

## Special Council Meeting - 14 March 2005

Time: 6.30pm

Place: Council Chamber

### AGENDA

1.	<b>APOLOGIES FOR ABSENCE</b> from Councillors S. Bhadye, Mrs. M. Hyams, Mrs. V.J. Leighton, E. O'Hara and R.W. Sider and to receive any other apologies.
2.	<b>MINUTES</b> To confirm as a correct record the Minutes of the Council Meeting held on 17th February 2005. <b>(Attached at APPENDIX 1</b>
3.	<b>DISCLOSURES OF INTEREST</b> To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members
4.	<b>APPOINTMENT OF THE COUNCIL'S MONITORING OFFICER</b> At its meeting on 19 January 2005, the Council constituted an Appointments Committee to make an appointment to the post of Head of Corporate Governance and Monitoring Officer. The Appointments Committee met on 28 February 2005 and is recommending to the Council that Mr. Michael Graham, currently Executive Assistant to the Chief Executive at Surrey County Council, be appointed to the post of Head of Corporate Governance and Monitoring Officer on a start date to be reported verbally at the Council meeting. Article 4.2(i) of the Council's Constitution requires an appointment of its Monitoring Officer to be confirmed formally by the Council itself. The Council is therefore asked to confirm the appointment of Mr. Michael Graham as Monitoring Officer.
5.	<b>URGENT BUSINESS</b> To consider any urgent business.

**MINUTES OF THE COUNCIL MEETING HELD ON 17 FEBRUARY 2005**

**BOROUGH OF SPELTHORNE**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE  
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON  
THURSDAY 17 FEBRUARY AT 7.30PM**

Beardsmore I J	Jaffer H R	Royer M R
Bhadye S	James P R	Sider R W
Bouquet M L	Leighton Mrs V. J	Spencer Mrs C L
Ceaser G S	Madams M.J.	Strong C V
Colison-Crawford R B	O'Hara E	Turner Mrs D
Davies F (Leader)	Packman J D (Deputy Leader)	Weston Mrs P (Deputy Mayor)
Fullbrook J M	Paton J M	Wood-Dow Mrs J M
Grant Mrs D L	Ponton Mrs J E	
Hirst A P		

Co-Opted Member: Mr M. Litvak

Councillor Mrs P. Weston Deputy Mayor, in the Chair

**38/05 APOLOGIES**

Apologies for absence were received from Councillors Mrs P.C. Amos, F. Ayers, Miss M. Bain, K. Chouhan, E.K. Culnane, R.V. D'Sa, G.E. Forsbrey, Mrs M. Hyams, Mrs J. Langridge-John, S.B.S. Lorch, Mrs I Napper, Mrs J.M. Pinkerton, J.D. Pinkerton, E.J. Searancke and G.F. Trussler (The Mayor).

**39/05 MINUTES**

**RESOLVED** that the minutes of the special meeting held on 19 January 2005 be approved as a correct record.

**40/05 DISCLOSURE OF INTERESTS**

Councillor I.J. Beardsmore declared a personal interest in Minute 42/05 and left the meeting whilst the question was raised and a response given by the Chairman of the Planning Committee, Councillor G.S. Ceaser.

All Members present declared that they had a personal interest in minute number 44/05 Members' Allowances – Report of the Independent Remuneration Panel under Section 4.1 of the Spelthorne Member Code of Conduct.

**41/05 ANNOUNCEMENTS BY THE MAYOR AND LEADER**

**ANNOUNCEMENTS BY THE MAYOR**

The Deputy Mayor, Councillor Mrs P. Weston on behalf of the Mayor reported that due to lack of support the Concert arranged for 4 March 2005 had been cancelled. She reminded members that tickets for the Mayor's Ball taking place on 23 April 2005 could be obtained from the Mayor's Secretary.

**ANNOUNCEMENTS BY THE LEADER**

**Upper Halliford Post Office**

The Leader of the Council, Councillor F. Davies, read out the following press release issued by the Post Office Limited:

“Post Office Ltd today (Friday 11 February) announced it is searching for a new Post Office to service Upper Halliford.

The Branch, currently at 79 Upper Halliford Road will close on Monday 14 February following the sudden withdrawal of the premises for use as a Post Office Branch.

A Post Office spokesman said ‘We share the disappointment of our loyal customers in Upper Halliford at the closure of their Post Office and would like to assure them that we are doing everything we can to restore convenient local access to our valued and trusted services.

