

MINUTES OF THE COUNCIL MEETING HELD ON 15 DECEMBER 2005

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 15 DECEMBER 2005 AT 7.30PM

Ayers F.	Jaffer H.R.	Pinkerton J.D.
Bhadye S.	James P.R.	Searancke E.J.
Ceaser G.S. (Leader)	Leighton Mrs V.J.	Sider R.W.
Colison-Crawford R.B.	Lorch S.B.S.	Spencer Mrs C.L.
Culnane E.K. (Deputy Leader)	Madams M.J.	Strong C.V.
Davies F.	Napper Mrs I.	Trussler G.F.
D'Sa R.V.	O'Hara E.	Turner Mrs D.
Fullbrook J.M.	Packman J.D.	Weston Mrs P. (Mayor)
Hirst A.P.	Paton J.M.	Wood-Dow Mrs J.M
Hyams Mrs M.	Pinkerton Mrs J.M.	

Co-opted Member - Mr M. Litvak

Mrs P. Weston, Mayor, in the Chair

APOLOGIES

Apologies for absence were received from Councillors Mrs P.C. Amos, Miss M. Bain, G.E. Forsbrey, Mrs D. Grant, Mrs J.E. Ponton and M.T. Royer. Apologies were also received from Mr T. Davies the Vice Chairman of the Standards Committee.

419/05 MINUTES

RESOLVED that the Minutes of the Meeting held on 20 October 2005 be approved as a correct record.

420/05 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor reported that six questions under Standing Order 12 had been received and invited those members of the public in attendance to put their question. The Mayor confirmed that a response would be given after each question with a written response being sent to the members of public who raised the question.

(a) Questions from Mr Leggett

“In each of the last, say, 20 years, how much public money has been spent on each of the four main shopping centres in Spelthorne, namely Staines, Ashford, Sunbury and Shepperton including public highways, pedestrian areas, parking and buildings?

How much private money has been spent as above and as encouraged by Spelthorne Council?

Does the Council consider that the residents of Spelthorne have been properly consulted on the development plan when publication of the questionnaire was limited and the range of possible answers restricted to only those desired by the Council?

If the consultation was indeed adequate, should it be revised and repeated?

Could Spelthorne Council's future annual accounts please show a breakdown of spends on the four shopping areas within the borough?”

The Leader of the Council, Councillor G.S. Ceaser responded to the question on the following lines:

1 & 5. I suspect that this question may be based on the capital expenditure as a result of the opportunity that arose for the Council, in partnership with the private sector, to pedestrianise Staines Town Centre. The facts are that since 1998/99 approximately £3.5m was spent on the roadwork's and pedestrianisation scheme.

Similar opportunities have not arisen with regard to Ashford, Sunbury and Shepperton Town Centres, but the Council would be keen to consider approaches from the private sector should they arise.

With regard to the Council's annual accounts, these are produced in accordance to function across the borough, following best accounting practice recommended by Chartered Institute of Public Finance and Accountancy. Unfortunately, this process hides the numerous other areas of spend that the Council has delivered in areas outside of Staines Town Centre over recent years. I have a long list here of examples of major expenditure outside of Staines Town Centre. I would like to mention a few, but, when I reply in detail to Mr Leggett I will include the entire lists. So some examples, from recent years are: -

Shepperton High Street - £134,000

Sunbury Leisure Centre Solar Panels £120,000

Sunbury Leisure Centre water treatment - £237,000

Laleham and Shepperton 'gateway signs' – £10,000

Affordable Housing Schemes In Ashford And Sunbury £6.8M

Long Lane artificial pitch - £116,000

£10,000 each to three senior schools for specialist status

£100,000 for the Sunbury Riverside Arts Centre purchase

£94,000 for the Millenium Embroidery

£250,000 for Orchard Meadow in Sunbury

£200,000 for an all weather sports pitch at St Paul's school

£200,000 for improvements to Sunbury Cross

£50,000 for an all weather sports pitch at Ashford Sports Association

£45,000 grant for Ashford Tennis Club

£120,000 for a multi games area in Long Lane

£160,000 for Staines and Laleham Sports Club's artificial sports pitch

£202,000 for Ashford Multi-Storey car park

Furthermore, we have 80 parks and public open spaces and spend about £800,000 per annum on parks outside of the Staines area. We will also have spent £2m additional government money in 6 of our parks by April 2006. Only the Lammas (in Staines) is included in this expenditure.

Therefore, we have invested in our major urban area (Staines) and in our more residential areas, where we have invested in parks and local amenities.

2. I believe the investment by the private sector as a result of our expenditure has been substantial. We do not know the detail of that expenditure but we believe it is in the region of £80m. Furthermore, the recent developments at the Elmsleigh Centre cost £8-9m. This is a very positive return on our investment.
- 3 & 4. Firstly the Council has not yet prepared a new plan for the Borough but has been consulting local people about what should go in it. The consultation included delivery of the Bulletin to residential and business properties in the Borough, sending letters to over 600 people on our contact list, holding 11 public meetings and extensive information on our web site. Furthermore, in the September Special Edition of the Borough Bulletin we asked people questions about the future of the area and provided space in the questionnaire for people to set out any views they wanted to express. 1674 people have completed and returned the questionnaire and over 150 have also written letters. I am, therefore, satisfied that our consultation has been comprehensive, thorough and properly focussed on key issues and realistic options facing the Borough.

However, one of the issues we do need to address is the role our town centres should play in the future. We have undertaken detailed surveys of local people's shopping patterns and needs, and have taken advice on how best to meet those needs. One of the realities we have to face is that Staines is our main town centre with scope to expand, whereas our other centres are relatively small and hemmed in by residential streets. These other centres have little space to expand, but nevertheless, provide an important local function and that is why we have specifically asked people about the role they should undertake in the future. We will, of course, consider Mr Leggett's views on this along with everyone else's.

(b) Questions from Mr Monk

"I live at 16 Croysdale Avenue, Lower Sunbury and have since May 2004 been trying to get something done about the crumbling road surface outside my house. Prior to 2004 if I reported any potholes they were generally repaired within a reasonable time scale to a reasonable standard.

Since I reported the current holes in May 2004 to the Highways dept of Surrey County Council (SCC) nothing has been done and there are now several very large areas where the tarmac has now vanished right along the road. The standard response from SCC is that our road is on a priority list to be resurfaced at some point in the next 5 years, if a budget can be agreed. Presumably if a budget cannot be agreed then it will be more than 5 years!

These holes are not only dangerous to cyclists and motorcyclists but are also causing unnecessary wear and tear on the tyres and shock absorbers of all the residents vehicles.

If the council, to whom we all pay a not inconsiderable amount of council tax each year, are not prepared to maintain the roads which they have adopted then I do not consider it unreasonable to ask for a reduction in the council tax of the residents of Croysdale Ave.

