

Council - 21 July 2005

Time: 7.30pm

Place: Council Chamber

1 APOLOGIES FOR ABSENCE

2 MINUTES

To confirm as a correct record the Minutes of the Council Meeting held on 23 June 2005. (**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 ANNOUNCEMENTS FROM THE DEPUTY MAYOR, THE LEADER OR THE CHIEF EXECUTIVE

5 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Leader or his nominee to answer any questions raised by members of the public (provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting).

6 PETITIONS

To receive any petitions submitted to the Council.

7 RECOMMENDATIONS OF THE EXECUTIVE

To consider the recommendations of the Executive, from its Meeting on 19 July 2005, on the following matters:- (**APPENDIX 2**)

1. Outturn and Statement of Accounts 2004/2005 [To Follow]

(A copy of the Council's Accounts for 2004/2005 has been circulated to all Members under separate cover.)

2. Substitutes [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).

8 REPORT FROM THE LEADER OF THE COUNCIL

To receive a report from the Leader of the Council on the work of the

Executive. (**Attached at APPENDIX 3**)

9 REPORTS FROM THE CHAIRMEN OF THE LICENSING AND PLANNING COMMITTEES

To receive the reports from the Chairmen of the Licensing and Planning Committees on the work of their Committees.
(**Attached at APPENDIX 4 AND APPENDIX 5**)

10. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer any questions from Members on issues in their Ward. (provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting).

11. GENERAL QUESTIONS

The Leader or his nominee or relevant Committee Chairman to answer any questions from Members on matters affecting the Borough or for which their committee has responsibility (provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting).

12. URGENT BUSINESS

To consider any urgent business.

13. EXEMPT BUSINESS

To move the exclusion of the Press/Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972.

14. RECOMMENDATIONS OF THE EXECUTIVE ON EXEMPT MATTERS [GOLD PAPER]

To consider the recommendation of the Executive, from its Meeting on 19 July 2005, on the exempt matter set out below:-

Leisure Centre Procurement
[Paragraph 9 – Proposed Terms of a Contract]

**[EXEMPT APPENDIX 6 -] [For circulation to Council Members only.]
(on Secure Area only)**

MINUTES OF THE COUNCIL MEETING HELD ON 23 JUNE 2005

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 23 JUNE 2005 AT 7.30PM

Ayers F.	Fullbrook J.M.	Pinkerton Mrs J.M.
Bain Ms M.	Grant Mrs D.L.	Pinkerton J.D.
Beardsmore I.J.	Hyams Mrs M.	Ponton Mrs J.E.
Bhadye S.	Jaffer H.R.	Royer M.T. (Deputy Mayor)
Ceaser G.S. (Leader)	James P.R.	Sider R.W.
Chouhan K.	Leighton Mrs V.J.	Spencer Mrs C.L.
Culnane E.K. (Deputy Leader)	Madams M.J.	C.V. Strong
Davies F.	O'Hara E.	Trussler G.F.
Forsbrey G.E.	Packman J.D.	Turner Mrs D.
	Paton J.M.	

Co-opted Member - Mr M. Litvak

M. T. Royer, Deputy Mayor, in the Chair

207/05 APOLOGIES

Apologies for absence were received from Councillors Mrs P.C. Amos, M.L. Bouquet, R.B. Colison-Crawford, A.P. Hirst, Mrs J.B. Langridge-John, Mrs I. Napper, E.J. Searancke and Mrs P. Weston (Mayor) who was attending a Civic Event.

208/05 MINUTES

RESOLVED that the Minutes of the Annual Meeting of the Council held on 19 May 2005 be approved as a correct record.

209/05 ANNOUNCEMENTS BY THE DEPUTY MAYOR

Trident Memorial Service

The Deputy Mayor, Councillor Malcolm Royer, thanked those Councillors who had attended the Trident Memorial Service and Councillor O'Hara for organising the event.

210/05 ANNOUNCEMENTS FROM THE LEADER

The Leader, Councillor Gerry Ceaser in conjunction with Councillor Mrs Denise Grant Portfolio Holder, Children and Young People Services, praised those who had participated in the ninth Surrey Youth Games held over two weekends, 11/12 and 18/19 June in blistering sunshine, when 2600 young sports people from all over Surrey competed at Guildford. Councillor Ceaser was pleased to report that Spelthorne youth had achieved nine medals, six more than last year.

