Implementing Electronic Government, which required an on-line return of the IEG Return 2004 to the ODPM by their deadline of 20 December 2004.

**RESOLVED to: -**

- (1) **Note the progress that is being made with the implementation of electronic government in Spelthorne.**
- (2) **Note the authorisation granted by the Executive to the Strategic Director (Support) to agree the final details of the Implementing Electronic Government Return 2004, in consultation with the Portfolio Holder for Corporate Services.**

**367/04 ADOPTION OF PART VIII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY THE LOCAL GOVERNMENT ACT 2003**

The Council considered a recommendation from the Executive on byelaws to control acupuncture, tattooing, body piercing and electrolysis within the Council's area.

**RESOLVED** to adopt sections 14 to 17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 120 and Schedule 6 of the Local Government Act 2003) subject to: -

1. All costs relating to management inspection and enforcement of any proposed Bye-laws being recoverable;
2. The Officers investigating and reporting back to the Licensing Committee as to whether the Council may recover all of the costs of administering this legislation under the new discretionary charging powers; and
3. In the event of the costs incurred not being recoverable the matter be reported back to the Licensing Committee with a full financial breakdown of the costs involved.

**368/04 LICENSING POLICY STATEMENT 2005-2008**

The Council considered a recommendation from the Executive on Spelthorne Borough Council's Statement of Licensing Policy 2005-2008. The Leader, Councillor F. Davies, expressed his thanks to the Environmental Health Commercial Manager, Licensing Manager, Heads of Environmental Health and Building Control Services and Corporate Governance and their staff for the work undertaken in the preparation of the Policy.

**RESOLVED** to endorse the Statement of Licensing Policy 2005-2008 attached at Appendix A to the report of the Strategic Director (Community) subject to:

-

1. The Head of Corporate Governance looking at Paragraph 3.5 (page 8), to determine whether the statement made is in accordance with the Guidance issued by the Secretary of State for Culture Media and Sport under Section 182 of the Licensing Act 2003; and
2. The Head of Corporate Governance redrafting paragraph 6.18 (page 13) to reflect the intention of the Guidance issued by the Secretary of State for Culture Media and Sport under Section 182 of the Licensing Act 2003.

**369/04 RECOMMENDATION FROM STANDARDS COMMITTEE**

The Council considered a recommendation from the Standards Committee on Independent Member Appointments.

**RESOLVED:** -

- (1) That the arrangements proposed for the advertising and selection of Independent non elected Members of the Standards Committee as outlined in the report of the Monitoring Officer, including the person

specification, be approved. The person specification be used at the interview and not circulated with the application pack;

- (2) That a Selection Panel of four members, comprising the two Group Leaders or their nominated representatives, one further member nominated by the Conservative Group Leader, and the Chairman or Vice-Chairman of the Committee, as appropriate assisted by the Monitoring Officer, be appointed to consider any applications received and make recommendations on appointment to the Council;
- (3) That one Independent Member be appointed to replace Mr Tamlyn for a term of four years from the Annual Council in 2005 and the appointment of Mr Murray Litvak, as Chairman, be agreed for a period terminating on the day before the Annual Council in 2007, and
- (4) That thereafter the terms of appointment for the independent Members be staggered and any subsequent appointments other than casual vacancies, be for terms of four years.

#### **370/04 REPORT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council, Councillor F. Davies, presented his report which outlined the matters the Executive had dealt with since the last Council meeting.

#### **371/04 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE**

The Chairman of the Performance Management and Review Committee, Councillor F. Ayers, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

#### **372/04 LICENSING COMMITTEE**

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

#### **373/04 PLANNING COMMITTEE**

The Chairman of the Planning Committee, Councillor G.S. Ceaser, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

#### **374/04 STANDARDS COMMITTEE**

Councillor J.D. Pinkerton presented the report of the Standards Committee, on behalf of the Chairman, which outlined the matters the Committee had dealt with since the last Council meeting.