I have provided 3 photos showing just some of the holes.

I look forward to hearing the councils views."

Mr Monk was not in attendance to put his question, but subsequently Surrey County Council as the Highways Authority have, on behalf of the SCC Local Committee for Spelthorne, replied to his question.

(c) Questions from Mrs Janet Milligan

"Notwithstanding the previous public meetings that followed the recent planning application by Henry Streeter Ltd to extract gravel from Hengrove Recreation Ground; is Spelthorne Council still seriously considering leasing this vital community asset? If so, can we have an undertaking that all local residents can expect full and open consultation, including an exhibition of the plans and their implications, further public meetings and a consultation period to allow people to express their views to the Spelthorne Borough Councillors?"

The Leader of the Council, Councillor G.S. Ceaser, responded to the question on the following lines:

Firstly, I would like to confirm the statement made at the two public meetings held on 19 November and 24 November 2005 that a planning application has not been submitted by Henry Streeters Ltd, only an initial proposal.

When we meet Streeter's representative's next week, officers will be discussing the issues that arose at those public meetings. Although we cannot insist on pre-application consultation and an exhibition, we will indeed be recommending that this approach is taken as I believe it is the very best way to listen to the views of the local community.

If and when a planning application is received on this issue the normal statutory notices will be placed.

In addition he reported on a petition received from residents of Hengrove. The petition contained 300 signatures with a further 150 signatures but without giving any address and stated " Petition against the extension to the existing Hengrove Farm mineral works for the extraction of sand gravel - We the undersigned object to the proposed extension for the following reasons: The Development of the Hengrove Park green belt area in particular, this may affect the health and well being of the local residents and children of Ashford Park School and It is a popular and well used local green belt recreation area, for residents and children from the neighbouring school". The petition would be taken into account when the Executive considered the matter.

(d) Questions from Mr Rawlinson which was asked on his behalf by Mr Johnson

" In 2001 the Council put in place an Air Quality Assessment Plan. In the course of this the Council declared the Borough as an Air Quality Management Area and set targets for compliance with National Standards for air pollution by 2005. Has the Council been able to achieve the targeted reductions in air pollutants to the required levels, in particular with respect to Sunbury Cross, which was identified as an area of non-compliance, having very high Nitrogen oxide levels? What impact has continued housing development in the area of Sunbury Cross, with the consequent rise in vehicle and domestic emissions, had on the Council's ability to meet its targets, and have any further targets been set for the future improvement of air quality in the Borough?"

The Leader of the Council Councillor G.S. Ceaser responded to the question on the following lines:

For Member's information, we originally had three nitrogen dioxide monitoring sites around Sunbury Cross. We have added a further three in December 2004 as 'hotspots'.

Five of those six sites are currently showing levels above the annual target for nitrogen dioxide.

Since 1999 there has, however, been a downward trend in nitrogen dioxide levels across 'the borough', including at Sunbury Cross.

Technical advice, given to us by the government, advises caution when looking at air quality data as trends should be considered over a longer term period. This is because the data can be affected by a number of things, for example, the weather and major road works (such as the M25 widening).

It is impossible to determine that the current air quality statistics have been rising because of housing development. With regard any future planning applications, the government also advises against using air quality data solely to determine planning applications, as all sustainability aspects should be considered.

(e) Questions from Mr Hirsh

"I would like to raise the question of the future of the Benwell Centre and Older People's Services and ask that I may put the following sequential questions:

Will the Council accept that the Benwell Centre, as it is currently used, does not fall within the definition of 'Surplus Property' (as described at minute 5.8 of the Asset Management Plan 2005)?

Would the Council also accept that if their proposals in respect of the Benwell Centre were put into effect, then the Centre would, de facto, fall within the definition of 'Surplus Property'?

Will the Council confirm that it is their policy, within the Disposals Programme, to sell 'surplus property' on the open market?

Will the Council confirm or deny that the sale of this valuable asset for development constitutes the real imperative behind the '*improving*' of Older People's services in the Borough; and that minutes of meetings held under s.100A (4) of the Local Government Act, 1972 (power to exclude press and public) will confirm their response to this question?

Councillor Mrs V.J. Leighton the Portfolio Holder for Adult and Elderly Services responded to the question on the following lines:

1. At present the Benwell Centre as it is currently used does not fall within the definition of surplus property. (The definition of surplus is that it is unsuitable for alternative use or partnership within the community).
2. We are still communicating our proposal for comments and until this period is completed then we are not in a position to say whether the Benwell Centre will fall into this category of "Surplus Property".
3. The Council's policy if a property is surplus is that it is normally disposed on the open market, for example, St Martins Court Village Hall has recently been

leased on the open market, Churchill Village Hall is being marketed and the Old Town Hall was sold on the open market.

4. As stated earlier, we are still consulting on our proposal. As explained in the leaflet that is being distributed over the next few weeks, the aim of these proposals for older people's services is to meet older people's needs for the future and primarily to keep them independent in their own homes. There is of course a need for all services to deliver value for money, so there are bound to be financial matters to be taken into account.

(f) Questions from Mr Johnson

"I notice in the Leader of the Council's Report on the work of the Executive, Agenda Item 8, that the Asset Management Plan and Capital Strategy has been adopted.

On reading the Asset Management Plan I notice in para 5.8 that more than £6 million of assets has been disposed in the last three years and that there is just under £33 million left.

Also I note in para 8.33 that the Council plans to dispose of £8 million over the next four years. This amounts to an intended disposal of about 35% of the year 2003 asset base.

Furthermore in para 8.39 mention is made that a developer has identified alternative uses for the day centre sites and the values they could attract.

I should like to know:

- a. How does selling over one third of the infrastructure achieve the key priority of 'making Spelthorne a better place'?
- b. How can such a massive disposal policy take place without the approval of this committee?
- c. Is it the intention to turn the disposal of assets into housing?
- d. What attempt has been made to market the day centre services and facilities for the benefit of the community?"

Councillor Ed Searancke the Portfolio Holder for Corporate Services responded to the question on the following lines:

- a. The Council has adopted a number of key principles in the context of the management of its asset portfolio. Two relevant ones are as follows:

Assets are a means to an end, not a resource in themselves, ie. the Council holds them to achieve a service delivered to the public.

Assets will be reviewed to ensure that they meet the Council's requirements, in terms of service requirements and giving value for money. Comparative option appraisals will be carried out on assets as to the future use or possible disposal.

Assets that have been disposed of have ceased to offer value for money, eg. the old Depot site or are no longer required. Thus, in each case an option appraisal has been carried out. The sale of these assets does not detract from 'Making Spelthorne a Better Place', indeed it enhances it by giving us more opportunity to focus resources where they are required.

