

Roberto Tambini
Chief Executive

REVISED AGENDA

**PLEASE SEE ATTACHED AGENDA ITEM 7 – RECOMMENDATIONS OF THE EXECUTIVE
APPENDIX 2 [pages 8a to 8c]**

Please Telephone: Richard Powell (01784) 446240 or e-mail: r.powell@spelthorne.gov.uk

ISSUED ON WEDNESDAY 18 OCTOBER 2006 AT 2.00PM

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

SUMMONS TO MEETING

You are hereby summoned to attend the **Meeting of Spelthorne Borough Council to be held in the Council Chamber, Council Offices, Knowle Green, Staines on THURSDAY 19 OCTOBER 2006 beginning at 7.30pm**, for the purpose of transacting the business specified in the **Revised Agenda set out on the next page**.

ROBERTO TAMBINI
Chief Executive

EMERGENCY PROCEDURE: - In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge, Staines. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises. **[THE LIFT MUST NOT BE USED]**

PUBLIC SPEAKING IN PERSON AT COUNCIL MEETINGS

[Please Telephone: Richard Powell (01784) 446240 or e-mail: r.powell@spelthorne.gov.uk]

(1) Question Time

Public "Question Time" is near the start of Council meetings. This is an opportunity for any person to ask the Leader of the Council a question **in person** about matters in which the Council has powers or duties or issues which affect the Borough.

(2) Petitions

The Council has a procedure to enable petitions to be presented formally at Council meetings and for the person presenting the petition to address the Council **in person** for a maximum of three minutes about it.

(3) Representations on Recommendations

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

Anyone wishing in person to (1) ask a question, (2) present a petition, or (3) make representations on a recommendation, must notify the Chief Executive's office before Noon on the day of the meeting.

REVISED - A G E N D A

1. APOLOGIES FOR ABSENCE

To report apologies received from Councillors Mrs. P. Weston and Mrs. J.M. Wood-Dow and to receive any other apologies for non-attendance.

2. MINUTES

To confirm as a correct record the Minutes of the Council meeting held on 20 July 2006 ([APPENDIX 1 \[pages 3 to 8\]](#))

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 MAYOR, THE LEADER OR THE CHIEF EXECUTIVE

The Mayor to receive, on behalf of the Borough Council, the Green Flag Status Award for Fordbridge Park, Ashford and The Lammas, Staines to be presented by the Portfolio Holder for Environment, Councillor G.E. Forsbrey.

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** ([APPENDIX 2 - ATTACHED \[pages 8a to 8c\]](#))

To consider the recommendations of the Executive, from their meetings held on **12 September and 16 October 2006**, on the following matters:-

1. **Local Development Framework – Adoption of the Statement of Community Involvement**
2. **Licensing Committee - Proposed changes to the Scheme of Delegation to Officers**
3. **Recycling and Waste Collections**
4. **Formal Adoption of the Surrey Joint Municipal Waste Management Strategy**
5. **Revised Financial Regulations**

Note: Members of the public may make representations in person 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. RECOMMENDATIONS OF THE STANDARDS COMMITTEE / REPORT OF THE MONITORING OFFICER – REVIEW OF THE PLANNING CODE

- (a) To consider the recommendations of the Standards Committee on a **review of the Planning Code.** ([APPENDIX 3 \[page 9\]](#))
- (b) To consider the report of the Monitoring Officer on a **review of the Planning Code.** ([APPENDIX 3A \[pages 10 to 26\]](#))

9. REPORT FROM THE LEADER OF THE COUNCIL

To receive the report from the Leader of the Council on the work of the Executive.

(APPENDIX 4 [pages 27 to 29])

10. REPORTS FROM THE CHAIRMEN OF THE IMPROVEMENT AND DEVELOPMENT AND PERFORMANCE MANAGEMENT AND REVIEW COMMITTEES

To receive the reports from the Chairmen of the Improvement and Development and Performance Management and Review Committees on the work of their Committees.

(APPENDICES 5 and 6 [pages 30 to 34])

11. REPORTS FROM THE CHAIRMEN OF THE LICENSING, PLANNING, STANDARDS AND AUDIT COMMITTEES

To receive the reports from the Chairmen of the Licensing, Planning and Standards Committees on the work of their Committees.

(APPENDICES 7, 8, and 9 [pages 35 to 39])

To receive the report from the Chairman of the Audit Committee on the work of his Committee.

(APPENDIX 10 [To Follow])

12. 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).

13. 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).

14. URGENT BUSINESS

To consider any urgent business.

**MINUTES OF THE COUNCIL MEETING HELD ON 20 JULY 2006
BOROUGH OF SPELTHORNE**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL
CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 20 JULY AT
7.30PM**

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

Co-Opted Member: Mr. M. Litvak

Councillor M.T. Royer, The Mayor, in the Chair

244/06 APOLOGIES

Apologies for absence were received from Councillors Miss M.M. Bain, S. Bhadye, R.V. D'Sa, Mrs. C.L. Spencer and Mrs J.M. Wood-Dow

245/06 MINUTES

RESOLVED: that the Minutes of the Meeting of the Council held on 22 June 2006 be approved as a correct record.

246/06 ANNOUNCEMENTS BY THE MAYOR

(a) Mayoral Announcements

Queen's Award for Voluntary Service to Spelthorne Civic Pride Volunteers

The Mayor requested that as many Members as possible attend the Awards presentation ceremony by the Lord Lieutenant of Surrey, Mrs. Sarah Goad, in the Council Chamber at Knowle Green at 7.30pm on Thursday 27th July 2006.

247/06 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor reported that under Standing Order 12, three questions had been received from members of the public. He invited each person to put their question in turn, and for responses to be given by either the Leader or the responsible Executive Portfolio Holder. He confirmed that a written response would also be sent to the questioners.

(a) Question from Mr Edwards:

"Is the Council committed to change the name of Staines to Staines on Thames?
Why and how much will this cost?"

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

“The Council undertook a survey of residents (via the Borough Bulletin) in May 2005 about how the residents felt on the subject of changing the name Staines to Staines on Thames. 252 votes were polled with 107 saying yes and 136 saying no. This represents 42% yes and 54% no, so the results were fairly evenly balanced.

In order to make such a fundamental change, it would be necessary to do a much deeper and wider consultation as the above numbers, as a proportion of the Borough’s 90,000 residents, would not provide robust enough statistics on which to base a decision.

Therefore, the Council is not committed to change the name of Staines to Staines on Thames at this time and no additional resources have been spent on this issue. Mr Mayor, I believe this matter is of more relevance to the Business Community and I know that the Spelthorne Chamber of Commerce will be discussing this with its members in the near future”.

(b) Question from Mrs Caroline Nichols:

“In the national news last week, it was reported that the proposed takeover of the Homes Place leisure group by Virgin was happening in a market for fitness clubs which is now saturated.

What is Spelthorne’s experience of the demand for its leisure center services?

Specifically, for each of the two leisure centers:-

- 1) How have the overall usage figures changed in the past three years and what are the usage projections for the next three years?
- 2) What were the membership figures at each center for each of the last three years and what are the projections for the next three years?”