This closure is due to circumstances beyond our control and despite our best efforts we have not been able to extend the provision of Post Office services at the current location until a replacement could be found. It is our aim to secure a new Post Office in the area as soon as possible.

We have to be realistic, however, we can only achieve this goal if someone within the local community comes forward to take up the role of sub postmaster.

I would urge potential applicants to contact us as soon as possible. That way, we can explore the possibilities for re-opening a branch in Upper Halliford as quickly as we can.”

The Leader requested that a copy of the press release be sent to all Members of the Council for information

### **Karen Whelan – Monitoring Officer and Head Of Corporate Governance**

The Leader of the Council, Councillor Davies, reported that this was the last meeting that Karen Whelan would attend before leaving to take up a new position with another local authority. He thanked her for 17 years of dedicated service to the authority and for the guidance she provided to all members. He placed on record the Council's thanks and appreciation for her contribution to the work of the authority and extended best wishes for every success with her new appointment.

The Deputy Mayor of the Council, Councillor Mrs P. Weston, and the Leader of the opposition Group, Councillor I.J. Beardsmore also paid tribute to Karen Whelan and expressed their appreciation for the support she had given to all members.

### **42/05 QUESTIONS FROM THE MEMBERS OF THE PUBLIC**

Under Standing Order 12, Mr Don Cunningham on behalf of the Lower Sunbury Residents' Association asked the following question of Councillor G.S. Ceaser, the Chairman of the Planning Committee:

“Surrey County Council's Chief Geologist has identified potential mineral zones to be commented on by the end of this month.

He has identified PMZ12 Watersplash Farm and PMZ13 Vicarage Farm as potential sites for gravel workings.

These sites form a Green Belt block between the conservation areas of Upper Halliford and Sunbury Village. The area is designated agricultural land above an aquifer. It is adjacent to a flood area.

Access to the area would necessitate enlargement of, and an additional road into the already traffic congested Marshall's roundabout with its approaches to Walton Bridge.

Access considerations of Vicarage Farm are dependent upon the prior development of Watersplash Farm due to the impact of traffic on to the communities at either side. There is also the cemetery, an area of tranquility, which has its access bordering Vicarage Farm.

Development of these sites is contrary to Borough Policies and would be environmentally disastrous, destroying the character of the area, increasing the flood risk and adversely affecting the lives of residents of the surrounding communities.

I should like to know what action Spelthorne Borough Council intends taking to get these sites removed from all further consideration in the future SCC Minerals Extraction Plan?"

The Chairman of the Planning Committee, Councillor G.S. Ceaser, responded as follows:

"I would like to thank Mr Cunningham for his question to the Council. He refers to Potential Mineral Zones identified by Surrey County Council's Chief geologist and a site known to us. These are set out in a report published in September 2004 as part of Surrey's consultation process on its replacement Minerals Local Plan which follows the Government's new plan making process for Local Development Frameworks.

This current stage in the process is part of establishing the environmental baseline for the plan and the consultation seeks to ensure that the information gathered on each potential site is accurate and up to date. The overall aim of the plan is to direct mineral working where it will cause least environmental damage whilst at the same time meeting the County Council's production requirements. Although the report indicates the County Council officer's preliminary assessments of each site, at this stage no sites are being ruled in or out.

The Council has responded at officer level to this preliminary consultation in order to provide factual corrections and to raise additional points which the County Council should consider in their more detailed assessments. The particular sites referred to in the question are identified in the current minerals plan, one with a presumption in favour of working (Watersplash Farm) and the other (Vicarage Farm), with a strong presumption against. Clearly the County Council has to demonstrate that it has carried out a comprehensive assessment of all sites and cannot rely on the presumptions of the current plan.

This Council fully understands the environmental impacts of mineral working which have affected residents of the Borough for the last sixty years. It also recognises that there remain mineral reserves within the Borough which may need to be worked in order to contribute to the regional need for aggregates. It has fought, and will continue to fight, to ensure that, where mineral working has to take place, the environmental impacts will be minimised and mitigation and restoration will be carried out to the highest possible standards.

The Borough Council will continue to discuss with the County Council the implications of including particular sites in its Minerals Development Framework in order to ensure that local views are properly represented and will of course oppose, as we have in the past, inappropriate sites with the necessary evidence."

The Mayor thanked Mr Cunningham for taking the time and trouble to attend the meeting and put his question.

## 43/05 REVENUE BUDGET AND COUNCIL TAX

The Council considered a report on the Council's net Revenue Expenditure Budget for 2005/2006, the Capital Programme for 2005/2006 to 2008/2009 and the prudential indicators for the affordability of the Council's revenue and capital expenditure plans for consideration in the context of overall spending and the Council Tax to be levied for 2005/2006.