- b. Each disposal takes place with the consent of the Executive Committee, £8m is not massive and may only relate to one/two properties.
- c. We will consider future use of sites in the context of our current planning policy and if necessary, we will produce supplementary planning guidance which will help determine the future use of a site.
- d. Every attempt has been made to market the day centre services by each of the managers, but usage numbers, particularly for lunches have continued to fall.

421/05 PRESENTATION OF PETITIONS TO COUNCIL

The Mayor reported that a petition concerning the Council's proposal on improving older people's services in Spelthorne had been submitted and called on Councillor Mrs V.J. Leighton the Portfolio Holder for Adult and Elderly Services to report further.

Councillor Mrs Leighton reported that she had accepted the petition from the people of Stanwell because it showed their feelings about the possible closure of the Stanwell Centre. The petition would be referred to the Executive as part of the responses to the Council's consultation on older people's services in Spelthorne.

The Mayor reported that the name and address of the lead person for the petition was not known.

422/05 OUTLINE BUDGET 2006/2007 TO 2009/2010

The Mayor invited Mr Johnson to read out his statement, which is set out below:

"I refer to the recommendation that a guideline Council Tax increase be set at 15%.

I should like to make the following points:

1. The Chancellor stated last week that he would cap councils that proposed an increase of greater than 5%.
2. As a retired homeowner my council tax has risen a mighty 130% since 1993/94. The Halifax stated that the national average had risen by 62% and pensioner income has risen by 34% during this time period.

This implies that Spelthorne has levied over a twelve-year period twice the average increase in council tax, which is 3.8 times the average increase in pensioner earnings.

3. Yesterday's press indicated that ministers are considering placing a cap on the amount pensioner's pay in council tax as an attempt to end the non-payment protest and imprisonment of elderly people who withhold payments.

The pensioner cap may affect the council tax income from 15 – 20% of properties.

4. The overall suggested Government general cap and the pensioner cap will have a significantly negative effect on projected income.

The proposed council tax rise is unacceptable and unsustainable.

5. I would suggest that the Council:
 - a. Rejects the recommendation;
 - b. Makes representations to Government and County on the impossibility of running a socially responsible council."

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 2006/2007 be set at a maximum level of £13.587m.
- (2) That, in order to reach this level [see (1) above], the Strategic Director (Support) identify a package of options by which the budget can be balanced both in 2006/2007 and over the next 2 years of the Outline.
- (3) That the Strategic Director (Support) reports back to the next Executive on the Provisional Grant Settlement.
- (4) That, subject to the assumptions in the report of the Strategic Director (Support) being valid, a guideline Council Tax increase be set at 15%.
- (5) That the growth items totalling just over £1.6m, as shown at Appendix B to the report of the Strategic Director (Support), be supported for inclusion in the revenue budget 2006/2007.

423/05 AUDIT COMMITTEE

The Council considered the recommendations of the Executive on the size and composition for an Audit Committee, which took account of the CIPFA Practical Guidance on Audit Committees.

RESOLVED:-

1. That, in accordance with Articles 6, 8 and 9 of the Council's Constitution, the size of the Audit Committee, as established by the Council on 20 October 2005, should be 7 voting members.
2. That, pursuant to the requirements of Section 15 of the Local Government and Housing Act 1989 [in particular Section 15(4)], the representation of the different political groups on the Audit Committee should be Conservative 6 seats and Liberal Democrat 1 seat.
3. That the Group Leaders be requested to notify the Chief Executive of the nomination of Members to serve on the Audit Committee, based on the allocation of seats at recommendation 2. above and the guidance on the independence of the Committee at 4. below.
4. That the Council's Constitution be amended, in particular to reflect that the Audit Committee is independent of the executive and scrutiny functions. The amendment to the Constitution to specify that the proposed membership of 7 voting members on the Committee should not include more than one member of the Executive or the Overview and Scrutiny Committees and in particular that the Chairman should not be a member of the Executive.

424/05 REVIEW OF DELEGATIONS TO OFFICERS

RESOLVED that the recommendations of the Executive on revisions to the scheme of delegation to officers to reflect changes in legislation and updates to current working practices be approved as set out in the appendix to the Strategic Director (Support) report to the Executive meeting held on 13 December 2005.

425/05 APPOINTMENT OF INTERIM CHIEF EXECUTIVE

The Council considered the recommendations of the Executive on the appointment of an interim Chief Executive and Head of the Paid Service for the period until a new appointment is made to the post, following the resignation of the present postholder.

RESOLVED:

1. To approve the appointment of Mr. Geoff Chilton as Interim Chief Executive and Head of the Paid Service until such time as a replacement Chief Executive is in post, subject to the terms of a contract to be agreed for this interim appointment; and
2. To approve the appointment of Tribal Resourcing to assist in the recruitment of the replacement Chief Executive.

426/05 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor G.S. Ceaser, presented his report, which outlined the significant matters the Executive had dealt with since the last Council meeting and responded to questions raised.

427/05 LICENSING COMMITTEE

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

428/05 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 and responded to questions raised.

429/05 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 questions raised.

430/05 NOTICE OF MOTION

In accordance with Standing Order 14 it was proposed by Councillor E. O'Hara and seconded by Councillor Mrs D. Turner:

“This Council requests the Highways Agency to investigate as a matter of urgency, vehicle speeds on the A30 Trunk Road through this Borough.

We would further ask that measures are introduced as a matter of urgency to reduce the increasingly dangerous speeds being reached by vehicles on this road, highlighted by a recent event when a residential property set back from the road was seriously damaged by vehicles.”

RESOLVED that the motion stand referred to the Executive.

431/05 QUESTIONS ON WARD ISSUES

Councillor R.W. Sider reported that he had already received a response to his question on irregular parking in Church Road, Shepperton and therefore his question was withdrawn from the Council agenda.

432/05 GENERAL QUESTIONS

Under Standing Order 13, Councillor C. Strong asked the Leader of Council, Councillor G.S. Ceaser the following question:

"I understand that negotiations have now concluded between Spelthorne and Kempton Park regarding the surrender of the lease that Spelthorne had of 120 acres of land at Kempton Park.

Can we please know the final terms of the deal both financially and in park area retained."

The Leader of the Council, Councillor G.S. Ceaser replied as follows:

The full details of the negotiated agreement are available on the Council's website

Councillor Strong took the opportunity to raise a supplementary question "Did any consultation take place on the Kempton Park disposal?" and received an affirmative "yes" response from Councillor G.S. Ceaser.

433/05 FAREWELL TO THE COUNCIL'S CHIEF EXECUTIVE

The Leader of the Council, Councillor G.S. Ceaser, reported that this was the last meeting that Karen Satterford, the Chief Executive would be attending before leaving to take up her new position as Chief Executive of Wycombe District Council. He thanks her for her service to the council over the last 3½ years. He highlighted some of the main projects she had been involved with including helping to obtain 'excellent' CPA status, the completion of the Staines Town Centre and the completion of Phase 1 of the Elmsleigh Centre redevelopment and extended best wishes for every success with her new appointment. Councillor F. Davies the previous leader of the council also paid tribute to her service during his time as Leader of the Council. Councillor Mrs P. Weston the Mayor also thanked Karen for her support during her year in office. The Leader of the opposition Group, Councillor C.V. Strong also paid tribute to Karen Satterford and expressed his appreciation, for the support she had given.