The Portfolio Holder for Children and Young People, Councillor Mrs. D.L. Grant, responded as follows:-

“Firstly, the two leisure centres that Spelthorne has are managed on behalf of the council by Sports and Leisure Management (SLM). The Council receive a fee from SLM overall to run these facilities. The leisure centre makes a small surplus which is used to subsidise other services.

Secondly, the two leisure centres continue to have good visitor numbers and the visitor numbers for the past 3 years have been as follows:

Spelthorne	2003/04	427,805
	2004/05	505,040
	2005/06	479,552
Sunbury	2003/04	215,098
	2004/05	262,834
	2005/06	267,606

Finally, as you will appreciate, the membership and usage is a commercially sensitive area as companies do bid for leisure contracts. As such the information is owned by SLM and we therefore cannot put this information into the public domain.

When considering the bids for re-tendering, which we have recently completed, the projections were investigated by the Officers and projected targets were considered achievable.

As I am sure you will agree, joint usage figures in the region of three quarters of a million per annum is a considerable number, as is the growth of over 100,000 users since 2003/04. We anticipate further growth as a result of the major refurbishment programme for both centres over the next two years, which will cost in the region of £2.7m. Thank you Mr Mayor”

(c) Question from Mrs Caroline Nichols:

Older People’s Services – The Way Forward

“Spelthorne Council in its Borough Bulletin Special has ‘agreed the new ways of organising the way older people’s services are provided in Spelthorne’ and wants ‘to help people to live independently in their own homes for longer’.

How much extra money has been allocated to:

- 1) Extend the meals of wheels service?
- 2) Expand the Spelthorne Personal Alarm Service?
(Please identify the two budgets separately)

How many people currently use:

- 1) Meals on Wheels
- 2) SPAN

What are the projected increases in usage for these two services as a result of the changes? What other social support services does Spelthorne offer for independent living and will these also be expanded?”

The Portfolio Holder for Adults and Elderly Services, Councillor Mrs. V.J. Leighton, responded as follows:-

“In relation to the Extension of the Meals on Wheels service this is £11,000 with support also from Surrey County Council of £5,000 2006/07 (half year). The County is likely to increase this amount of £5,000 next year.

In relation to the Expansion of the Spelthorne Personal Alarm Service, no further funding has been allocated to SPAN, as the expansion is the use of other technologies. Capital funding has been made available through our partnership with the public service agreement, as the costs associated with the expansion are predominately capital.

In relation to usage:-

- **Meals on Wheels**

160 meals per day

- **SPAN**

1060 per year

The projected increases in usage for these two services as a result of the changes are:-

- 60 Extra per week Meals on Wheels, and
-
- 50 Extra members SPAN
-

Clearly, the expansion of Meals on Wheels to the weekend is seen as important to those who have no family support.

It is important to say that these services are for older/frailer people to enable them to remain independent. With these people it is simply a question of numbers. The expansion of the SPAN service will provide more safety for people, allow for hospital discharges sooner and is seen as key to Independent Living for Older People.

Finally, in relation to other social support services they are:-

- In partnership with Age Concern the handyman scheme has been expanded.
- In partnership again with Age Concern the provision of “key safe” has been extended.
- The computer classes will be expanded for older people at the Greeno Centre and at the Fordbridge Centre and these will allow people to communicate with one another through information technology.
- The plan also includes the provision of Extracare housing which will be provided for residents in Spelthorne.
- An Information service, such as the A-Z guide is seen as important for older people and information services such as this will be expanded in partnership with other sectors.
- There is also work with the leisure centre to provide bespoke activities for older people.
-

As stated at full Council in April this year, changes will take place to meet the needs of older people, especially the frailer older person, in order that they may remain independent, and will be made in partnership with others.”

248/06 THE GAMBLING ACT 2005 – DRAFT STATEMENT OF GAMBLING POLICY 2007-2010

The Council considered the recommendations of the Executive for approval to consult on a Draft Statement of Gambling Policy for 2007 – 2010.

RESOLVED:

- (1) That the Draft Statement of Gambling Policy 2007-2010 be adopted for consultation for three months commencing 27 July 2006; and
- (2) The Officers to report to a future meeting of the Executive with advice on the appropriate time when the Council can consider a “no casinos” resolution under Section 166 of the Gambling Act 2005.

249/06 SPELTHORNE CORPORATE PLAN 2006/2009

The Council considered the recommendations of the Executive on an amendment to the

proposed Corporate Plan by adding the phrase "putting people at the centre of our services" into both the Executive Summary and the actual Spelthorne Corporate Plan 2006/2009.

RESOLVED that the Corporate Plan 2006/2009, as amended by the Executive, be adopted.

250/06 OUTLINE BUDGET 2007/2008 – 2010/2011

The Council considered the recommendations of the Executive on an Outline Budget covering the next four years, with the first year forming the framework for the detailed Budget for the next financial year. The approval of the Outline Budget by the Council would set a maximum expenditure level for 2007/2008 and would provide a guideline Council Tax increase.

RESOLVED:

1. That the net budgeted expenditure for 2007/2008 be set at a maximum level of £13.623m;
2. That, in order to reach this level, the Strategic Director (Support) identify a package of options by which the budget can be balanced both in 2007/2008 and over the next 2 years of the outline;
3. That, subject to the assumptions in this report being valid, a guideline Council Tax increase be set at 5%;
4. To note how the scrutiny committees will be involved in the process of moving from the broad framework of the outline budget towards completion of the detailed budget; and
5. To note the additional information, provided on Spelthorne's level of grant per head, as compared to the English Districts average, Surrey Authorities, "nearest neighbours", and identifying those Districts receiving more than £100 per head of population.

251/06 LOW CARBON MANAGEMENT PROGRAMME – SALIX FUNDING

The Council considered the recommendations from the Executive on progress made by the Council with its Low Carbon Management Programme. Including the opportunity for funding through Spelthorne's external partners, the Carbon Trust.

RESOLVED:

1. That Officers be authorised to sign the fund agreement with LAEF/Salix; and
2. The Capital provision be assigned for the listed projects to the gross value of £246,500 of which the Council's net contribution would be £123,250. The Council's contribution to be funded as a Supplementary Capital Estimate from the Invest to Save, New Schemes Fund.

252/06 REVIEW OF INVESTMENT STRATEGY AND CREDIT POLICY

The Council considered the recommendation of the Executive seeking approval to

change the Credit Policy in the Annual Investment Strategy.

RESOLVED that the amendments to the Investment Strategy and counter-party credit policy, as set out in the report of the Strategic Director (Support) to the Executive, be approved.

253/06 REPORT FROM THE LEADER OF THE COUNCIL

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

254/06 IMPROVEMENT AND DEVELOPMENT COMMITTEE

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

255/06 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor M.L. Bouquet, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

256/06 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting. Councillor Sider placed on record his thanks and appreciation to the Officers for preparing the draft Policy Statement for consultation.

257/06 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.