The Mayor reminded members that the Budget Book [green cover] reflecting the decisions and recommendations made by the Executive on 8 February 2005 and the precepts being levied by Surrey County Council and the Surrey Police had been circulated to all members on 14 February 2005.

The Mayor gave consent under Standing Order 16.4 for the budget speech of each of the Group Leaders to exceed five minutes but not to exceed 10 minutes.

The Leader of the Council, Councillor F. Davies, made a statement on the Budget and Council Tax and moved the recommendations set out in the Budget Book (green cover). This was seconded by the Deputy Leader, Councillor J.D. Packman. The Leader of the opposition Group, Councillor I.J. Beardsmore also made a statement.

A copy of the Leader's statement was made available for other Members, the press and public at the meeting and is **attached at Appendix A.**

### RESOLVED:-

1. That the Capital Programme at **Appendix A** to the report of the Strategic Director (Support) be approved;
2. That the Prudential Indicators at **Appendix B** to the report of the Strategic Director (Support) be approved
3. That in support of an increase of 12.9p per week (5.0%) in the Spelthorne element of the Council Tax for 2005/2006, the following proposals be agreed:
  - A That the Revenue Estimates as set out in the report of the Strategic Director (Support), be approved;
  - B That an amount not exceeding £1,290,000, as set out in this report of the Strategic Director (Support) be appropriated from General Reserves in aid of Spelthorne's local council tax for 2005/2006;
  - C That it be noted that the council tax base for the year 2005/2006 is 39,541.30 calculated in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, made under Section 33(5) of the Local Government Finance Act 1992.
4. That the following amounts be now calculated by the Council for the year 2005/2006, in accordance with Sections 32 and 33 of the Local Government Finance Act 1992.

(a)	£39,777,740	Being the aggregate of the amount which the council estimates for the items set out in Section 32 (2)(a) to (e) of the Act
(b)	£29,286,010	Being the aggregate for the amounts which the Council estimates for the items set out in Section 32 (3)(a) to (c) of the Act.

(c)	£10,491,730	Being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
(d)	£4,919,519	Being the aggregate sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant, increased by the sum which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax surplus) and increased by the sum which the council estimates will be transferred from its collection Fund to its General Fund pursuant to the collection Fund (Community Charges) Directions under Section 98(4) of the Local Government Finance Act 1988 made on 7 <sup>th</sup> February 1994 (Community Charge surplus).
(e)	£140.92	Being the sum (c) above less the amount at (d) above, all divided by the amount at (c) above, calculated by the Council in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.

5. That the following amounts be now calculated by the Council for the year 2005/2006, in accordance with Section 36 of the Local Government Finance Act 1992.

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
93.95	109.60	125.26	140.92	172.24	203.55	234.87	281.84

Being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the sum which in that proportion is applicable to dwellings listed in valuation band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different band.

6. That it be noted that for the year 2005/2006 that the Surrey County Council and the Surrey Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40, as amended, of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below.

Precepting Authority	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Surrey CC	613.80	716.10	818.40	920.70	1,125.30	1,329.90	1,534.50	1,841.40
Surrey Police	102.84	119.98	137.12	154.26	188.54	222.82	257.10	308.52

7. That having calculated the aggregate in each case of the amounts at 4, 5 and 6 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2005/2006 for each of the categories of dwellings shown below:

Valuation Bands							
A	B	C	D	E	F	G	H
£810.59	£945.68	£1,080.78	£1,215.88	£1,486.08	£1,756.27	£2,026.47	£2,431.76

#### 44/05 MEMBERS' ALLOWANCES

The Council considered the recommendation of the Executive to support the recommendations of the Independent Remuneration Panel appointed to consider Members' Allowances. The report from the Independent Panel had been circulated to all members of the Council.

#### RESOLVED:

- (a) That with effect from 1st April 2005 the following allowances be paid:

<b>Basic allowance</b>	
Payable to all Members	£3625
<b>Special Responsibility Allowances</b>	
Leader	£8316
Deputy Leader	£5523
Other Executive members (4)	£2772
Chairmen of Overview and Scrutiny Committees (2)	£2772
Chairmen of Planning and Licensing Committees (2)	£2772
Opposition Group Leader	£2772

- (b) That the Panel review the Special Responsibility allowance for the Chairman of Licensing Committee after November 2005, when more information should be available on the impact on Spelthorne of implementing the Licensing Act 2003.

