

## **Council meeting - 19 May 2005**

### **AGM**

Time: 7.30pm

Place: Council Chamber

#### **1 ELECTION OF MAYOR**

- (a) To elect the Mayor of the Borough for the Municipal Year 2005/2006.
- (b) The Mayor to make the Declaration of Acceptance of Office.

#### **2 APOLOGIES FOR ABSENCE**

To note the apologies received from Councillors Miss M.M. Bain and H.R. Jaffer and to receive any other apologies for absence.

#### **3 MINUTES**

To confirm as a correct record the Minutes of the Council meeting held on 28 April 2005. (attached)

#### **4 ELECTION OF DEPUTY MAYOR**

- (a) To elect the Deputy Mayor of the Borough for the Municipal Year 2005/2006.
- (b) The Deputy Mayor to make the Declaration of Acceptance of Office.

#### **5 DISCLOSURES OF INTEREST**

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

#### **6 ANNOUNCEMENTS FROM THE MAYOR**

#### **7 ELECTION OF LEADER AND DEPUTY LEADER OF THE COUNCIL**

- (a) To elect the Leader of the Council for the Municipal Year 2005/2006.
- (b) To elect the Deputy Leader of the Council for the Municipal Year 2005/2006.

#### **8 APPOINTMENT OF THE EXECUTIVE**

(a) To agree the members to be appointed to the Executive:-  
To appoint 4 members to serve on the Executive with the Leader and the Deputy Leader .

(b) Portfolios for members of the Executive:-  
To agree which members of the Executive should hold the following portfolios:-

- (i) Community Safety and Community Liaison

- (ii) Adult and Elderly Services
- (iii) Children and Young People Services
- (iv) Environment and Planning
- (v) Corporate Services

## 9 COMMITTEES

### (i) Establishment of Committees:-

In accordance with Articles 6, 8 and 9 of the Council's Constitution to appoint the following Committees, with the terms of reference and functions set out in Part 3 (a) of the Council's Constitution:-

Committee	Total Voting Members **
Improvement and Development Review	15
Performance Management and Review Committee	15
Licensing Committee	15
Planning Committee	13
Standards Committee	7**
Staff Appeals Committee	5

### ii Allocation of Seats on Committees:-

**Pursuant to Section 15 of the Local Government and Housing Act 1989 to agree the representation of the different political groups on Committees. The Council is advised that the following allocation of seats would meet the requirements of Section 15(4) of the Act:-**

Committee	Conservative	Liberal Democrat	Total Council Members **
Improvement and Development Committee	14	1	15
Performance Management and Review Committee	14	1	15
Licensing Committee	13	2	15
Planning Committee	13	1	15
Standards Committee	4	1	5**
Staff Appeals Committee	4	1	5

**\*\*Note:**

(1) The political proportion rules do not technically apply to the Standards Committee, but the Council has agreed that all groups should be represented on the Committee.

(2) Two members of the Standards Committee are non-councillors.

**(iii) Appointment of Members to Committees:-**

To appoint members to serve on Committees including Mr. M. Litvak and Mr. T. Davies as non-elected Chairman and Vice-Chairman, respectively, of the Standards Committee.

[The nominations to Committees will be circulated as soon as they are available from the Group Leaders.]

10 **CHAIRMEN OF THE FIVE AREA FORUMS**

To appoint a Chairman for each of the five Area Forums, as follows:-

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

**[The nominations for Chairmen of Area Forums will be circulated as soon as they are available from the Group Leaders.]**

11 **DISCRETIONARY HOUSING PAYMENTS REVIEW BOARD**

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

12 **APPOINTMENTS BY THE COUNCIL TO OUTSIDE BODIES**

To appoint representatives to serve on the following outside bodies:-

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

(2) Surrey County Districts Film Licensing Joint Committee (2 representatives)

**[The nominations to Outside Bodies will be circulated as soon as they are available from the Group Leaders.]**

## MINUTES OF THE COUNCIL MEETING HELD ON 28TH APRIL 2005

### AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 28<sup>TH</sup> APRIL 2005 AT 7.30PM

Amos Mrs P.C.	Grant Mrs D.L.	Paton J.M.
Ayers F.	Hirst A.P.	Pinkerton Mrs J.M.
Bain Ms M.	Hyams Mrs M.	Pinkerton J.D.
Bouquet M.L.	Jaffer H.R.	Ponton Mrs J.E.
Ceaser G.S.	James P.R.	Royer M.T.
Colison-Crawford R.B.	Leighton Mrs V.J.	Searancke E.J.
Culhane E.K.	Lorch S.B.S.	Sider R.W.
Davies F. (Leader)	Napper Mrs I.	Trussler G.F. (Mayor)
D'Sa R.V.	O'Hara E.	Turner Mrs D.
Forsbrey G.E.	Packman J.D. (Deputy Leader)	Weston Mrs P. (Deputy Mayor)
Fullbrook J.M.		Wood-Dow Mrs J.M

Co-opted Member - Mr M. Litvak

Co-opted Member designate - Mr T. Davies

G F Trussler, Mayor, in the Chair

#### 114/05 APOLOGIES

Apologies for absence were received from Councillors I.J. Beardsmore, S. Bhadye, K. Chouhan, Mrs M.J. Madams, Mrs C.L. Spencer and C.V. Strong.