258/06 STANDARDS COMMITTEE

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

RECOMMENDATIONS OF THE EXECUTIVE

1. LOCAL DEVELOPMENT FRAMEWORK – ADOPTION OF THE STATEMENT OF COMMUNITY INVOLVEMENT

- 1.1 The Executive have considered a report on the minutes from the Local Development Framework Working Party held on 2 October 2006, relating in particular to the proposed adoption by the Council of the Statement of Community Involvement.
- 1.2 The role of the planning system has always been to try and make where we live as pleasant a place as possible. The Statement of Community Involvement explains how and when residents and other interested parties can get involved in 'Development Plan' making for Spelthorne and how residents can find out about planning applications and make their views known on them.
- 1.3 **The Executive recommend that the Council approve the Statement of Community Involvement, subject to the Inspector's recommendations.**

[A full copy of the Statement of Community Involvement, as recommended to the Council by the Executive, is available for Members in the Members' Room.]

2. LICENSING COMMITTEE - PROPOSED CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS

- 2.1 The Executive have considered a report on the recommendations from the Licensing Committee held on 20 September 2006, relating to proposed changes to the Council's Scheme of Delegation to Officers.
- 2.2 When the Gambling Act 2005 comes into full force and effect, this would repeal a number of pieces of legislation, including the Gaming Act 1968, but this was unlikely to be until September 2007 and this Authority needs to be able to deal with current applications under the Gaming Act 1968, until such time. This requires some changes to the Council's Scheme of Delegation to Officers.
- 2.3 **The Executive recommend that the Council agree that the Scheme of Delegation to Officers, in the Council's Constitution, be amended to read as follows:**

"To issue permits under Section 34 of the Gaming Act 1968: where:

- (a) **In the case of a new application, there are no more than two amusements with prizes machines; and**
- (b) **In the case of an application for renewal and after consultation with the Chairman of the Licensing Committee and subject to Ward Members being notified, the number of machines does not exceed that which already exists and provided that no complaints have been received about the premises in respect of the machines."**

3. RECYCLING AND WASTE COLLECTIONS

3.1 The Executive have considered a detailed report on proposals for future arrangements for Recycling and Waste Collections in the Borough, together with the Improvement and Development Committee's Waste Management Task Group recommendations on changes in the refuse and recycling system.

3.2 **The Executive recommend that the Council agree, as follows:**

- 1. That the alternate weekly collection system is based on co-mingled plus (flexibility to include add-ons), consisting of a two wheeie bin system with one bin for refuse and one for co-mingled dry recyclables, with flexibility to deal with difficult localities [including the provision of an appropriate stock of [180 litre] wheeled bins, for those properties unable to accommodate 240 litre bins].**
- 2. That the 240 litre wheeled bin is the most appropriate container for an alternate weekly collection of residual waste.**
- 3. That the 240 litre wheeled bin is the most appropriate container for alternate weekly collection of dry recyclable material.**
- 4. That when the scheme comes into operation, refuse side waste will not be collected.**
- 5. That when the scheme comes into operation, recycling side waste will be collected.**
- 6. That one of the 240 litre bins is coloured entirely British Racing Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.**
- 7. That the other 240 litre bin is coloured entirely Light Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.**
- 8. That chip technology is fitted at the point of purchase and that the Officers shall not use such technology in any way without bringing the matter before the Council to determine the grounds for usage.**
- 9. That branding is by way of "hot branding" and kept simple with the words "Spelthorne Borough Council" plus "the year", on the top of each bin, and either the word "refuse" or "recycling".**
- 10. That the Council will continue to maintain the present chargeable garden waste service.**

11. That the Officers are authorised to procure containers and vehicles (on contract hire and maintenance) appropriate for the service recommended in recommendations 1 to 3 and 6 to 9 above.
12. That the funding of the scheme be agreed with £1.1M ~~for~~ capital [provision for the purchase of wheeled bins](#), and, [for inclusion in the outline budget](#), additional [ongoing](#) revenue of £286,000 or £556,000, if the Council require a separate glass collection.
13. [That the implementation costs, as identified in paragraph 6.5 of the report of the Strategic Director \(Community\), be specifically funded from reserves.](#)
14. That the Council places on record its thanks to the Improvement and Development Committee's Waste Management Task Group for its work to date in considering the options for changes in the refuse and recycling system and for its advice to the Executive.
15. That the Waste Management Task Group continues, in order to address detailed issues under Phases 2 and 3 of the terms of reference, such as operational policies.

4. FORMAL ADOPTION OF THE SURREY JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY

- 4.1 The Executive have considered a report seeking the approval of the Council to formally adopt the Surrey Joint Municipal Waste Management Strategy.
- 4.2 **The Executive recommend that the Council approve and adopt the Surrey Joint Municipal Waste Management Strategy.**

5. REVISED FINANCIAL REGULATIONS

- 5.1 The Executive have considered a report seeking approval on draft revised Financial Regulations, and have agreed there would be benefits in asking neighbouring and other Authorities to submit their comments on the draft document prior to completion of the final version. The consultation with other Authorities has just finished and has shown the draft to be a sound and comprehensive document, which they are happy to support.
- 5.2 **The Executive recommend that the Council approve the Revised Financial Regulations, as set out in the Appendix to the report of the Strategic Director (Support) to the Executive.**

[A full copy of the Revised Financial Regulations, as recommended to the Council by the Executive, is available for Members in the Members' Room.]

Councillor Gerry Ceaser
Leader of the Council

19 October 2006

RECOMMENDATIONS FROM THE STANDARDS COMMITTEE

1. REVIEW OF THE PLANNING CODE

- 1.1 The review of the Council's current Planning Code has now been completed. To assist the Committee in the review a Members' Seminar was held on 5 June 2006, as well as a consultation meeting with a group of Planning Committee members. The outcome of these events was reported back to the Committee and greatly assisted in the review.
- 1.2 The main areas considered in the overall review were (1) General role of Members, (2) General role of Officers, (3) Presentation on likely major development proposals, (4) Decision making and (5) Involvement of members in Appeals.
- 1.3 This review has resulted in changes which the Committee feels will give clearer practical guidance to all Members, those Members on the Planning Committee and those representing the interests of residents as Ward Members.
- 1.4 **A copy of the current Planning Code, with the proposed alterations and commentary set out in red, is attached as the ANNEX to the report of the Monitoring Officer at APPENDIX 3A – Agenda Item 8 [b] of this Council Agenda [see pages 13 to 22].**
- 1.5 **RECOMMENDATION**
The Standards Committee recommend that the Council approve the revised Planning Code attached as the ANNEX to the report of the Monitoring Officer [pages 13 to 22 of this Agenda].

Murray Litvak
Chairman of the Standards Committee

19 October 2006

REVIEW OF THE PLANNING CODE

**Resolution required by the full Council following recommendations
from the Standards Committee**

Report of the Monitoring Officer

Executive Summary

The Council's constitution (Responsibility for functions page 45) provides that the Standards Committee should keep an overview of, and advise the Council on, its Planning Code. This report provides details of the review which the Standards Committee has conducted this year and the consultations on the planning code with members at large and also with members of the Planning Committee. The Standards Committee at its meeting on 26 September 2006 made its final recommendations for revisions to the Code which now have to be agreed by Council.

Main Issues

- Planning Code
- Constitution

Options

- (a) To consider revisions to the Council's Planning Code.