#### **45/05 INDEMNITIES FOR MEMBERS AND OFFICERS**

The Council considered the recommendation of the Executive on the adoption of new regulations which provide a specific power for authorities to grant indemnities, and/or to take out insurance, to cover the potential liability of Members and Officers in a wide range of circumstances.

#### **RESOLVED:**

1. To agree to the Authority granting indemnities to Members and Officers of the Authority, in the terms set out in **Appendix A** to the report of the Strategic Director (Support) submitted to the Executive at its meeting on 8 February 2005; and
2. That the Head of Finance be instructed to secure insurance to cover the liability under any indemnity where such insurance cover would be financially prudent.

#### **46/05 DESIGNATION OF POLLING PLACES**

The Council considered the recommendations of the Executive on proposed changes to the designated Polling Places for Polling Districts Laleham and Shepperton Green No. 2 and Ashford North and Stanwell South No. 3.

#### **RESOLVED:**

1. That the designated polling place for Polling District Laleham and Shepperton Green No. 2 be changed from St. John Fisher Church Hall, Wood Road, Shepperton to Saxon Primary School, Briar Road, Shepperton; and
2. That the designated polling place for Polling District Ashford North and Stanwell South No. 3 be changed from The Mobile Polling Station, located at the Junction of London Road and Orchard Way to Ashford Sports Club, Short Lane, Stanwell

#### **47/05 AREA OF SPECIAL ADVERTISEMENT CONTROL**

The Council considered the recommendations of the Executive seeking approval on the revocation of the Areas of Special Advertisement Control (ASAC) Order, which was confirmed in 1993.

**RESOLVED** that procedures be instituted to revoke the Area of Special Advertisement Control.

#### **48/05 MUSEUM REFURBISHMENT**

The Council considered the recommendations of the Executive seeking approval for a supplementary budget of up to £50,000 for the refurbishment works for Spelthorne Museum.

**RESOLVED** that a supplementary estimate of a sum up to £50,000 for the Spelthorne Museum conversion refurbishment works be approved subject to this sum being reduced if Officers are successful in obtaining external funding.

#### **49/05 LEISURE CENTRE PROCUREMENT**

**RESOLVED** to approve the recommendation of the Executive for the Leisure Centre Procurement model to include the option for a variant bid based on a shorter length of contract.



#### **50/05 CONFIDENTIAL REPORTING CODE**

**RESOLVED** that the recommendation from the Standards Committee to add the term 'Whistleblowing' in the title of the Confidential Reporting Code be approved.

#### **51/05 MEMBERS ACTIVITY REPORTS**

**RESOLVED** that the recommendation from the Standards Committee to continue Members Activity reports on the same frequency of reporting every six months, with changes to the format and assistance provided by the officers with factual information be approved.

#### **52/05 REPORT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council, Councillor F. Davies, presented his report, which outlined the various matters the Executive had dealt with since the last Council meeting. In moving the report the Leader invited questions from members, which were answered by the relevant Portfolio Holder:

Councillor J.D. Packman, the Portfolio Holder for Community Safety and Community Liaison, responded to a question relating to Area Forums.

Councillor Mrs Grant the Portfolio Holder for Children and Young People Services reported on the work undertaken on the Liveability Fund Park Life Project. Councillor Davies placed on record his thanks and appreciation to Councillor Mrs Grant for her drive and commitment in progressing the work of the liveability project.

#### **53/05 IMPROVEMENT AND DEVELOPMENT COMMITTEE**

The Chairman of the Improvement and Development Committee, Councillor A.P. Hirst, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

#### **54/05 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.

The Chairman on behalf of the members of the Licensing Committee paid tribute to the outstanding work, commitment and advice Mrs Whelan had given, often in very difficult services and indicated that she was leaving a void, which would be very difficult to fill.

#### **55/05 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.

The Chairman on behalf of the members of the Planning Committee thanked Karen Whelan for her service to the work of the Planning Committee.

#### **56/05 STANDARDS COMMITTEE**

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

The Chairman on behalf of members of the Standards Committee thanked Mr Chris Tamlyn the independent member who was stepping down at the end of the Municipal Year for his service to the work of the committee. He went on to thank Karen Whelan for her help and support in the work of the committee.