#### 115/05 MINUTES

**RESOLVED** that the Minutes of the Special Meeting of the Council held on 14 March 2005 be approved as a correct record.

#### 116/05 DISCLOSURES OF INTEREST

Councillor Mrs V.J. Leighton disclosed a Personal Interest in Item 4 – Task Group Report, of the Chairman's Report on the work of the Performance Management and Review Committee as her husband was a Police Community Support Officer.

#### 117/05 ANNOUNCEMENTS BY THE MAYOR

##### Presentation of Civic Pride Environmental Awards

The Mayor stated that the Civic Pride Awards were an important means of recognising environmental achievements and reminded Members that Civic Pride had been awarded a Spelthorne Design Award for its project to establish a new Wood in the Borough and its help with the Swan Sanctuary in Felix Lane, Shepperton.

He announced that there would be wildlife open days to enable local people to learn more about the environment and volunteering, at the Funky Footprints Nature Reserve on 2 July and Laleham Pond on 16 July.

He then introduced Jill Stephens, Chairman of Spelthorne Civic Pride, who described the significant contribution and long-term dedication of the Civic Pride volunteers. In addition to the Senior and Junior Awards this year, Civic Pride would be presenting a special Lifetime Award.

The Mayor and Jill Stephens then presented the Senior Environmental Award to Ron Sutherland for his work at the Ashford Park Primary School, in caring for a pond, wildlife area and involving the children.

They then presented the Junior Award to Ashford Park Primary School for their work in partnership with Ron in caring for their environment. A special Lifetime Award was then presented to Marjorie and the late Bevil Dawson in respect of their long-term commitment to environmental work in and around the Shepperton area and their association with Civic Pride as Members of the Steering Group.

### **118/05 ANNOUNCEMENTS FROM THE LEADER**

The Leader, Frank Davies announced that this would be his last full Council meeting before stepping down as Leader. He recalled that he had joined the Council in 1979 and had been Leader for the past 8 years. His personal background had been in housing and he had been the Chairman of the Council's former Housing Committee for a number of years. He was pleased that Spelthorne was one of the first Local Authorities to transfer its Council housing stock to a Housing Association, and for the benefits that the income had brought to Spelthorne. The Council's successes had culminated in the Council being rated as an "excellent" Council following its Continuous Performance Assessment, which meant that Spelthorne was in the top 15% of local authorities throughout the country.

He wished to thank staff and Councillors both past and present. Whilst there were too many to name individually, he wished to single out three people who had helped, supported and assisted him over the years. The first was the former Chief Executive, Michael Taylor, second, Karen Satterford the Council's current Chief Executive who had made major contributions to the success of Spelthorne as a local authority. The third person was his deputy, Councillor John Packman with whom he had worked as a team and who he considered a good friend.

He also wished to thank his family whose support he was deeply grateful for.

Councillor G.S. Ceaser expressed the thanks of Members to Councillor Davies as both a Councillor and Leader of the Council. He recalled how, when Councillor Davies first joined the Council, he had quickly made his mark and by the mid eighties was Chairman of the former Housing Committee of the Council. Under his leadership and vision the Council had modernised its housing stock and transferred it to the Spelthorne Housing Association which had led to the Council's finances benefiting by £52m. This money had given additional support for housing, and improvements to Staines Town Centre and other projects. It had also provided seed core funding for many local organisations and schemes. Councillor Davies had been prudent and forward looking in his leadership of the Council, which had led to Spelthorne being recognised for what it had achieved.

In conclusion he wished Councillor Davies well for the future.

### **119/05 ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE**

The Chief Executive stated that she had great pleasure in announcing that the Revenue and Benefits team had been awarded a Charter Mark for the third time.

The Mayor presented the Charter Mark to Linda Norman, Principal Council Tax officer.

## **120/05 QUESTIONS FROM MEMBERS OF THE PUBLIC**

Under Standing Order 12, Mrs. Jean Terry of 3 Barn Close, Ashford, Middlesex asked the Portfolio Holder for Environment and Planning, Councillor Gerry Forsbrey, the following question:

"Although the renovation of the car park in Ashford is appreciated I wonder if devoting the whole of the front area of the ground floor to Disabled and Mother and Child parking is completely fair. There are many people in the community who are frail and the Ashford Car Park has no lifts. Wouldn't it have been fairer to have left a few places in that area for these people? Carrying two bags of shopping up the stairs can be difficult for some people. Also charging for people to park in Ashford is inevitably going to make it more difficult for people like myself to find a disabled parking space or indeed any space outside the shops because many people, who currently go to the car park have told me they will not do so and will park outside the shops.