Corporate Priority

Improving customer satisfaction

Officer Recommendations

The Council is asked to approve the amendments to the Planning Code as shown in the ANNEX to this report.

MAIN REPORT

1. BACKGROUND

- 1.1 The constitution of Spelthorne Borough Council states that the Planning Code is part of the remit of the Standards Committee. In its work programme for this year the Standards Committee highlighted a desire to review that document. An initial discussion took place at Standards Committee on 30 May 2006 to look at potential areas to be reviewed.
- 1.2 A Members' Seminar on 5 June presented some of the potential topic areas for open discussion with Members. This Seminar was extremely well attended with 27 Members in attendance. There was a lively discussion on the merits and content of the review. Members gave some initial feedback which enabled me to draft some comments on the current code and its operation.
- 1.3 Following the Members Seminar I drafted a document to encapsulate the topics for review and the initial views expressed to me. This was then considered by Standards Committee on 4 July 2006 and the committee then put this document forward (with further amendments) for consultation with Planning Committee on 19 July.
- 1.4 On 19 July 2006, the Planning Committee ran out of time to consider the report and formulated a task group to look at the matter in more detail. The task group then met on 4 September 2006. Present were Councillors Jaffer, Fullbrook, Beardsmore and Mrs Spencer. I was in attendance with Liz Phillis, Senior Committee Administrator. The task group discussed all the potential amendments to the Code and were content with them except in two instances.
- 1.5 First, in relation to site visits, members of the Planning Committee felt that it was extremely common for them to visit a site by themselves in order to familiarise themselves with the street layout and general environment. This is dealt with under paragraph 12 of the current Code (**see Appendix A**). Members of the Planning Committee felt that the wording ought to be revised so that there is an assumption within the Code that, by the time of the Committee most members will have been to see some of the sites on the Agenda, particularly so with those in their own area. I amended the Appendix to reflect these comments.
- 1.6 Secondly, in relation to the involvement of Members in Appeals. It was suggested that, contrary to the advice in the Code, Members ought to be committed to involvement in Appeals so they can fully explain the reasons behind decisions taken by them, particularly when cases are decided against officer advice. After taking further advice on this matter from the Head of Planning and Housing Strategy I reported further to the Standards Committee that the position should be left so that on a case by case basis Members inform the Head of Planning and Housing Strategy of their interest in appeals and take advice accordingly. This appears to be a less restrictive position than the original wording in the Planning Code.

2. MAIN ISSUES

- 2.1 At its meeting on 26 September 2006, the Standards Committee approved a form of document to recommend to Council. The document is now attached

and deals with all matters raised by the members seminar, the Standards Committee and the Planning Committee task group.

3. OPTIONS

- (a) The option before the Council is to approve the revised Planning Code, or alternatively,
- (b) Return the matter to the Standards Committee with comments for further work.

4. PROPOSALS

- 4.1 The **ANNEX** to this report reproduces the Council's Planning Code together with my additional commentary and suggested alterations to wording in the relevant areas.

5. FINANCIAL IMPLICATIONS

- 5.1 None identified.

6. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 6.1 None identified.

7. RISK IMPLICATIONS

- 7.1 None identified.

8. SUPPORT FOR CORPORATE PRIORITIES

- 8.1 Improving Customer Satisfaction – by improving the ways in which the Council handles applications for planning permission etc.

9. OFFICER RECOMMENDATIONS

- 9.1 For Council to approve the amendments to the Planning Code as shown in the **ANNEX** to the report.

Contact:

Michael Graham, Head of Corporate Governance (01784) 446227

Report Author:

Michael Graham, Head of Corporate Governance (01784) 446227

Portfolio Holder:

N/A

Background papers:

There are none.

SPELTHORNE BOROUGH COUNCIL

PLANNING CODE

Introduction

1. The purpose of this Code is to give clear guidance to Members about how they should carry out their duties in relation to planning and development proposals so as to ensure openness, transparency and consistency in planning decisions.

General Role of Members

Present wording:

2. Members have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community. Whilst representing their constituents on planning issues and taking account of their views, Members must base their decisions on material planning considerations and what they believe is best for the Borough as a whole.

Commentary

Complaints have been received during the year about the role of (a) members generally and (b) members of the planning committee. E.g. a resident wanted a member to represent him at planning committee because his neighbour was being represented by a councillor. Another member was repeatedly requested by a resident to represent a case which she did not support. The present wording does not set out any rules of engagement between members and residents as to when (a) residents can expect to involve their councillors and (b) when councillors can confidently turn down the requests of residents.

Suggested wording:

Members have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community. Whilst representing their constituents on planning issues and taking account of their views, Members must base their decisions on material planning considerations and what they believe is best for the Borough as a whole. A Member is not under any obligation to represent a resident on a specific planning application if, in the opinion of the Member, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.

General Role of Officers

3. Officers are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on planning policies and procedures, ensuring Members are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

4. Both Members and Officers are required to observe codes of conduct and statutory provisions including the local code of conduct for members the aim of which is to ensure the integrity of the Council and individual Members. These require the open disclosure of any prejudicial or personal interests in issues being considered by the Council or its committees. Members and Officers are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
5. Training and guidance on the code, and in particular the local code of conduct for members on the declaration of interests, has been provided to all Members by the Council's Monitoring Officer and will be regularly updated. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual Members to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee.

Commentary:

Complaints about the Council often identify officers, but it is unusual for complaints to relate to the personal role of the officer, as opposed to his or her professional role. I.e. most people complain about what the Council has done, rather than attribute blame to an officer. One complaint was received in 05/06 relating to the interests of officers. In order to provide greater assurances to residents about the probity of officers and supervision from the Head of Planning and Housing Strategy it is suggested that further information is provided about the extent to which officers can advise on cases where they might have an interest in property in the Borough. This may provide greater reassurance for members of the public.

Suggested wording to be added to the end of paragraph 5 above:

Officers with an interest in property in the vicinity of an application or any relationship to an applicant, should disclose this to the Head of Planning and Housing Strategy, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Members

6. Lobbying of Members for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that Members will have, and be able to consider, all the relevant information and arguments about an application before making a decision.

Commentary:

During the course of the year, at the Planning Seminar in February and again at the seminar for this topic in May, Members of Planning Committee sought clarification of the procedures on dealing with members of the public when approached about an application. It is important to note that the underlying purpose of the rule on lobbying is to avoid members being drawn into a position whereby they could be perceived as having pre-determined an application. This is important, since pre-determination of an application prior to Committee could give rise to an application for judicial review from an aggrieved party on the basis of the council's "procedural impropriety". In order for Members to keep themselves safe from such accusations they should familiarise themselves with the guidance in paragraph 7 below. However it is also important to specify for the sake of clarity what activities can be undertaken by Members of the Planning Committee fulfilling their role as elected Ward Members of the area. Members of the Planning Committee can:

- Listen to residents and their concerns and provide general advice to them on the Council's procedures, officer contacts, public speaking rights, Member call in etc
- Familiarise themselves with background documentation provided by residents, letters of objection, petitions etc

They should bear in mind that they may at some time have to make a decision about this in Planning Committee and therefore avoid giving a view.