#### **57/05 GENERAL QUESTIONS**

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

'Are the Council aware that Shepperton Post Office remains closed, and has remained closed since last November, with no sign of its re-opening, and are they aware that what was the nearest post office at Upper Halliford has now closed and that the nearest post offices are now either at Laleham, Ashford, Staines or Walton on Thames? And are they aware of the severe hardship this is causing to the elderly, infirm and disabled and those without transport and to the very economic viability of our village shops? And can I and Councillor Leighton be assured that this Authority will make the strongest possible representation to the Post Office to secure a statement as to the reasons for its continual closure, and the re-introduction of a postal service in Shepperton without any further delay?'

Councillor F. Davies responded by reading out the following press release issued by the Post Office:

"The future of the main Shepperton Post Office is looking brighter is was announced today (Friday 11 February). Post Office Limited was forced to close the branch in October 2004 and was unable to reopen it as planned, due to severe damage inflicted on the counter area and security screens.

Now the branch at 33 High Street, Shepperton is set to have its counter replaced ready for the branch to reopen for customers. A Post Office spokesperson said "we understand the disappointment of our customers in Shepperton at the extended closure of their Post Office.

I can confirm we have been working hard behind the scenes to replace the counter and security screens and to re-establish this service and we now have a temporary Sub postmaster ready to reopen the branch as soon as some essential works can be completed. This work may take some weeks to complete but will be done as quickly as is prudent for safety. In the meantime I can only apologise to customers for the further delay in reopening this Post Office.

Although we have appointed a temporary sub postmaster to take on this vital community role, we are seeking a suitable individual to take up this post on a permanent basis."

The Leader requested that a copy of the press release be sent to all members of the Council for information

#### **58/05 GENERAL QUESTIONS**

Under Standing Order 13 Councillor I.J Beardsmore asked the Leader of the Council, Councillor Davies, the following question

"Did this Council respond to the recent Highways consultation on the M3? If so could I see a copy?"

The Leader of the Council, Councillor F. Davies responded as follows:

“Yes we have responded to the M3 consultation via Surrey County Council, the Highways Authority, and yes a copy of the response will be made available to you.”

Under Standing Order 13.2 Councillor I.J. Beardsmore asked a supplementary question on whether the Council had responded directly to the Highway Agency on their consultation leaflet. The Leader confirmed that he would investigate and report back to Councillor Beardsmore.

Under Standing Order 13 Councillor I.J Beardsmore asked the Leader of the Council, Councillor Davies, the following question.

“Given the high levels of development now going on in the Borough, will the Leader now bring forward supplementary Planning Guidance to level a charge on all new development?”

The Chairman of the Planning Committee, Councillor G.S. Ceaser responded as follows:

“National planning guidance makes it clear that Supplementary Planning Guidance (SPG) can only be properly introduced when there is already an anchor policy in an existing local plan. This is because the very basis of "supplementary planning guidance" is to "supplement" an existing policy. There is no such policy in the current Local Plan (approved April 2001). Furthermore the new version of the Borough local plan (ie the Local Development Framework) is still in its early stages toward policy formulation, consequently the new policies are not sufficiently advanced so as to be able to be supplemented by SPG.

Current government advice is, in any event, that there are no grounds for imposing a carte blanche development tax through the planning process, although the use of S106 agreements does provide a basis for raising "developer contributions", but only strictly in accordance with the advice set out in Government Circular 1/97. This is already well used through the planning process and I am assured by the Head of Planning that such opportunities will continue to be pursued.

Announcements from the Government on this matter are that section 46 of the new Planning and Compensation Act 2004 will provide the Secretary of State with the provisions to allow wider use of planning contributions. However the Chancellor's budget statement of 17 March 2004 said that the government intended to "consider it over the coming 12 months". Nothing further has been announced. In the meantime we will continue to pursue appropriate developer contributions through s106 agreements as mentioned earlier".

Councillor I.J. Beardsmore further advised that a few authorities had already introduced a charge and at the request of Councillor G.S. Ceaser agreed to forward the information to Councillor G.S. Ceaser.

#### **59/05 URGENT ITEM – INTERIM ARRANGEMENTS FOR POST OF MONITORING OFFICER**

The Mayor reported that she had agreed to take this as an urgent item because in her opinion a decision was required now and could not wait until the next scheduled Council meeting in April, as the existing post holder would be leaving at the end of March 2005.

The Council considered the report of the Chief Executive on the need to have interim arrangements in place to cover the Monitoring Officer role until the new Head of Corporate Governance was in post.

**RESOLVED** that Jean Lacy and Deanna Harris be appointed to the role of Acting Monitoring Officer from 4 April 2005 until the new Head of Corporate Governance joins the Council's staff.