And charging people to park at Laleham riverside seems a retrograde step when we are all being encouraged to exercise. I know of at least one elderly couple who have both been told to walk for their health. They have been going regularly to the car park at Laleham and walking along to Penton Hook and Staines and back. This must be good for them and all the other people who do likewise whether young or old. Many families go there for an afternoon in the fresh air - Surely this must be a good thing of all concerned. Shouldn't the Council encourage this and treat it as an investment in the future instead of trying to make money out of them?"

Councillor Forsbrey responded as follows:

"During the period 20 September 2004 to 28 March 2005 a survey of usage at Elmsleigh surface and multi storey Car Parks was carried out which revealed that the number of barrier raises for disabled drivers amounted to an average of 87 lifts per day The estimated revenue 'lost' at Elmsleigh alone amounted to £38K per annum with the estimated revenue 'lost' for all car parks amounting to £80K per annum.

The additional staffing costs for retaining barrier lifts would be £25K per annum

On the 25 June 2004 the Council embarked on a Car Park refurbishment programme at a cost of £1.8m, approximately £100K of this was directed at improving access to facilities for people with disabilities.

The priority is to provide disabled parking spaces nearest to facilities.

As far as charging for Parks is concerned this is for improvements at Laleham Park and the Lammas Recreation Ground."

Under Standing Order 12, Mr. Ted Stride of 10 Finch Drive, Feltham, Middlesex asked the Leader of the Council, Councillor Frank Davies, the following question:

"First of all is the committee aware of the laws regarding the disabled person. More to the point regarding discrimination against a disabled person.

To Quote from the government booklet Rights for disabled people.

It is against the law for organisations to discriminate against disabled people in the goods, facilities and services they provide.

I believe that the parking charges you want to bring in for disabled people in your car parks will be in breach of the law. Because it takes a disabled person much longer to shop or carry out their business than an able bodied person so they will end up paying more to do these things. That to me is discrimination, and I would like the committee to justify its reasons for this, to those present, and for the scrutiny of the Disabled rights commission. I must also ask for a copy of the minutes of this meeting to be sent to me within 7 to 10 days from the date of the meeting. Thank you for letting me speak."

Councillor Davies responded:

"This is a result of a campaign in the local newspapers and it won't come before Executive until July/August. The matter has been out to consultation and a decision has not yet been made. Free parking is a myth, someone has to pay and that is the people of Spelthorne. We don't make money on our car parks but try to meet costs. The Petition is premature, as a decision has not been made. If you look on our Web Site under the Disability Discrimination Act you will see that Spelthorne has fully complied with all its responsibilities."

#### **121/05 PETITIONS**

The Mayor invited Mr. Ted Stride of 10 Finch Drive, Feltham, to present a petition concerning the Council's proposal to charge for disabled parking spaces in the Council's car parks and to address the Council.

Mr. Stride indicated that he only wished to formally present the Petition, which the Mayor duly received. The Petition would stand referred to the Executive.

#### **122/05 INDEPENDENT MEMBER APPOINTMENTS**

The Council considered the report of the Chief Executive on the appointment of an independent non-elected member to the Standards Committee.

**RESOLVED** to approve the appointment of Mr Trevor Davies as independent non-elected Member to the Standards Committee for a term of four years from the Annual Council Meeting on 19 May 2005.

#### **123/05 SOUTH EAST CHARTER FOR ELECTED MEMBER DEVELOPMENT**

The Council considered the report of the Chief Executive on the South East Charter for elected Member Development.

**RESOLVED** that this Council commits to the South East Charter for elected Member Development.

#### **124/05 CHANGES TO THE COUNCIL CONSTITUTION**

The Council noted that the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 had come into force on 22 April 2005, which required some amendments to the Council Constitution.

**RESOLVED** to authorise the making of the necessary amendments to the Constitution to reflect the changes to "Functions and Responsibilities" introduced by the Local Authorities (Functions and Responsibilities)(Amendment)(No. 2)(England) Regulations 2005.

### **125/05 SPELTHORNE COMMUNITY PLAN**

The Council considered a recommendation from the Executive on a new community plan for the Borough for the next ten years.

**RESOLVED** to approve and adopt the draft Spelthorne Community Plan 2005-2015.

### **126/05 CRIME AND DISORDER REDUCTION STRATEGY**

The Council considered a recommendation from the Executive on the overall vision, strategy, and actions proposed for the Crime and Disorder Reduction Strategy 2005-2008.