Suggested wording:

My view is that the wording in paragraph 7 below is acceptable in terms of the advice to Members. I will be guided by Members if further wording is called for to clarify the issues raised in the commentary above.

7. It is important in maintaining the integrity of individual Members and the Council as a whole that Members of the Planning Committee should:-

- ❖ if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
- ❖ if they cannot avoid expressing an opinion, make it clear their opinion is only provisional and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;
- ❖ declare at the Committee meeting, any meetings they have had with applicants or objectors;
- ❖ avoid giving constituents planning advice except in relation to general planning procedures;
- ❖ advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee. (A draft letter which Members can use to acknowledge representations and explain their position is available from officers);
- ~~❖ not normally enter application sites except on a formal Planning Committee site visit. If a Member feels a personal site visit is essential~~

~~they should contact the planning officer dealing with the application for a factual briefing and background information prior to their visit. Any Member making a personal site visit should declare this at Committee when the application is considered; [See Paragraph 12 below for commentary in relation to site visits.]~~

- ❖ not organise support or opposition to any planning application, lobby other Members or put pressure on Officers for a particular recommendation.

If a Member has received legal advice with regard to a declaration, a personal or prejudicial interest, then he / she may disclose the fact that legal advice has been given at the time when the declaration or interest is disclosed.

Meetings

8. Officers frequently hold meetings with applicants and objectors to discuss applications. These are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation they may make to the Committee and the decision of the Committee when all information is before it. Members will not normally attend such meetings.
9. If a Member wishes to arrange a meeting with planning officers for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so officers will try to attend meetings arranged by Members with their constituents away from Knowle Green provided all ward Councillors are invited to attend.
10. If attending public meetings, Members of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing an opinion. Officers will not normally attend public meetings unless their attendance has been agreed by the Head of Planning and Housing Strategy and representatives of both the applicant and objector are given the opportunity to be present. Ward Members and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue either organised by Officers or which Officers have agreed to attend.

Presentation on Likely Major Development Proposals

11. The Planning Committee does not allow presentation of development proposals to be made by applicants. The Council itself organises presentations to keep Members informed generally on matters which appear to have or are likely to have strategic importance for the Borough but will not do so in relation to any matter which is the subject of a current planning application to the Council. At such presentations Members should try to maintain an impartial role, listening to what is said and asking questions but not expressing an opinion.

Commentary:

This is quite a restrictive rule, but at the seminar in May 2006 there was little appetite to fit more seminars into Members' schedule of meetings. The Head of Planning and Housing Strategy has indicated that from time to time it might be useful on major developments to have a technical briefing if it was balanced by officer comments.

Suggested wording:

The Planning Committee does not allow presentation of development proposals to be made by applicants. The Council itself organises presentations to keep Members informed generally on matters which appear to have or are likely to have strategic importance for the Borough but will not usually do so in relation to any matter which is the subject of a current planning application to the Council. In exceptional cases the Head of Planning and Housing Strategy may organise a technical briefing on major developments at which developers may be present. At any such presentations Members should try to maintain an impartial role, listening to what is said and asking questions but not expressing an opinion.

Site Visits

12. Formal site visits by the Planning Committee will only be undertaken in exceptional circumstances and in accordance with the guidelines attached at [Appendix 'A'](#). The necessity for such a visit will be agreed between the Chairman of the Committee and the Head of Planning and Housing Strategy. Ward Councillors who are not on the Committee will be advised of any site visit and invited to attend.

Commentary:

At the May seminar it was suggested that it was the responsibility of Members of the Planning Committee to familiarise themselves with application sites. Whilst this is not a requirement of the current planning code it is often the case that through local knowledge many Members will be familiar with the general layout of the area and may even have more detailed knowledge of buildings and previous history of the site and issues associated with it. This knowledge is beneficial, since it allows a more informed discussion at the Planning Committee. The scheme for site visits in this code, allows for Members to go on formal site visits usually to larger developments where planning officers may wish to point out features which have planning significance and which might well feature in later reports as material considerations. The Head of Planning and Housing strategy should continue to assess the need for such visits on a case by case basis. I do not think it is necessary to restrict a Member from visiting an application site on his own to better familiarise himself with the local environment. It is important however for Members to remember that without the benefit of officer comments on the site they may not fully appreciate all the issues about an application until they come to committee. It may be useful for Members to visit the site in order to be able to ask the right questions at Committee and get better advice from Officers. This should be left as a matter for individual Members to consider. In order to make the position clear a minor amendment to wording is suggested.

Suggested Wording:

Formal site visits by the Planning Committee will only be undertaken in exceptional circumstances and in accordance with the guidelines attached at [Appendix 'A'](#). The necessity for such a visit will be agreed between the Chairman of the Committee and

the Head of Planning and Housing Strategy. Ward Councillors who are not on the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the layout of the neighbourhood. Provided that no other persons are present then Members do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then Members should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Officer Reports to Committee

13. All matters requiring a decision by the Planning Committee should be the subject of a written report from Officers which should be accurate and cover all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The report should include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed should be reported verbally to the Committee at its meeting.

Procedure at Committee Meetings

14. Applicants and objectors will be able to address the Planning Committee in accordance with the procedure agreed from time to time by the Council, the current version of which is attached at [Appendix 'B'](#). This outlines the issues which the Committee can and cannot normally take into account.
15. Where Members who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Commentary:

During the course of the last year, I have been approached by Ward Councillors for guidance on speaking at Committee, usually when a resident is eager to enlist support for a case which otherwise has little support in the community. I have advised Ward Councillors that there is no obligation to act as advocate for a resident and that their role as an elected representative for the ward does not automatically entitle a resident to representation at Planning Committee. There is a right within the constitution for Ward Councillors to address the Planning Committee. This allows the Ward Councillor to choose, in his or her discretion, whether it is appropriate or not to do so. The Planning Code should therefore offer Ward Councillors some sensible advice on the circumstances where this may or may not be appropriate. In turn, such guidance may be useful for Ward Councillors or the Monitoring Officer to manage the expectations of persistent residents.

Suggested wording:

Where Members who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward Councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at Planning Committee

Decision Making

16. A decision on a planning application cannot occur before the Committee meeting, when all available information is to hand. Any political group meetings prior to a Committee meeting should only be used to discuss applications and not reach conclusions.

Commentary:

As discussed the decision making body for planning matters is, unless they are delegated to officers, the Planning Committee. I have discussed already the need for members to avoid any perception that an application has been pre-determined. If members wish to continue with group meetings prior to planning committee then the wording within this paragraph which says that any group meeting "should only be used to discuss applications" ought to be revised in order that members of the public can have confidence that the substantive discussion of the application takes place only within the confines of the Planning Committee.

Suggested wording:

A decision on a planning application cannot occur before the Committee meeting, when all available information is to hand. Any political group meetings prior to a Committee meeting should **only not** be used to discuss the detail of applications **and not or to** reach conclusions. Group meetings should confine themselves to the following procedural matters:

- public speakers
- declarations of interest
- late information
- withdrawals

- changes of condition
- or any other procedural issues

17. The law requires that where the development plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise. If the officer's report recommends a departure from the development plan the justification for this must be included in the report.
18. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
19. If the Committee wishes to make a decision contrary to the officers' advice, an officer present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application or impose additional conditions the reasons for doing either must be clearly stated when this is proposed. The decision and reasons for it as agreed by the Committee must be minuted.