434/05 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 they involved the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated above.

435/05 ELMSLEIGH CENTRE RECONFIGURATION

(Paragraph 9 - Proposed Terms Of A Contract

The Council considered the exempt recommendations of the Executive on the future development of the Elmsleigh Centre.

RESOLVED that the recommendations of the Executive from its meeting on 13 December 2005 be approved as submitted.

436/05 APPOINTMENT OF CHIEF EXECUTIVE

(Paragraph 1 – Information Relating to a Particular Employee)

The Council considered the exempt recommendation of the Executive on the appointment of the new Chief Executive.

RESOLVED that the recommendations of the Executive from its meeting on 8 November 2005 be approved as submitted.

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**REPORT OF THE CHAIRMAN ON THE WORK OF THE STANDARDS
COMMITTEE**

The Standards Committee has met once since the last Council meeting and this report gives an overview of the key issues considered by the Committee.

1. CORPORATE COMPLAINT PROCEDURE

- 1.1. The Committee completed its review of the corporate complaint procedure by discussing with the Head of Customer and Office Services the statistical information he provided on the complaints received on this authority. 126 complaints had been received during the period 1 April to 1 October 2005 with the majority of these relating to the Leisure Centres. The committee felt that this was low compared to the number of services the Council provides and the volume of enquiries dealt with.
- 1.2. In support of the review the committee received copies of the new complaint leaflet being produced as well as confirmation on how the new interactive complaint form on the Council's web site worked. The committee have asked that future reports include information on the number of missed bins and whether the complaints received by the Leisure Centres were from one off customer visits or from actual members of the centre.

2. WORK PROGRAMME AND TRAINING EVENTS

- 2.1. The Committee agreed its work programme for next year with one of the main projects being to review the Council's Planning Code.

3. DVD ISSUES BY THE STANDARDS BOARD FOR ENGLAND.

- 3.1. The committee viewed a DVD issued by the Standards Board for England promoting best practice in local investigations and hearings and agreed that arrangements be made for all members to have the opportunity to see the DVD.

Murray Litvak
Chairman of the Standards Committee

23 February 2006

REVIEW OF CONSTITUTION

Resolution required

Report of the Strategic Director (Support)

Executive Summary

This report seeks authority to amend the Constitution, to incorporate changes to the scheme of delegations by virtue of changes in legislation recently introduced.

Main Issues

- There have again been some changes in legislation that require amendments to the scheme of delegations, including the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2006 and enforcement powers under the Private Security Industry Act 2001.
- Re-Introduction of the delegation under the Town Police Clauses Act 1897
- Security Industry Authority delegation
- Amendments to the Access to Information Rules

Options

- (a) To approve the amendments to the Constitution in whole
- (b) To decline to amend the Constitution in whole
- (c) To approve the amendments to the Constitution in part

Corporate Priority

All 4 Priorities supported

Officer Recommendations

The Council is asked to approve the amendments to the Constitution in full.

REPORT

1. BACKGROUND

- 1.1 In the past four months the Government has enacted more legislation that confers powers on the Authority, powers that could appropriately be delegated to officers. The Security Industry Authority has also decided to use its right of delegation to local authorities.
- 1.2 The Town Police Clauses Act 1897 allows the Council to close roads within the borough in certain circumstances. This power could be delegated to officers.
- 1.3 A new Order and Regulations have been made which in effect require Councils to amend their Access to Information Rules.

2. MAIN ISSUES

- 2.1 As reported to Council on the 15 December 2005, the Food Hygiene (England) Regulations 2005 ("2005 Regulations") came into force on the 1 January 2006 however these were only in force for 10 days before being repealed.
- 2.2 On the 11 January 2006 the Food Hygiene (England) Regulations 2006 ("2006 Regulations") came into force and although the scheme of delegations states under the interpretation section that 'any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions', in terms of enforcement of such provisions it would be beneficial to ensure the wording of the delegation refers to the currently applicable regulation.
- 2.3 The 2005 Regulations have been repealed because the European Commission subsequently brought forward a number of additional measures in the regulations (none of which effect the scheme of delegations) Due to the late publication of the amendments it meant that the 2005 Regulations needed to be in place for the 10-day period until repealed.
- 2.4 On the 11 January 2006 the Official Feed and Food Control (England) Regulations 2006 ("Feed Regulations") also came into effect, again replacing 2005 regulations on the same issues. These regulations govern the controls on feed and food of non-animal origin from third countries. The Delegations were not previously requested for the powers under these regulations, but there are currently premises within the borough that require monitoring and enforcement in accordance with this legislation.
- 2.5 The Feed Regulations grant powers to the Council as the Food Authority in relation to detention, destruction, special treatment, re-dispatch, service of notices, to procure samples of food and to take other appropriate measures. To enable Environmental Health Officers to undertake their food inspection work effectively and often at short notice a delegation is appropriate to ensure that there is no delay as would be the case if authority were required for each inspection or action from the Executive. The suggested delegation wording is 'To exercise the Councils powers under the Official Feed and Food Control

(England) Order, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'. As for the 2005 Regulations it is suggested that the delegation should be for all environmental health officers ([Appendix A](#)).

- 2.6 In the past year officers have twice requested urgent action to be taken by the Leader and the Chief Executive for the closure of roads within the Borough under the provisions of Section 21 of the Town Police Clauses Act 1847. This act allows Borough Councils to close a road when the road is likely to be thronged or liable to obstruction. This, for example, has been used to close roads for the Remembrance Day Parade and the street festivals. The following wording is suggested, 'To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847' and that this should be delegated to the Strategic Director (Community) ([Appendix A](#)).
- 2.7 Section 19 of the Private Security Industry Act 2001 contains powers for the Security Industry Authority (SIA) to delegate their rights of entry and inspection. As the SIA does not have the manpower to enforce the legislation nationwide they are conferring powers to Local Authorities to do this on their behalf. The checks on door supervisors would be undertaken by the Council's Licensing Officers as part of the licensed premises inspections and therefore no further resources would be required. The suggested delegation wording is 'To exercise all power delegated to the Council by the Security Industry Authority under the Private Security Industry Act 2001' and that this should be delegated to the Strategic Director (Community) ([Appendix A](#)).
- 2.8 The Local Government (Access to Information) (Variation) Order 2006 will come into force on 1 March 2006. This amends Part 5A of the Local Government Act 1972 which is concerned with access to meetings and documents of councils, and their committees and sub-committees. In particular changes are made to the categories and conditions for exempt information to make these descriptions simpler and clearer. Thus section 10.5 of Part 4 (g) of this Council's constitution needs to be revised.
- 2.9 As a consequence of the above Order, Regulations have also been laid before Parliament making changes to descriptions for exempt information for Standards Committee and rights of access for members under Executive Arrangements. Suggested revisions to the constitution as a consequence of the 2006 Order are included at [Appendix B](#).