#### **375/04 QUESTIONS ON WARD ISSUES**

Under Standing Order 13 Councillor R.W. Sider asked Councillor F. Davies, the Leader, the following question:

" Is the Leader aware of the hardship being caused to the Residents of Shepperton by the sudden and unexpected closure of its Post Office, and whilst I acknowledge that the Strategic Director has now written to the Chief Executive of the Post Office, can he assure me, and my fellow Conservative colleagues that no stone will be left

untuned to pursue its re-opening, having due regard to one of Spelthorne's priorities, which is Making Spelthorne a Better Place."

Councillor Davies, the Leader, responded as follows:

"Firstly, may I take this opportunity of thanking both Councillors Robin Sider and Vivienne Leighton for bringing this matter to the attention of the Council. Following receipt of the information, the Strategic Director (Community) did indeed write to the Royal Mail expressing our concern and disappointment over the closure of Shepperton Post Office. To date we have not received a reply from the Royal Mail.

Members will recall that previously, when we heard of the Post Office proposals to close five sites within the Borough, we immediately met with a representative of the Post Office to demand an explanation. Although we still do not know the detail behind the Shepperton Post Office closure, I can assure my fellow Councillors that we will continue to challenge the current position in order to restore the service to the Residents of Shepperton, as soon as possible."

### **376/04 APPOINTMENTS TO OUTSIDE BODIES**

Appointment of Representative Trustee – The Ashford (Middlesex) Sick or Needy Charity.

**RESOLVED** that: -

1. Mr A.S. Hatchman be re-appointed to serve as a Council representative trustee on The Ashford (Middlesex) Sick or Needy Charity until 24 February 2009 and
2. Mr M.J. Mulford be appointed to serve as a Council representative trustee on The Ashford (Middlesex) Sick or Needy Charity until 24 February 2009.

### **377/04 SEASON'S GREETINGS**

The Mayor thanked Members for continuing their hard work week after week, throughout the year, and wished everyone a Happy Christmas and a prosperous New Year.



## RECOMMENDATIONS OF THE EXECUTIVE

### 1. LEISURE CENTRE PROCUREMENT

1.1 The Executive has considered a report with information for Members on options for the future of Spelthorne and Sunbury Leisure Centres.

1.2 The Executive recommend that the Council:

(1) Agree to continue the procurement process for Spelthorne and Sunbury Leisure Centres.

(2) Agree to invite the following companies to submit formal tenders by the end of March 2005:-

Community Leisure  
Greenwich Leisure  
Leisure Connections  
Parkwood  
Sports and Leisure Management

(3) Agree that the tender proposal should include the following:

- a. Proposals for changes to the structure of the centre to optimise leisure uses (Capital developments).
- b. Potential other options for the site management, including long-term leasing or freehold disposal (with restricted user clauses) of the site to the Management Company.
- c. Proposals for the leisure operator to be responsible for all repairs and maintenance (as identified by the Limbrick Report), subject to the structural liability being retained by the Authority.

(4) Agree, in respect of Option A [i.e. retain both Leisure Centres], that the length of the contract should be for 15 years with an option for an extension of an additional five years and that officers evaluate the Council's best approach to offering a lease or licence to the successful contractor.

### 2. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2005/2006

2.1 The Executive has considered a report updating Members on the current treasury position and on proposals for setting the Annual Investment Strategy and Prudential Indicators for 2005/2006 to 2007/2008.

2.2 The Executive recommend that the Council approve the Treasury Management Strategy for 2004/2005, the Annual Investment Strategy for 2005/2006 and the Prudential Indicators for 2005/2006 to 2007/2008.

### 3. REVIEW OF DELEGATIONS TO OFFICERS

3.1 The Executive has considered a report seeking the approval of Members on proposals to update delegated powers to Officers within the Council's Constitution, in order to reflect recent changes in legislation and the updates to current working practices.