Applications Involving Members, Officers or the Council

20. Any planning application made by a Member or officer or the Council itself should be determined by the Planning Committee and not by the Strategic Director (Community) under his delegated powers. Members of the Planning Committee and Officers should not normally act as agents for another person or body pursuing a planning matter with the Council and if they do any planning decision must be made by the Planning Committee and not under delegated powers.
21. Whenever possible a Member making a planning application should appoint an agent to act on their behalf. The Member must take no part in making a decision on the application.
22. Any member of the Planning Committee who is also a member of the Executive should carefully consider their position and whether it is appropriate for them to vote on any application which has been initiated by the Executive.

Commentary:

I think this advice is unduly cautious and as drafted may tend to suggest that Executive Members should not vote at Planning Committee on issues which have also been to Executive. In my view that would be incorrect advice. Councils have multiple functions; as a service provider, steward of resources, planning authority etc. In the course of their duties councillors can be expected to perform a number of roles on behalf of the Council. It is standard practice for councils to be involved in proposals for development. They may have to sell, lease or licence land in order for a development to take place. They may also have a policy interest in the development activities of their partners as part of achieving their own objectives or partnership objectives. The decisions made in Executive should not affect the decisions to be made in Planning Committee and vice versa. So for example although Executive might wish to see a development take place and take a decision to allow that to happen, the decisions to be made in Planning Committee are entirely

different since they deal with the acceptability of the scheme in strictly planning terms. If any Executive Member encounters unusual situations then they have the advice from the Monitoring Officer to guide them.

Suggested Wording:

Omit paragraph 22 in its entirety

Involvement of Members in Appeals

23. A Member who intends to make representations in relation to any planning appeal, whether in writing or by appearing at an inquiry, should advise the Head of Planning and Housing Strategy and indicate whether these representations will be in support of the Council's case.

Commentary

It was the view of Standards Committee on 4 July 2006 that Members should not become involved in appeals, but if determined to do so they should notify and seek the advice of the Head of Planning and Housing Strategy. The Planning Committee task group considered that this was unhelpful. The Standards Committee now recommend this wording:

Suggested wording

Where a Member wishes to play a part in any appeal, he/she should seek first the advice of the Head of Planning and Housing Strategy.

24. When making representations the Member should make it clear whether these are made as a private individual or a member of the Council. If the representations are in a private capacity the Member should consider carefully whether there could be any suggestion of a conflict of interest as outlined in the local Code of Conduct for Members. If a Member feels the need to support the case of an appellant he/she should consider how this might affect the reputation of the Council and fits with the overriding duty owed by the Member to the community as a whole.

Commentary:

The advice in paragraph can no longer be sustained in law. The case of Richardson –v- North Yorkshire County Council (2003) confirmed that a Councillor can never act “in a private capacity”, the only way he can shed his public role is to resign as a Councillor.

Suggested Wording:

Omit paragraph 24 in its entirety

Training of Members in Planning Issues and Procedures

25. No Member should be appointed to the Planning Committee without having agreed to undertake training in planning procedures. The Head of Planning and

Housing Strategy will arrange suitable training opportunities at regular intervals and will supplement this with written guidance.

Commentary:

The majority of complaints about Members in Spelthorne arise from actions connected with Planning. As I said before it is a subject which rouses the passions of residents. That also means that it is an area where Members are most likely to be at risk of criticism in relation to the Code of Conduct. It may be considered appropriate therefore to recommend that Members of the Planning Committee also have training on the Code of Conduct.

Suggested Wording:

No Member should be appointed to the Planning Committee without having agreed to undertake training in planning procedures and the Code of Conduct. The Head of Planning and Housing Strategy, with the support of the Monitoring Officer and after consultation with the Chairman of Planning Committee, will arrange suitable training opportunities at regular intervals and will supplement this with written guidance.

Review of Decisions

26. Arrangements will normally be made annually for Members to visit a sample of sites where planning permissions have been implemented to assess the quality of the built development/respective schemes.

PROCEDURES FOR PUBLIC SPEAKING (REVISED JUNE 2003)

How Public Speaking at Planning Committee operates at Spelthorne

The procedure allows for **ONE** person to speak in support of a planning application and **ONE** against the application. Requests to speak are dealt with on a "first come, first served" basis. Therefore, if someone has already asked to speak, for example, against an application, and you wish to do likewise, you will not be able to do so. We do, however, try to put you in touch with the speakers registered to speak on an item, provided that person gives their consent, as they may be willing to speak on your behalf also.

Each person making representations will be allowed a maximum period of three minutes in which to speak and the issues must represent issues which the Planning Committee can take into account when considering the application. [**Advice on how to comment on proposals and the type of issues which can be raised are set out overleaf**]. During the three minutes you will not be permitted to ask questions of the Committee and nor will you be questioned. If you represent others, apart from your household, for example, neighbours, you will need to bring with you documentary evidence that these people have agreed to you making representations on their behalf. This documentary evidence may take the form of a letter signed by them or other similar authorisation.

Only the authorisation allowing you to speak on the behalf of others can be circulated at the meeting. No other material, including photographs, can be handed to the Committee Members. All such requests will be refused.

You are strongly advised to read the officer's report on the application before deciding to make representations to the Committee. In this way you can be sure you understand what is being proposed. The report is available at the Council Offices five working days before the meeting. If you require any further advice please contact the Council's Planning Service on 01784 - 446360 or your local Ward Councillor (details of whom can be obtained from Customer Reception telephone 01784 - 451499).

How do I register my wish to speak - As stated above, requests to speak are dealt with on a first come first serve basis. If you wish to speak to the Committee you should:

RING 01784 446276 ON THE DAY OF, OR THE DAY BEFORE,

THE COMMITTEE MEETING BETWEEN 9.00AM - 4PM ON EITHER DAY

We will need to know:-

- The application on which you wish to speak
- Whether you are in favour or against the application and whether you also represent anyone else
- Your full name, address and telephone number
- Whether we can pass your details on to any other caller with a similar point of view

Please note - speaking to the planning officer(s) will **not** register you to speak. You must separately register to speak as detailed above.

At the meeting you should make yourself known to the Committee Administrator **15 minutes before the start of the meeting** so that your attendance can be noted.

ORDER OF SPEAKING AT THE COMMITTEE - PROTOCOL

The Chairman will announce, at the start of each item being considered, the title of the application and whether public speaking will take place and will introduce you to the Committee by name and invite you to make your way to the public speaking chair to address the Committee.

- (a) On items where there is public speaking, the Planning Officer will be asked to present the plans to the Committee and add any further information relevant to the application and the report.
- (b) The Chairman will call upon the person registered to represent all objectors to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (c) The Chairman will call upon the person registered to represent persons supporting the application to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (d) Any ward Councillor who is not a member of the Planning Committee may make representations on cases affecting his/her ward. They will each be allowed three minutes to make their representations.
- (e) The Planning Officer will comment on any factual matters raised by any speaker during stages (b) - (d)
- (f) Members will then debate the application/ask questions of officers in the usual way and reach a decision, without further public involvement.
- (g) After the debate a decision will be made by the Committee, either by a formal vote or by way of consensus and the Chairman will then announce the decision which has been made by the Committee so that this decision may be formally minuted.