**RESOLVED: -**

- (1) that the draft Crime and Disorder Reduction Strategy for 2005-2008 be formally adopted; and
- (2) that an annual report on implementation of the Strategy and the outcomes of particular initiatives be received.

### **127/05 FUNDING OF AFFORDABLE HOUSING - CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS WITHIN THE COUNCIL CONSTITUTION**

The Council considered a recommendation from the Executive on a recommended approach by the Council to assisting housing associations in providing affordable housing on developments.

**RESOLVED: -**

- (1) that the Grand Approval - Stage Payments for Developments, as set out in Appendix A to the report of the Strategic Director (Support), be approved, subject to amendments so that the stage payments will be as follows:-

Acquisition	25%
Start on Site	25%
Roof Plate Level	25%
Completion	25%
- (2) that the Strategic Director (Community), in consultation with the Strategic Director (Support), be authorised to agree the making of stage payments of grant for Developments under the procedure set out at 3.2 (1) above.
- (3) that the Scheme of Delegation to Officers within the Council Constitution be amended accordingly to reflect the new delegation to the Strategic Director be agreed. (Community).
- (4) that the information provided in the report in respect of the Spelthorne Public House site be noted.

### **128/05 REVIEW OF INVESTMENT STRATEGY**

The Council considered a recommendation from the Executive on a change to the Annual Investment Strategy and advising Members of the decision taken by the Strategic Director (Support) to discontinue using one of the Investment Fund Managers.



**RESOLVED: -**

- (1) that the revised Investment Strategy set out at paragraph 4 to the report of the Strategic Director (Support) be approved.
- (2) that the decision taken by the Strategic Director (Support) to discontinue using one of the Investment Fund Managers be noted.

**129/05 DRAFT CALENDAR OF MEETINGS 2006/2007**

The Council considered a recommendation from the Executive on a draft Calendar of Meetings for 2006/2007, covering the 17 months period from 1 January 2006 to 31 May 2007.

**RESOLVED** that the draft Calendar of Meetings for 2006/2007 be approved.

**130/05 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.

**131/05 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.

**132/05 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.

**133/05 LICENSING COMMITTEE**

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

**134/05 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.

**135/05 QUESTIONS ON WARD ISSUES**

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

"Are the Council aware that despite their communications on behalf of Shepperton Residents to the Post Office authorities to provide a postal service, the Post Office in Shepperton remains closed. Is the Council aware that the Post Office forecast that it would re-open before Easter never materialised, and is the Council aware that such closure is having a devastating and catastrophic effect on the economic viability of the village, and that the elderly and infirm continue to suffer without a postal service."

The Leader replied, as follows: -

"Yes, the Council are aware of the issues you have raised about Shepperton Post Office. The Strategic Director (Community) will continue to press the Post Office for an explanation on their lack of action to this matter to date".

### **136/05 URGENT BUSINESS**

Under Standing Order 15 (motions which may be moved without notice) Councillor R.W.Sider moved and Councillor Mrs V.J. Leighton seconded the following motion under Standing Order 15 (d):

“This Council supports a motion of no confidence in the Post Office Authority, who despite repeated requests by Ward Councillors and the MP for Spelthorne, have failed to provide any form of service, be it emergency or otherwise for the residents of Shepperton since its closure late last October. That this matter be referred to the Executive or appropriate Committee for consideration.”

This Motion was carried.

**RESOLVED** that this Council has no confidence in the Post Office Authority, who despite repeated requests by Ward Councillors and the MP for Spelthorne, have failed to provide any form of service, be it emergency or otherwise for the residents of Shepperton since its closure late last October. That this matter be referred to the Executive or appropriate Committee for consideration.

### **137/05 EXCLUSION OF PRESS AND PUBLIC**

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

### **138/05 PROPOSALS FOR DISPOSING OF LEASHOLD LAND AT KEMPTON PARK**

#### **(Paragraph 9 - Proposed Terms of a Contract)**

The Council considered the exempt recommendation of the Executive in relation to the Council's leasehold land at Kempton Park.

**RESOLVED** that the Council's leasehold interest in land at Kempton Park, Sunbury be disposed of to the owners of Kempton Park on the following basis:-

- (a) A payment by Kempton Park to the Council of £250,000 on surrender of the Council's lease.
- (b) An annual payment by Kempton Park to the Council of £10,000, plus cumulative RPI, for 25 years.
- (c) Kempton Park to allow free access to the area of land shown on the plan as DP4 for educational visits, by prior arrangement, 12 times a year. Also, there will be a positive covenant on Kempton Park to maintain DP4 in accordance with an agreed management programme.
- (d) Kempton Park to agree to a restrictive covenant being placed on the areas of land shown on the plan as DP2(B) and DP3(B), in the Council's favour, and for a period of 25 years. The covenant will preclude any development on that land other than that strictly ancillary to the main racecourse use.