3. OPTIONS

- (a) To approve the amendments to the Constitution in whole
- (b) To decline to amend the Constitution in whole
- (c) To approve the amendments to the Constitution in part

4. PROPOSALS

- 4.1 It is proposed that all of the amendments/additions to the Constitution are approved to ensure continuity of food safety inspections, to enable officers to use the powers granted to the Council under new and existing legislation and

that the amendments to the Access to Information Rules in Part 4 (g) are also approved.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications for the amendments suggested but some of the amendments to the scheme of delegations may involve officers making decisions with financial implications for the Council.

6. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 6.1 The decisions made by officers must be in accordance with a properly constituted scheme of delegations and officer delegations must show a clear audit trail. The Council must conform with all primary and secondary legislation relevant to its constitution.

7. RISK IMPLICATIONS

- 7.1 If the amendments to the scheme of delegations are not incorporated the Council runs a risk in any prosecution of the respondent claiming that there is no case to answer, as the officer did not have the appropriate authority to investigate in the first place.
- 7.2 Failure to incorporate the amendments made under the 2006 Order would be unlawful.

8. SUPPORT FOR CORPORATE PRIORITIES

- 8.1 The review of the scheme of delegations supports all four corporate priorities as individually they each support one or more of the objectives. The review will also ensure that the scheme is used effectively to promote these objectives. The amendments to the Access to Information Rules similarly support all four corporate priorities.

9. OFFICER RECOMMENDATION

- 9.1 The Council is asked to approve the amendments to the Constitution in full.

Contact:

Victoria Monk, Principal Solicitor (01784) 446241

Report Authors:

Victoria Monk, Principal Solicitor / Kathryn Thomas, Committee Manager

Portfolio Holder:

Councillor Ed Searancke

Background papers:

There are none.

RECOMMENDATIONS OF THE EXECUTIVE

1. REVENUE BUDGET AND COUNCIL TAX 2006/2007

1.1 The Executive have considered a report seeking Members consideration of the net Revenue Expenditure Budget for 2006/2007 and the making of a formal proposal on a Council Tax for 2006/2007 for recommendation to the Council for approval.

1.2 The Executive recommend that the Council approve the following:-

- (1) That in support of an increase of 13p per week (5.0%) in the Spelthorne element of the Council Tax for 2006/2007, 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 £790,000, as set out in the report of the Strategic Director (Support), be appropriated from General Reserves in aid of Spelthorne's local Council Tax for 2006/2007.
 - (c) To note that the Council Tax base for the year 2006/2007 is 39,510.10 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.
 - (d) Alongside the consultation responses on the Older People's Services Review, a number of comments and suggestions have been received on the Spelride Service. To enable these to be fully understood, it is now recommended that Spelride be considered in tandem with the Older People's Services Review, with a decision on the way forward for both to be taken in April 2006.
- (2) That Members approve an additional sum of £122k to be taken from the New Schemes Fund to meet the up front costs of savings; the sum required for Performance Related Pay [PRP] to be taken from savings in 2005/2006.
- (3) That the following amounts be now calculated by the Council for the year 2006/2007 in accordance with Sections 32 and 33 of the Local Government Finance Act 1992.

(a)	£41,128,767	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)	£29,801,477	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)	£11,327,290	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)	£5,481,440	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 7th February 1994 (Community Charge surplus).
(e)	£147.96	Being the sum (c) above less the amount at (d) above, all divided by the amount at 1.2 (1)(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.

- (4) That the following amounts be now calculated by the Council for the year 2006/07 in accordance with Section 36 of the Local Government Finance Act 1992.

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
98.64	115.08	131.52	147.96	180.84	213.72	246.60	295.92

Being the amounts given by multiplying the amount at 1.2 (3)(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.

- (5) That it be noted that for the year 2006/2007 that the Surrey County Council and the Surrey Police Authority have not yet [i.e. as at the time of the meeting of the Executive on 7 February 2006] formally issued details of their respective precepts, although Surrey County Council has indicated a possible 5% increase for 2006/2007.

(A Budget Book [green cover] [circulated under separate cover] reflects the decisions and recommendations made by the Executive on 7th February 2006 and the precepts being levied by the Surrey County Council and the Surrey Police.)

2. CAPITAL PROGRAMME 2006/2007 TO 2009/2010

2.1 The Executive have considered a report seeking Members approval of the proposed Capital Programme and Prudential Indicators for 2006/2007 to 2009/2010, in the light of the available resources and corporate priorities. The report covers progress on current capital schemes and included future schemes for consideration. It also provides information on the availability of resources to continue moving forward with the proposed capital schemes.

2.2 **The Executive recommend that the Council approve the Capital Programme for 2006/2007 to 2009/2010 and the Prudential Indicators for 2006/2007 to 2009/2010, as set out in the report of the Strategic Director (Support).**

3. MEMBERS' ALLOWANCES

3.1 The Executive has received a report from the Independent Remuneration Panel on Members' Allowances, following the meetings of the Panel on 20 January and 7 February 2006, and the recommendations on Members' Allowances to be made to the Council on 23rd February 2006, when the Council would be considering the report of the Panel [see [APPENDIX A](#)].

[A copy of the report from the Panel is attached for all Members of the Council as [APPENDIX A](#) to these recommendations.]

3.2 **The Independent Remuneration Panel on Members' Allowances is making the following recommendations to the Council:-**

(1) That with effect from 1st April 2006, the following Allowances should be paid:-

Basic allowance	Current	New
Payable to all Members	£3625	£3732
Special Responsibility Allowances	Current	New
Leader	£8316	£8562
Deputy Leader	£5523	£5686
Other Executive members (4)	£2772	£2854
Chairmen of Overview and Scrutiny Committees (2)	£2772	£2854
Chairmen of Planning and Licensing Committees (2)	£2772	£2854
Opposition Group Leader	£2772	£2854

- (2) In recognition of 2005 as possibly a unique year for Licensing hearings, that for the financial year 2005/2006 an additional payment be made to the Chairman of Licensing Committee of £1386 and to the Vice-Chairman of the Licensing Committee of £693 to reflect their contribution.
- (3) That the Panel will review the additional payments to the Chairman and Vice-Chairman of the Licensing Committee again in 12 months time, in light of the volume of activity and future on-going workload of the Licensing Committee and its Sub-Committees.