In the event of any dispute over these procedures or protocol the Chairman's decision is final.

When putting your case, you should only talk about **planning issues** as the Committee can only make a decision on **planning grounds**.

A. ISSUES THE COMMITTEE CAN TAKE INTO ACCOUNT

In considering planning applications, the Council has a statutory duty to have regard to the provisions of the Development Plan and any other material considerations.

1. Any policy in the Development Plan (ie. Surrey Structure Plan and Spelthorne Local Plan) may be debated.
2. Some of the most common "material considerations" include:
 - Loss of light;
 - Overshadowing;
 - Overlooking and/or loss of privacy;
 - Adequacy of parking/loading/turning;
 - Overbearing;
 - Loss of trees;
 - Layout and density of buildings;
 - Design, appearance and materials;
 - Hazardous materials;
 - Nature conservation;
 - Tourism;
 - Disabled persons access;
 - Previous appeal decisions;
 - Effect on Listed Buildings & Conservation Areas;
 - Landscaping;
 - Road access;
 - Highway safety;
 - Traffic generation;
 - Noise and disturbance resulting from use;
 - Smells;
 - Local strategies, regional & national policies;
 - Archaeology;
 - Previous planning decisions;
 - Visual amenity (but loss of private view is not material);
 - Government planning policy guidance, circulars, orders and statutory instruments.

B. ISSUES THE COMMITTEE CANNOT NORMALLY TAKE INTO ACCOUNT

1. Matters controlled under the Building Regulations and other law:
 - Safety of materials (eg. asbestos);
 - Capacity of private drains;
 - Encroachment of foundations, gutters, pipes etc;
 - Structural stability of the property or adjacent property;
 - Terms of alcohol or gaming licences;
 - Control of rodents etc.;
 - Noise and dust from construction works.
2. Issues between neighbours/properties:
 - Boundary disputes;
 - Private rights of way, light or other easements;
 - Private covenants or agreements;
 - Damage to property;
 - Getting access to property to keep it in good order;
 - Feelings towards neighbours;
 - The applicant's conduct, private affairs or how a business is run;
 - Age, health, status or background of anyone objecting to the application;
 - Size of the applicant's family and need for development;
 - How long the applicant has been living in the property;
 - The applicant's motives (profit);
 - What the applicant intends to do with the building in the future;
 - Loss of private view;
 - Loss of trade elsewhere.
3. Construction issues such as:
 - Standard of workmanship and the way it is carried out;
 - Time taken to do work.
4. Precedent - unrelated decisions that have been made before.
5. Moral or other such issues as amusement arcades, betting shops etc.
6. Litter (except in very rare circumstances).
7. Loss of value of property.
8. Complaints about procedures in dealing with applications.

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

Since the last meeting of the Council the Executive has met on twice. This report is an overview of some of the more significant issues we have discussed at our meeting on 12 September 2006.

We have made recommendations to the Council on three matters that appear separately on this Agenda.

ISSUES INCORPORATING ALL 4 CORPORATE PRIORITIES

REVENUE BUDGET MONITORING REPORT TO JUNE 2006

We have noted the report of the Strategic Director (Support) on the current monitoring position for revenue expenditure for the period ending 30 June 2006, taking account of actual expenditure for the first three months of the financial year 2006/2007.

CAPITAL BUDGET MONITORING REPORT TO JUNE 2006

We have noted the report of the Strategic Director (Support) on the current monitoring position for capital expenditure for the period ending 30 June 2006, taking account of actual expenditure for the first 3 months of the financial year 2006/2007, together with the value of committed expenditure on schemes not currently started.

We have (1) approved the revisions to the Capital Programme reported by the Strategic Director (Support), (2) noted the Capital Budget Monitoring expenditure to 30 June 2006, and (3) agreed that an adjusted Capital Budget Monitoring report, showing the revised value of committed expenditure on schemes for the current financial year, be submitted to the Executive by no later than 7 November 2006.

EXTERNAL AUDIT REPORT ON 2005-2006 AUDIT AND STATEMENT OF ACCOUNTS

We have considered the External Audit Report on the 2005-2006 Audit and Statement of Accounts, presented to the Executive by Henry Arthurs from Baker Tilly, the Council's External Auditors. We received a summary of the key findings in the Baker Tilly report and were pleased to note that this showed a very positive picture overall for the financial management at Spelthorne.

We have agreed, as follows:-

- (1) That the draft letter of representation, provided as Appendix B to the Baker Tilly report, be signed by the Leader of the Council and the Strategic Director (Support).
- (2) That the Leader of the Council and the Strategic Director (Support) sign the appropriate sections of the Statement of Accounts.

- (3) That the Leader of the Council and the Chief Executive sign the Statement on Internal Control contained within the Statement of Accounts.

MAKING SPELTHORNE SAFER

SPELTHORNE FOOD SAFETY SERVICE PLAN ADOPTION 2006/2007

We have considered a report seeking approval for the adoption of a Spelthorne Food Safety Service Plan for 2006/2007. We have noted that the Plan detailed how the food safety law enforcement service would be carried out within the Borough for 2006/2007 and assessed the Council's performance against the Plan for 2005/2006.

We have been pleased to note that Spelthorne, in partnership with 9 other Surrey authorities, has made a successful joint bid to the Food Standards Agency [FSA], for funding to help small catering businesses comply with the requirements of the new EU Consolidated Food Regulations 2006.

The 10 authorities have received a total grant of £187,239 that will be used to coach over 900 such businesses (100 in Spelthorne) in the use of the FSA's 'Safer Food Better Business' food safety system. The main new requirement of the above Regulations was that all food businesses must have a written food safety system in place, based on the principles of Hazard Analysis Critical and Control Points. We have approved the adoption of the Spelthorne Food Safety Service Plan for 2006/2007 for immediate implementation.

PROPOSALS FOR A SINGLE NON-EMERGENCY NUMBER [SNEN] (101) IN SURREY

We have considered a report updating Members on proposals being advanced to introduce a single non-emergency number [SNEN], (101), across the whole of Surrey. The report outlined potential funding sources, potential delivery mechanisms and the likely consequences for Spelthorne. Members were also updated on a recent meeting of Surrey Authorities regarding SNEN, in particular a joint Surrey Districts/Surrey Police proposal for operating the initial call handling centre, involving Reigate and Banstead and Mole Valley Council's undertaking the call handling work.

We have agreed (1) that Spelthorne be included in the second wave of the rollout of the Single Non-Emergency Service in Surrey; and (2) that this Council supports a joint Surrey Districts/Surrey Police proposal for operating the initial call handling centre.