211/05 QUESTIONS FROM MEMBERS OF THE PUBLIC

Under Standing Order 12, Mr. K. Johnson of 9 Springfield Grove, Sunbury, Middlesex asked the Portfolio Holder for Environment and Planning, Councillor Gerry Forsbrey, the following question on Waste Recycling:

"I acknowledge that Spelthorne have made recent improvements in the range of materials collected for recycling, however I should like to know:

1. What plans do Spelthorne have for recycling plastics which are now a significant component of household waste?
2. Are there any plans for collection of cardboard which is recyclable?
3. Does Spelthorne have any plans to carry out its own composting of green waste to prevent dependence on other agencies?
(I have been aware at Charlton Waste Transfer Station of a number of occasions when the "green" hatches have been closed and garden waste has been loaded with general matter.)
4. Whilst Spelthorne has a one-year recycling target, what targets have been set for each of the next five years?

Councillor Forsbrey responded:

- 1) We currently don't collect plastics because of the nature of our collection system which we are tied into contractually until November 2006. Also, due to its bulk but light weight it is expensive to collect. However, we are currently reviewing future waste collection strategies for operations after November 2006.
- 2) Under the current recycling contract, our contractor will only take paper. Cardboard can be taken to Charlton Lane civil amenity site. Once again we aim to review this in the future.
- 3) Spelthorne operates a green waste collection system with green waste going to a composting site at Harefield. If composting took place within the Borough a large site would be needed and may not be cost effective. Charlton Lane is managed by Surrey Waste Management and therefore, I cannot answer in relation to the closure of the hatches for green waste.
- 4) This year (2005/06) the target is 30%. To achieve this target will prove difficult but, with the help of Spelthorne's residents, we will do our utmost to achieve this and therefore I would like to thank Mr Johnson for his interest and support in recycling in the Borough. For future targets we are awaiting guidance from the Government.

212/05 CHANGES TO THE COUNCIL'S CONSTITUTION – MONITORING OFFICER PROTOCOL

The Council noted the appointment of Victoria Monk, Principal Solicitor, as the Deputy Monitoring Officer, which required some amendments to the Monitoring Officer Protocol under Part 5, section (h), of the Council's Constitution.

RESOLVED to agree the necessary changes to the Constitution.

213/05 BYELAWS UNDER PART VIII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS AMENDED BY THE LOCAL GOVERNMENT ACT 2003, ON BODY PIERCING, ELECTROLYSIS, ACUPUNCTURE, TATTOOING AND SEMI PERMANENT SKIN COLOURING

The Council considered a recommendation from the Executive on the adoption by the Council of Byelaws on body piercing, electrolysis, acupuncture, tattooing and semi permanent skin colouring.

RESOLVED

- (1) That Byelaws be made under 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) for the control of acupuncture, tattooing, cosmetic (body) piercing, semi permanent skin colouring and electrolysis to apply to the area of this Council.
- (2) That the Byelaws shall be in the form as set out in Appendices I (“Cosmetic Piercing and Electrolysis”) II (“Acupuncture”) and III (“Tattooing and Semi-Permanent Skin Colouring”) of the Report of the Strategic Director (Community) to the Licensing Committee.
- (3) That the Common Seal of the Council be affixed to the Byelaws.
- (4) That the Council’s Head of Corporate Governance be authorised to carry out the necessary procedure and to apply to the Secretary of State for confirmation of such Byelaws.

214/05 SPELTHORNE CORPORATE PLAN 2005/2008

The Council considered a recommendation from the Executive on the draft Spelthorne Corporate Plan 2005/2008.

RESOLVED that the Council notes the corporate strategic aims and targets for the Council listed in the Corporate Plan 2005/2008 and approves the Corporate Plan for adoption.

215/05 RECOMMENDATIONS OF THE STANDARDS COMMITTEE

The Council considered a recommendation from the Standards Committee on the Protocol for Member/Officer Relations.

RESOLVED that the Protocol for Member/Officer Relations be amended to provide a reference to Freedom of Information on the following lines:

‘Officers are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and Members may also be subject to the Act in respect of work undertaken on behalf of the Council as opposed to the political party. Both are reminded of their duties under the FOIA in respect of requests for information and any questions in this area should be addressed to the Council’s Freedom of Information Officer.’

216/05 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor G.S. Ceaser, presented his first report since taking on that office, which outlined the matters the Executive had dealt with since the last Council meeting.

217/05 IMPROVEMENT AND DEVELOPMENT COMMITTEE

The Vice Chairman of the Improvement and Development Committee, Councillor H.R. Jaffer, presented the Chairman's report which outlined the matters the Committee had dealt with since the last Council meeting.