4. REVIEW OF THE OPERATIONAL ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

4.1 The Executive has considered a report presented by Councillor F. Ayers, the Chairman of the Performance Management and Review Committee, on his Committee's recommendations arising from the findings of the Task Group set up to review the operational arrangements for Overview and Scrutiny. The Chairman of the Improvement and Development Committee, Councillor A.P. Hirst, who also participated in the presentation to the Executive, advised Members that his Committee concurred with the recommendations of the Performance Management and Review Committee.

4.2 The Executive recommend that the Council approve the recommendations of the Performance Management and Review Committee arising from the findings of the Task Group set up to review the operational arrangements for Overview and Scrutiny, as endorsed by the Improvement and Development Committee, and agree the necessary amendments be made to the Council's Constitution to reflect the recommended changes to the operational arrangements for Overview and Scrutiny.

Councillor Gerry Ceaser
Leader of the Council

23 February 2006

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

This is my fifth report as Leader and since taking on that office the Executive has met on 8 occasions. This report is an overview of some of the more significant issues we have discussed at our meetings on 17 January and 7 February 2006.

We have made recommendations to the Council on five matters, which appear separately on this Agenda.

ISSUES INCORPORATING ALL 4 CORPORATE PRIORITIES

AREA FORUMS

We have considered a report on details of the last round of Area Forums, including attendance, topics raised, support from Partners, and advertising; proposed dates for the next round of Area Forums in Spring 2006; and the proposed agenda for the Spring Area Forums.

We have agreed to hold the next set of Area Forums in Spring 2006, with the proposed agenda comprising 30 minutes at the start for one to one meetings with Borough Councillors followed by one hour for public question and answers with Borough Councillors and representatives of partner organisations.

There will then be a main topic presentation to be agreed by the Chairman of each Forum and the Leader of the Council, based on local needs. Options for the main topic include Recycling, how to tackle Anti-Social Behaviour, and the Council's Financial Position. The main topic format of 10 minutes of presentation to 20 minutes of questions will again be utilised, as it worked well for the Autumn 2005 Forums, and speakers will also be asked to adopt a local angle on their topic as well as a Borough angle.

After the 30 minutes main topic slot, there will be a further 30 minutes slot providing an opportunity to discuss a more local issue to be agreed by the Chairman of each Forum and the Leader of the Council, based on local needs.

BEST VALUE REVIEW PROGRAMME FOR 2006/2007

We have considered a report recommending the topics to be included in the Best Value Review Programme for 2006/2007. We have agreed a Best Value Review Programme for 2006/2007 that undertakes a Business Process Review of the following services: (a) Direct Services and the relationship and links between Direct Services and Environmental Services; (b) Planning and Housing Strategy; and (c) Financial Services. We have further agreed that early steps be taken by the Officers to commission assistance on the Business Process mapping and advice on the Re-engineering of services and that a further detailed report be submitted to the Executive on 20 June 2006 setting out the savings to be achieved from the on-going Business Process Review.

TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2006/2007

We have considered and endorsed a report updating Members on the current treasury position and on the setting of the Annual Investment Strategy and Prudential Indicators for 2006/2007 to 2008/2009. We have approved the Treasury Management Strategy, the Annual Investment Strategy for 2006/2007 and the Prudential Indicators for 2006/2007 to 2008/2009.

GENERAL FUND BUDGET MONITORING TO DECEMBER 2005

We have endorsed a report on the General Fund Budget Monitoring Statement for the 9 months period from 1 April to 31 December 2005, informing Members of the current monitoring position for both revenue and capital expenditure taking account of actual expenditure for the period of 2005 in question, together with the projections for the significant known variations for the financial year 2005/2006.

FEES AND CHARGES 2006/2007

We have approved the proposed schedule of Fees and Charges for 2006/2007, to be operational from 1st April 2006, as set out at Appendix A to the report of the Strategic Director (Support). Regarding the charge for Garden Refuse Sacks the Strategic Director (Community) has since advised the Portfolio Holder for Environment and Planning of the likely date when the funding support from Surrey County Council would cease.

MAKING SPELTHORNE SAFER

ENVIRONMENTAL ENFORCEMENT ISSUES

We have considered a report addressing the future of the Parks Police Community Support Officer (PCSO) scheme, in the context of the new powers now available to the Council under the Clean Neighbourhoods and Environment Act 2005. We have granted in principle approval for (i) the creation of two new posts of Enforcement Officer, to be located within the Direct Services section, (ii) the permanent non-replacement of the two vacant PCSO posts and (iii) a further review of the scheme in light of any future vacancies.

ENVIRONMENTAL PROTECTION ACT

We have considered a report seeking approval on the acceptance of the quotations received by the Council for the costs involved in carrying out the additional site investigation works under the Environmental Protection Act 1990 in Denman Drive, Mayfield Close, Caroline Court and Fairings. We have endorsed and approved the Officers' selection of a company to undertake the site investigation works at a cost of £54,970 and have requested a further progress report to the Executive, as soon as possible.

MAKING SPELTHORNE A BETTER PLACE / IMPROVING CUSTOMER SATISFACTION WITH SPELTHORNE'S SERVICES

REVENUE GRANTS 2006/2007

We have awarded just over £200,000 in grants for 2006/2007 to vital local organizations to give them continued support in their provision of a wide range of services to the local community. Some of the beneficiaries include, Relate, Age Concern, Shop-mobility, Spelthorne Citizens Advice Bureau, Rentstart, Homestart, Voluntary Action in Spelthorne [VAIS] and Crossroads. All these organizations have submitted strong cases for financial support and have demonstrated their ability to deliver much needed and valued services.

Given the continuing pressures on the Council's resources, we have asked the Improvement and Development Committee to set up a Task Group to investigate the Council's grant giving process for 2007/2008 and beyond and to report back on their findings and recommendations to the Executive on 20 June 2006.

LOCAL DEVELOPMENT FRAMEWORK

We have endorsed the recommendations of the Local Development Framework Working Party held on 24 January 2006 and approved the 'Report on the Consultation (under Regulation 26) on Draft Statement of Community Involvement' and consequential amendments to the 'Submission Draft' of the Statement for formal 'submission' to the Government Office, in accordance with statutory procedures.

BRIDGE STREET CAR PARK PLANNING BRIEF

We have considered a report updating Members on the work required to develop an appropriate planning brief for the Bridge Street Car Park Site and seeking agreement on the necessary actions and timescale to achieve this. We have agreed to Consultants being appointed to advise on public car parking requirements in the Staines Town Centre as a whole over the long term (10-15 years), and that the findings be used to determine what role the existing car park at Bridge Street should play and this to be reflected in an appropriate draft planning brief to be reported to the Executive, as soon as possible.