**3.2 The Executive recommend that the Council approve the revised delegated powers to Officers, as outlined in Appendices A, B, C and D of the report of the Strategic Director (Support).**

Councillor Frank Davies  
*Leader of the Council*

**19 January 2005**

**SPECIAL COUNCIL MEETING 19 JANUARY, 2005**

**AGENDA ITEM 5. RECOMMENDATIONS OF THE LICENSING COMMITTEE**

**1. LICENSING ACT 2003 – COMMITTEE ARRANGEMENTS**

1.1 The Licensing Committee has considered a report on proposals for changes required to Committee arrangements and procedures in order that the Council's Licensing Committee might properly discharge its statutory responsibilities under the Licensing Act 2003.

**1.2 The Licensing Committee recommend the Council:**

1. That the arrangements for calling Licensing Sub-Committees as set out in paragraph 2.5 of the report of the Strategic Director (Support) be confirmed and the necessary changes required to Delegations to Officers be approved.
2. That changes required to Standing Orders concerning the arrangements for the Chairing of Licensing Sub-Committees for the new Licensing Act procedures and Private Hire / Taxi/ Vehicle/ Driver appeals as set out in paragraph 2.9 and 2.10 of the report of the Strategic Director (Support) be approved.
3. That Private Hire /Taxi /Vehicle /Driver appeals be heard by Sub-Committees of 3 Members.
4. That arrangements to hold daytime and evening meetings be noted.
5. That the calling of a fourth 'stand by' member as set out in paragraph 2.18–2.20 of the report of the Strategic Director (Support) be approved.
6. That the Head of Corporate Governance, in consultation with the Chairman of the Licensing Committee, draw up guidelines on procedures at Sub-Committee meetings following receipt of the Government's final proposals.
7. That holding Members' Briefings prior to hearings under Licensing Act 2003, be discontinued by the second appointed day.

Councillor robin Sider,  
*Chairman of the Licensing Committee*

**19 January, 2005**

## **URGENT ITEM - APPOINTMENT OF HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER**

### **RESOLUTION REQUIRED**

#### **Report of the Chief Executive**

#### **1. PURPOSE OF REPORT**

- 1.1 To constitute an Appointments Committee to make an appointment to the post of Head of Corporate Governance and Monitoring Officer.
- 1.2 This officer post supports delivery of all the Council's priorities and the Council is statutorily required to appoint a Monitoring Officer. The appointment of the Appointments Committee is required now as the next scheduled Council meeting is not until 17th February 2005 and the existing post holder is leaving at the end of March 2005.

#### **2. BACKGROUND**

- 2.1 Management Team have considered the staffing arrangements within the Corporate Governance Service and consider a new Head of Corporate Governance should be appointed. Appointments to officer posts above grade SM2 need to be made by a committee or sub-committee appointed by the Council.

#### **3. PROPOSALS**

- 3.1 I recommend the Council appoint a committee of four members to make an appointment, at least one of whom must be a member of the Executive. I consider the appropriate allocation of seats on this would be three Conservative Members and one Liberal Democrat Member.

#### **4. OPTIONS**

- 4.1 The appointment of a committee could be delayed until the Council meeting on 17th February 2005. However, in these circumstances there would be about one month's delay in progressing the recruitment process for seeking a new person for the post of Head of Corporate Governance and Monitoring Officer and this would mean that the Council would possibly have no Monitoring Officer in place for a period of time.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications as there is an existing post and the appointment will be within existing budgets.

#### **6. LEGAL IMPLICATIONS**

- 6.1 The Council is required to appoint a Monitoring Officer by the Local Government and Housing Act 1989.

#### **7. RECOMMENDATION**

- 7.1 The Council is recommended to appoint an Appointments Committee of four members to make an appointment to the post of Head of Corporate Governance and Monitoring Officer.

**Contact: Sue Sturgeon (01784) 446221**

**Portfolio Holder: Councillor Ed Searancke**

**Background Papers: The Council's Officer Employment Procedure Rules**