218/05 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.

219/05 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor E. O'Hara, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

220/05 STANDARDS COMMITTEE

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

221/05 QUESTIONS ON WARD ISSUES

Under Standing Order 13 Councillor R.W. Sider asked Councillor G.S. Ceaser, the Leader, the following question about Shepperton Post Office.

' Can the leader inform Cllr Leighton and myself as to what progress there has been since the Council last communicated with the Post Office Authorities informing them that this Council was unanimous in supporting a vote of no confidence in their administration of the closed Shepperton Branch.? And can the Leader assure me and those we represent that this Council will continue to lobby the Post Office Authorities, drawing to their attention the constant and unacceptable hardship this closure has caused both to the elderly, infirm and disabled members of our community, and to the very economic viability of our Village.'

The Leader replied, as follows: -

"Firstly, I can confirm that following the Executive meeting held on 24 May 2005 I wrote to Mr Allan Leighton, Chairman of the Royal Mail Group plc, expressing the Council's concern and dismay at the current position of not having a Post Office in Shepperton. I can report that I received a reply on 9 June 2005 indicating that a full response will be provided when his enquiries have been completed.

I can assure both the Shepperton ward members and the public that we are still in correspondence with the Post Office.

The Post Office has assured this Council that they are "doing as much as they possibly can to get problems resolved and their determination to re-open the Post Office remains."

Under Standing Order 13 Councillor R.W. Sider asked Councillor G.E. Forsbrey, Portfolio Holder for Environment and Planning, the following question about parking in Shepperton.

'In view of the number of complaints received from residents living in and around Church Square, and Chertsey Road, Shepperton concerning parking on double yellow lines, can the Leader inform me as to what measures are being taken to monitor this situation, what are the number of hours of parking enforcement allotted to Shepperton, are the parking enforcement officers employed during the evening, and over what period, how many parking enforcement tickets have been issued for parking irregularities in Chertsey Road, Shepperton.'

The Portfolio Holder Councillor Forsbrey replied as follows: -

"Members will be aware that this Council began patrols under police powers in October 2004 to enforce decriminalised parking, that is, yellow line enforcement procedures.

In April 2005 this Council has been progressing this arrangement ourselves under an agreement with Surrey County Council. Since April two officers have been on duty to deal with decriminalised parking six days a week for single yellow lines and seven days a week for double yellow lines and, since April 2005, a total of eight man days have been allocated to Shepperton. However, the three hour waiting restriction in Shepperton High Street does cause difficulties with enforcement and reducing this time period will be considered in the near future. Parking penalty notices have been issued in Shepperton but it would be a painstaking process to evaluate how many tickets have been issued in specific streets within Shepperton.

With regard to Chertsey Bridge Road, parking attendants have been liaising with Surrey Police on a joint approach to continued parking problems and joint enforcement programme is being arranged for the very near future.

With regards to the evening hours that parking attendants are available, enforcement can take place at any time of the day or evening to ensure that parking restrictions are enforced."

222/05 ENDORSEMENT OF NOMINATION TO SERVE ON LOCAL SCHOOL GOVERNING BODY

St Ignatius RC Primary School, Sunbury

The Clerk to Governing Body of St Ignatius RC Primary School, on behalf of the School Governors, sought the Council's endorsement on the appointment of Mr. Mark Heuchan as the minor authority representative on the Governing Body for the period until September 2006.

RESOLVED to endorse the appointment of Mr. Mark Heuchan as the minor authority representative on the Governing Body of St Ignatius RC Primary School for the period until September 2006.

223/05 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.

224/05 LEISURE CENTRE PROCUREMENT UPDATE

(Paragraph 9 - *Terms of an existing Contract and proposed Terms of a new Contract*)

The Council considered the recommendation of the Executive in relation to an update on the Leisure Centre Procurement.

RESOLVED to

1. Note the interim findings in the procurement process.
2. Agree the new decision-making timetable as reported by the Strategic Director (Community).
3. Agree to extend the present contract with SLM for up to 6 months until the end of March 2006.
4. Agree to the Council's Treasury Management Policy being altered to authorise the principle of borrowing up to £3million for the leisure centre, in consultation with the Leader and the Portfolio Holder for Children and Young people services, should the evaluation prove that it is both advantageous and prudent to do so.