HOUSING NEEDS ASSESSMENT AND STOCK CONDITION SURVEY

We have considered a report advising Members that, in accordance with Government guidance and best practice, the Council was proposing to undertake a combined Housing Needs Assessment and Private Sector Stock Condition Survey. Pursuant to Council Standing Orders for Contracts, the Officers were recommending the selection of a firm of Consultants to undertake the joint Housing Needs Assessment and Stock Condition Survey. We have endorsed and approved the Officers' selection of a firm of Consultants to undertake the joint Housing Needs Assessment and Stock Condition Survey at a cost of £84,350.

CONSULTATION ON THE FUTURE OF LOCAL STRATEGIC PARTNERSHIPS

We have considered a report on an overview of the proposals within the Government's new consultation document entitled "Local Strategic Partnerships: shaping their future". Appended to the report were the proposed replies to the questions set out in the consultation document for submission to the Government by the Council on behalf of the Local Spelthorne Partnership. We have approved the proposed responses to the Government consultation on the future of Local Strategic Partnerships, as set out in Appendix A to the report of the Strategic Director (Community), and these have been forwarded to the Government.

MAKING SPELTHORNE A BETTER PLACE / ENGAGING YOUNGER PEOPLE IN SPELTHORNE / IMPROVING CUSTOMER SATISFACTION WITH SPELTHORNE'S SERVICES

FESTIVAL PROGRAMME 2006

We have considered a report reviewing the Spelthorne Festival events organised by the Borough Council during 2005 and making recommendations on some proposed changes to the Festival events Programme for 2006. We have approved the following Festival events Programme for 2006, namely, 10KM Road Race (support to the Voluntary Groups); Urban Games; Heritage Open Days; and Lantern Procession. We have also agreed to allocate £5000, from the potential savings of £10,000 on the revised Festival Programme for 2006, to be utilised for some smaller local cultural activities and community events across the whole Borough, in partnership with other organisations.

SOCIAL INCLUSION STRATEGY 2003/2006 – UPDATE

We have considered an annual progress report on the Social Inclusion Strategy 2003/2006, which will be shared with the Council's Partners on the Local Strategic Partnership [LSP], in order to maximise the benefits of inter-agency collaboration. This annual progress report on the Strategy will be reported to the LSP Executive on 13 March 2006. The Strategy Action Plan has been revised to show progress made with the Strategy. We have endorsed and accepted the updates to the Social Inclusion Strategy 2003/2006 Action Plan as set out in the report of the Chief Executive.

Councillor Gerry Ceaser
Leader of the Council

23 February 2006

**REPORT OF THE CHAIRMAN ON THE WORK OF THE IMPROVEMENT
AND DEVELOPMENT COMMITTEE**

The Improvement and Development Committee met on 19 January, 2006 and considered the following items of business:

REVIEW OF OPERATIONAL ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

The Committee considered and concurred with the recommendations of the Performance Management and Review Committee on the review of operational arrangements for Overview and Scrutiny.

PLAY STRATEGY

The Committee approved a play strategy and improvement plan to develop services within Spelthorne and agreed that the play development officer and steering group lead on bidding for funding from the Big Lottery Fund.

WORK PROGRAMME 2005/06

The Committee considered suggestions and agreed a Work Programme for its April 2006 meeting.

Councillor Andrew Hirst
Chairman of the Improvement and Development Committee

23 February 2006

REPORT OF THE CHAIRMAN ON THE WORK OF THE PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Performance Management and Review Committee met on 6 December 2005 but due to the important nature and number of matters being considered and the lateness of the hour the meeting was adjourned until the 15 December to complete its business. The adjourned meeting was held on the same day as the last Council meeting and therefore there was insufficient time to submit my written report to that meeting. My report gives an overview of the work undertaken by the committee is therefore presented this evening and I will be happy to answer any questions members may have.

1. FINANCIAL MONITORING REPORTS

- 1.1. The Committee received two financial reports one covering the New Schemes Fund and the other giving the current position of both revenue and capital expenditure for the first half of this financial year. The committee was pleased to see that measures had been put in place to manage the loss of income previously reported to the committee. These measures have brought the budget back on course to balance by the end of the year.

2. ANNUAL AUDIT LETTER

- 2.1. Andrew Lovett from the Council's External Auditors, Baker Tilly, attended the meeting to discuss the external audit work that had been carried out during 2005. I understand that the final audit letter will be available early in 2006 and will include the results of the Audit Commissions 'direction of travel' assessment and the assessment for Use of Resources.

3. MEMBERS RISK MANAGEMENT

- 3.1. The Committee discussed with the Head of Corporate Governance the Members Risk Register and noted that the Officer would be looking after the register to ensure that it is kept under review and modified according to changing circumstances.

4. ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE

- 4.1. The Committee have looked at the Council's local Code of Corporate Governance, which had been drawn up using the CIPFA and SOLACE guidance. The review identified two areas that needed to be reviewed and strengthened. The first was the Financial Regulations and the new Head of Financial Services once in place would undertake the review. The second area identified was to look into our key strategic partnerships to ensure that we have a clear stated outcome for each partnership and have adequately assessed the risks involved with each partnership. All these matters will be reported back to the committee at various times in 2006 and I will arrange for them to be included in the committee work programme.

5. PERFORMANCE INDICATORS

- 5.1. The Committee considered an analysis of the Council's performance against corporate targets and performance indicators for the period April to September 2005. The data was divided into areas covered by the four corporate priorities of Engaging Younger People, Making Spelthorne Safer, Customer Satisfaction and Making

Spelthorne a Better Place with each having a covering page giving a summary of the current position. On this occasion Councillor Mrs D. Grant the Portfolio Holder for Children and Young People was in attendance to report on those performance indicators and other issues that have been delegated to her portfolio. The Committee have asked that Councillor Mrs Grant submit a report to the next meeting giving a further update on her portfolio holder work.

6. COMMITTEE WORK PROGRAMME

- 6.1. The Committee in considering its work programme had regard to the Executive Forward Plan

7. PRESENTATION ON IT SERVICE PROVIDER

- 7.1. The Committee received a joint presentation from the Head of Customer and E Government Services and the Business Manager from Steria on information on how the Councils IT service is provided. The committee received background information, details on the contract with Steria and what has been achieved. The Committee felt due to the importance of the matter that members should be more involved in monitoring the service and have asked that the Head of Customer and E Government Services to submit a further report to the next meeting setting out details of how he monitors the Steria contract.

8. TASK GROUP ARRANGEMENTS

- 8.1. Councillor D'Sa presented the findings of the Task Group set up to review the operational arrangements for overview and scrutiny. The committee unanimously supported the recommendations of the task group. Motion carried to forward the findings to the Improvement and Development Committee for comments and motion carried for recommendations to go before the Executive and full Council for consideration.
- 8.2. I hope members can appreciate the time and effort that has gone into this investigation of our scrutiny arrangements. I also hope that all members will give scrutiny the support it needs to ensure that it continues to be member led by whole heartedly supporting the changes identified by the task group.
- 8.3. I would like to take this opportunity to place on record my thanks to the Chairman and members of the task group for their hard work, diligence and commitment and for the productive contributions they have made in reviewing the arrangements.

Councillor Frank Ayers

Chairman of the Performance Management and Review Committee

23 February 2006

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee held its inaugural meeting on 14 February 2006. I was elected to serve as Chairman of the Audit Committee and Councillor Lorch was appointed as the Vice-Chairman.

The Head of Audit Services provided a useful overview into the work of the Audit Committee, which emphasised the role this committee would have in the overall governance of the Authority. The Committee were made aware of the work of Internal Audit, and how this was monitored. The work undertaken for External Audit was also raised. The Head of Audit Services made the Committee aware of the regular Reports, Plans and Strategies it would receive, and the measures it could take to provide independent assurance to the Council.

The Committee then considered the following items of business:

1. WORK PROGRAMME 2006/2007

1.1 The work programme for the Audit Committee was established. This will encompass regular items concerning audit reports and risk management issues, reviews of policies concerning risk management matters, the statement on internal control, and external audit reports. In May 2006, the Committee will receive the Annual Report on Internal Audit and the Annual Audit and Inspection Letter. It will also consider the standing item on risk management, the draft Internal Audit Plan and the External Audit Plan. The Committee also hopes to receive a presentation from External Audit on their relationship with this Audit Committee.

2. QUARTERLY AUDIT REPORT

2.1 The Committee considered and noted a report from the Head of Audit Services, in which she provided details of work undertaken by Audit Services during the period October to December 2005 and in particular highlighted work on the Use of Resources Best Value Review, Staines Town Centre, Independent Living, Customer Services, Car Parks and Contract Audit. The Committee was advised that it could pursue any audit recommendations, which were not completed by local managers.

3. RISK MANAGEMENT

3.1 The Committee received a presentation from the Head of Audit Services in which she outlined Spelthorne's approach to risk management. This aims to embed risk management as a concern throughout the whole organisation and has included the development of a hierarchy of updateable risk registers.

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

There has been one Licensing Sub-Committee Hearing under the Licensing Act 2003 and one Sub-Committee Hearing in connection with a Private Hire Driver Licence since my last report, details of which are set out below.

A number of Appeals have also been made to the Staines Magistrates' Court against decisions made by this Licensing Authority during the transitional period. Decisions on those Appeals, which have been heard in full, are given below.

LICENSING SUB-COMMITTEE - 7 FEBRUARY 2006

The business of this Sub-Committee arose as a result of Appeal proceedings. As the Appellant, Spirit Group Ltd, had issues with the wording of certain conditions, the Sub-Committee, on the recommendation of the Magistrates' Court, was convened to consider this matter. The Sub-Committee decided to amend the wording of four of the conditions attached to the Licence for the Three Fishes Public House, 35 Green Street, Sunbury-on-Thames.

LICENSING SUB-COMMITTEE – 8 FEBRUARY 2006

This Hearing determined that Mr D. Gaspard was a fit and proper person to continue to hold his Private Hire Driver Licence, but advised him that conviction of a further offence could lead to his being called before the Sub-Committee and that his licence could be revoked in such circumstances.

**APPEALS TO THE MAGISTRATES' COURT UNDER SECTION 181 of the LICENSING
ACT 2003**

JUSTICES' DECISION – 18 JANUARY 2006

An Appeal had been made by Greene King Brewing and Retailing Ltd against a condition attached to the Licence for The Phoenix, 43 Church Street Staines. The condition concerned the employment of door supervisors, which the Appellant argued was uneconomic. The Magistrates upheld the Decision of the Licensing Sub-Committee and found that the condition was "reasonable and proportionate". The Council was awarded costs of over £2000.

JUSTICES' DECISION – 20 JANUARY 2006

An Appeal had been made by Fuller, Smith & Turner PLC against the Decision of the Licensing Sub-Committee for The Ash Tree, Convent Road, Ashford. On hearing new evidence the Magistrates decided to substitute a decision and allowed the appeal to vary the Licence, subject to conditions. However, the Magistrates stated that the Decision of the Licensing Authority on 26 September 2005 was "reasonable on the evidence presented to it".

Councillor Robin Sider
Chairman of the Licensing Committee

23 February 2006.

REPORT OF THE CHAIRMAN ON THE WORK OF THE PLANNING COMMITTEE

The Planning Committee has met four times since the previous report was prepared for the Council meeting. This includes a re-convened meeting on 21 December for items that could not be considered at the 7 December meeting due to an administrative error in the dispatch of public speaking letters. This report therefore gives an overview of the key applications considered by the Planning Committee at its meetings on 7 December, 21 December (reconvened meeting), 4 January and 1 February.

1. The Planning Committee meeting on **7 December 2005** dealt with 10 items in total.

Public speaking took place on none of the items.

The most notable items on the agenda were:

- (a) the decision to serve an Enforcement Notice in respect of an additional flat built at 97 Feltham Road.
- (b) the decision to serve an Enforcement Notice in respect of the conversion of 1 Priory Close, Sunbury into two flats.

2. The re-convened Planning Committee meeting was held on **21 December 2005** and dealt with the nine remaining items from the agenda of 7 December. Public speaking took place on six items with six people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the grant of permission for an extension to the Anchor Hotel, Church Square, Shepperton
- (b) the grant of permission for the erection of a block of four flats of 1 Warwick Road, Ashford.

3. The Planning Committee on **4 January 2006** dealt with six items in total. Public speaking took place on one item with one person taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the grant of permission for the use of Glenhaven Yard, Horton Road, Stanwell, as a base for a travel company courtesy fleet.
- (b) the grant of temporary permission to enable Tesco superstore, Sunbury, to open on a 24 hour basis.
- (c) the grant of permission for the erection of a block of flats at 230 Stanwell Road, Ashford.

4. The Planning Committee on 1 February 2006 dealt with eleven items. Public speaking took place on five items, with seven people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the refusal of 96 dwellings at the Rodd Engineering site, Shepperton.
- (b) the refusal of 14 dwellings at Little Manor and Taranaki, Green Street, Sunbury.
- (c) the grant of permission for the dual use of sporting facilities at Thamesmead School, Shepperton.
- (d) the refusal of a block of 13 flats at 85-89 Upper Halliford Road.
- (e) the refusal of a block of 13 flats at 85-89 Upper Halliford Road (with an alternative access off Annett Close).

5. **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) (70% in 8 wks)	Other applications (BVPI Target) (85% in 8 wks)
2005			
April	50%	68%	83%
May	50%	63%	87%
June	100%	78%	91%
July	100%	88%	91%
August	100%	72%	83%
September	None	67%	82%
October	50%	73%	65%
November	None	29%	80%
December	None	58%	77%
2006			
January	None	68%	75%

Councillor John O'Hara
Chairman of the Planning Committee

23 February 2006