RECOMMENDATIONS OF THE EXECUTIVE

1. **OUTTURN AND STATEMENT OF ACCOUNTS 2004/2005**

- 1.1 The Executive has considered a report on the Outturn and Statement of Accounts 2004/2005.
- 1.2 Members were advised that under the Accounts and Audit Regulations 2003 the Council was required to formally approve the Statement of Accounts for the financial year ending 31st March 2005 by 31st July 2005. This was one month earlier than that for prior years, this being the second year of an accelerated closing timetable whereby the required date for approval was being brought forward by one month each year until 2005/2006.
- 1.3 **The Executive recommends that the Council formally approve the Statement of Accounts for 2004/2005 signed by the Leader of the Council.**
(A copy of the Council's Accounts for 2004/2005 has been circulated to all Members under separate cover.)

2. **SUBSTITUTES**

- 2.1 The Executive has considered a report on the position under the Council's Standing Orders [within the Constitution] in relation to Substitutes.
- 2.2 Members were advised that Government Guidelines issued in 2000 prohibited substitution at Executive meetings and regarded its use as inappropriate at Standards and Regulatory Committees. In addition, Members appointed to Standards Committees and Regulatory Committees, such as Licensing and Planning, required specialist training which again would make use of substitution inappropriate. The Borough Council on 27 April 2000 had resolved that there would be no substitution provisions in the Constitution in relation to any meetings and the practice was discontinued.
- 2.3 **The Executive recommends that there be no change in the Council's Constitution in relation to Substitutes.**

Councillor Gerry Ceaser
Leader of the Council

21 July 2005

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

This is my second report as Leader and since taking on that office the Executive has met on two occasions. This report is an overview of some of the more significant issues we have discussed at our meeting on 21 June 2005. We have made recommendations to the Council on three matters, which appear separately on this Agenda.

ISSUES INCORPORATING ALL 4 CORPORATE PRIORITIES

RECOMMENDATIONS OF THE IMPROVEMENT AND DEVELOPMENT COMMITTEE HELD ON 9 JUNE 2005

We have considered the recommendation from the Improvement and Development Committee that an Audit Committee be established to monitor and review audit matters with greater frequency.

We have agreed not to support this recommendation and have referred this matter back to the Performance Management and Review Committee, with the suggestion that the Task Group to review operational arrangements for Overview and Scrutiny looks at arrangements to facilitate the regular monitoring and review of audit matters.

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES AND WORKING GROUPS 2005-2006

We have appointed Members to serve on about 40 Outside Bodies and Working Groups for 2005-2006. These appointments include the Local Development Framework Working Party and a new appointment this time to serve on the Crime and Disorder Reduction Partnership [CDRP] Board. The Member appointed is Councillor Culnane.

The CDRP Board at its meeting on 13 May 2005 had discussed the Board's Membership and had agreed to invite one member each to join the CDRP Board to represent the Surrey Police Authority, the Spelthorne Borough Council and Surrey County Council, respectively. The CDRP Board, pending a review of the Board's Terms of Reference, will determine the status of the members appointed.

MAKING SPELTHORNE A BETTER PLACE

SURREY IN 2020 – MEDIUM TERM ACTION PLAN/LOCAL AREA AGREEMENT –

We have considered a report updating Members on progress with developing the Countywide Community Strategy and on Surrey County's proposal to develop a Medium Term Action Plan for the Strategy, which will also form the basis of a Local Area Agreement [LAA] with the Government. Executive Members have indicated that such LAA's with the Government should cover key issues like Community Safety, Passenger Transport and Traffic Congestion.

The Surrey Strategic Partnership [i.e. the Local Strategic Partnership for Surrey], which is responsible for drawing up the Strategy, has just completed the first stage by

developing and agreeing a long-term vision for the County called Surrey in 2020 and over 70 public, private and voluntary sector organisations in the county have signed up to this vision. We have noted in particular the proposal by the Surrey Strategic Partnership to move on to draw up a medium term action plan, which will form a Local Area Agreement with the Government, and their timetable to achieve this by the end of 2005.

MAKING SPELTHORNE SAFER / IMPROVING CUSTOMER SATISFACTION WITH SPELTHORNE'S SERVICES

HIGH HEDGES LEGISLATION

We have considered a report on the new legislation, which took effect from 1 June 2005, under the terms of Part 8 of the Anti-Social Behaviour Act 2003, in relation to local authorities dealing with complaints about High Hedges. The report provided Members with a brief outline of the arrangements and set out how the Council would administer the relevant legislation.

It is proposed that the new procedures, under this legislation, will be administered by the Council's Planning Service and that a consultant will be engaged on a part-time basis to adjudicate in the complaints against High Hedges.

We have agreed the arrangements and procedures for dealing with the new 'High Hedges' legislation. We have also agreed that the fee to be charged by the Council for dealing with High Hedges complaints will be set at £450, with a reduced fee to people on low income/benefit of £225. We have further agreed that the Executive will review the fee after 6 months to assess whether the process achieves the anticipated 'break even' status.

INCREASE IN BUILDING CONTROL FEES AND CHARGES

We have considered a report on proposals for an increase in the charges for the Building Regulation Service. In line with the Council's Financial Strategy, the Building Control charges are reviewed regularly and following consideration of information on benchmarking of charges within neighbouring Boroughs, the Executive considered that increased charges should be set as reported by the Strategic Director (Community).

We have approved the amendment to the Council's Building Regulations 'Charges Scheme' as outlined in Appendix A to the report of the Strategic Director (Community).

Councillor Gerry Ceaser
Leader of the Council

21 July 2005

**REPORT OF THE CHAIRMAN OF THE LICENSING COMMITTEE ON THE WORK
OF LICENSING SUB-COMMITTEES**

There have been three Licensing Sub-Committee meetings since my last report. Two meetings were held on the morning and evening of 29th June, 2005 and one on the morning of 13th July, 2005.

These were the first hearings to be held under the Licensing Act 2003 and their decisions are reported below. In addition a Licensing Seminar was held for all Members and relevant Officers on 14th July, 2005 at short notice, to address issues that had arisen over the past few weeks and following the hearings.

LICENSING SUB - COMMITTEE 29TH JUNE, 2005 (Morning)

APPLICATION FOR THE CONVERSION AND VARIATION OF A LICENCE

The Sub-Committee considered and granted an application for Conversion and Variation of an existing Licence for The Goat, Upper Halliford Road, Shepperton. The Variation was granted subject to conditions.

LICENSING SUB - COMMITTEE 29TH JUNE, 2005 (Evening)

APPLICATION FOR THE CONVERSION AND VARIATION OF A LICENCE

The Sub-Committee considered and granted an application for Conversion and Variation of an existing Licence for the Kings Fairway, Fordbridge Road, Ashford. The Variation was granted subject to conditions.

LICENSING SUB - COMMITTEE 13TH JULY, 2005 (Morning)

APPLICATION FOR THE CONVERSION AND VARIATION OF A LICENCE

The Sub-Committee considered an application for Conversion and Variation of an existing License for the Black Dog, 337 Staines Road West, Ashford Common and the Chairman will report, orally, on the outcome at the Council meeting on 21st July 2005.

Councillor Robin Sider
Chairman of the Licensing Committee

21 July 2005

REPORT OF THE CHAIRMAN ON THE WORK OF THE PLANNING COMMITTEE

The Planning Committee has met just once since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key applications considered by the Planning Committee at its meeting on 22 June 2005. It also gives a brief update on planning performance figures.

1. The Planning Committee meeting on **22 June 2005** dealt with 10 items in total.

Public speaking took place on five of the items with eight people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the deferral of a mixed hotel and residential scheme at the former Celotex site, Hanworth Road, Sunbury.
- (b) a replacement dwelling on Pharoahs Island, Shepperton.
- (c) the approval of a new warehouse with ancillary offices at Northumberland Close/Bedfont Road, Stanwell.
- (d) The approval of 8 flats and 4 terraced houses to the rear of Kenilworth Road, Ashford.

2. Other matters of interest

- (a) Performance figures for speed of determining planning applications:

	Major applications (BVPI Target) (60% in 13 wks)	Minor applications (BVPI Target) (65% in 8 wks)	Other applications (BVPI Target) (80% in 8 wks)
2004			
October	100%	81%	100%
November	50%	80%	93%
December	0%	85%	97%
2005			
January	100%	85%	86%
February	80%	77%	84%
March	100%	89%	87%
April	50%	68%	93%
May	50%	63%	87%
June	100%	78%	91%

APPENDIX 5

From initial calculations, the performance figures for the next round of Planning Delivery Grant [PDG] are:

Majors	Minors	Others
71%	78%	91%

This compares with the performance figures for the previous round of PDG as follows:-

68%	78%	94%
-----	-----	-----

In view of the above, the levels of performance, especially the improvement in the speed of dealing with 'major' applications, is likely to stand the Council in good stead for the next PDG payment in terms of development control performance.

In the past the government has rewarded Councils for meeting and exceeding all three targets and also given greater weight to the performance on 'major' applications compared with 'minors' and 'others'.

Councillor John O'Hara
Chairman of the Planning Committee

21 July 2005