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

AUTHORISATION TO SUBMIT PLANNING APPLICATIONS - FOR TWO GARAGES AT THE GREENO DAY CENTRE, SHEPPERTON, AND FOR CHANGE OF USE AT UNIT 65 CLARE ROAD, STANWELL

We have considered an urgent report by the Strategic Director (Community) seeking approval to submit planning applications for two garages at the Greeno Day Centre,

APPENDIX 4

Shepperton, and for change of use at Unit 65 Clare Road, Stanwell. Firstly, there was a need to store two meals on wheels vehicles at the Greeno Centre, Shepperton for the purpose of the meals on wheels delivery, and secondly, an offer had been accepted on Unit 65, Clare Road, Stanwell to use this site for Stanwell Library.

We have authorised the Head of Community Services to submit the necessary planning applications for the above proposals, as part of the overall Implementation Programme for the next stages of the Older People Services Review Project Plan.

Councillor Gerry Ceaser
Leader of the Council

19 October 2006

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

The Improvement and Development Committee met on 21 September 2006 and held a Special meeting on 4 October 2006 and considered the following items of business:

IMPROVEMENT AND DEVELOPMENT COMMITTEE - 21 SEPTEMBER 2006

REPORTS/RECOMMENDATIONS TO THE EXECUTIVE

The Committee was informed that its recommendations contained in Minute 214/06 (a) to (k) on Grants had been deferred by Executive and would now be considered on 16 October. However, recommendations (l) to (q) had been agreed.

TASK GROUPS

1. Schedule of Meetings

A schedule of meetings undertaken and planned for Task Groups and other groups appointed by this Committee was submitted for the information of Members.

2. Grants

The Committee considered the recommendations of its Grants Task Group and made 3 recommendations to the Executive on the funding and role of Surrey Chambers and Ashford, Shepperton and Sunbury Chambers.

In addition a proposal was put forward to develop Borough-wide Christmas Lights by 2007 to be self funding.

3. Waste Management

The Chairman of the Waste Management Task Group reported on the work of the Group and the Committee agreed to hold a special Meeting of the Improvement and Development Committee on 4 October 2006 to consider the report and recommendations of this Task Group. In view of the importance of the decision to be taken it was agreed that all Members of the Council be invited to attend.

4. Other Task Groups

The Committee noted that the Leisure and Culture Strategy and ICT Outsourcing Contract Task Groups had held their first meetings and had considered and agreed their terms of reference and set the scope of their respective inquiries.

The Committee also noted that arrangements were in hand for the first meetings of the Outline Budget Strategy, Housing Strategy Task Groups and Environmental/Street Scene Enforcement Group.

USE OF RESOURCES BEST VALUE REVIEW MEMBERS PANEL

The minutes, recommendations and Action Plan arising from the Best Value Review Panel on Use of Resources had been considered and agreed by the Committee for forwarding on to Executive.

BEST VALUE REVIEW PROGRAMME 2006/7

The Committee agreed that the Chairman would notify the Lead Officer for the Improvement and Development Committee of the names of Members to serve on a Best Value Review Panel.

DISABLED PEOPLE IN SPELTHORNE - DISABILITY EQUALITY SCHEME

Following a presentation on proposals for a Disability Equality Scheme for Spelthorne, the Committee agreed to appoint three Members to serve on a small Task Group led by the Chairman to consider and recommend, direct to Executive on 7 November, a Disability Equality Scheme for Spelthorne. The Committee also agreed that the Chairman would notify the Lead Officer for the Improvement and Development Committee of the names of two other Members to serve on this Group.

BYELAWS AND ENFORCEMENT

The Committee received a presentation on current byelaws affecting Spelthorne. Members raised the matter of barbeques in Laleham Park and received an assurance that this matter would be taken up with the Head of Corporate Governance.

WORK PROGRAMME 2006/07

The Committee agreed its current Work Programme for the remainder of 2006/07.

SPECIAL MEETING OF THE IMPROVEMENT AND DEVELOPMENT COMMITTEE ON 4 OCTOBER 2006

REPORT AND RECOMMENDATIONS OF THE WASTE MANAGEMENT TASK GROUP

The Committee received a Powerpoint presentation outlining the background to the need for waste management and recycling and the process leading to the Task Group's recommendations on the method of waste collection.

Following the presentation, Members had an in depth question and answer session before considering the recommendations of its Waste Management Task Group and made 10 recommendations to Executive covering the collection system, continuation of the work of the Task Group, size and colour of bins, side waste, micro-chipping, branding and asking Executive to make recommendations to full Council in view of the importance to local residents of decisions regarding the future of recycling and waste management services within the Borough.

Councillor John Packman
Chairman of the Improvement and Development Committee

19 October 2006

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

The Performance Management and Review Committee met twice since the last Council meeting and this report gives an overview of the issues considered.

**1. RECONFIGURATION OF SERVICES BETWEEN ASHFORD AND ST PETER'S
HOSPITAL**

- 1.1. The Committee held a special meeting on the 31 July 2006 to formally consider the reconfiguration proposals for the Ashford and St Peter's Hospitals. To assist in scrutinising the local NHS organisations I had invited Nick Yeo, the Chief Executive of North Surrey Primary Care Trust and Michaela Morris Director of Operations for the hospitals to attend the meeting and answer questions.
- 1.2. Over 100 members of public attended this meeting and took the opportunity to submit questions. Not all the questions received could be answered at the meeting but were sent to Michaela Morris and Nick Yeo to give a written response. At my invitation the MP for Spelthorne David Wilshire attended and commented on some of the answers given by Nick Yeo and Michaela Morris.
- 1.3. Due to the importance of the issue the matter was further considered at the meeting on 5 September 2006 when members took the opportunity not only to reflect on the information obtained at the July meeting but to consider the answers to the public questions submitted.
- 1.4. Details of the findings together with the answers to the questions raised by the public are available on our website and have been sent to those members of public who raised the questions with our finding being sent to Surrey County Council, the North Surrey PCT and NHS Trust. The decision of the Committee on this matter is set out below:
 - (a) Following the pilot of moving the dispensary service away from the pharmacy service at Ashford to St Peter's Hospital the committee would like assurance that the patients at the Ashford site suffer no reduction in service to that received prior to the changes;
 - (b) The Committee is concerned at the reduction of the number of beds at Ashford Hospital from 172 to 87 and whether this threatens Ashford's viability and therefore welcomes the Trusts ongoing commitment to the provision of services on the Ashford Hospital site;
 - (c) The Committee would like to see the discussions with CAPIO (on the independent sector treatment centre scheduled to be at Ashford Hospital) to come to a conclusion at the earliest opportunity;
 - (d) The Committee supports in principle the creation of centres of excellence for palliative care, rehabilitation and outpatient services as well as a 24 hour primary care walk in centre along side the A and E Department at St Peter's Hospital;

- (e) The Committee believes that the Cancer services must be driven by the needs of patients and not as a consequence of changes to acute services;
 - (f) It is quite clear a great number of members of the public are not fully aware of service changes and urge the Trust to publicise these as fully as possible and offers any assistance it can give in getting the message over;
 - (g) The Committee noted that NHS and PCT stated that there are no plans in the foreseeable future for any further reduction in services at Ashford Hospital. If at some time in the distant future further changes/reductions in services are forthcoming the committee asks to be consulted at an early stage along with Surrey County Council;
 - (h) The Committee were pleased to note that there are no plans to date to close Ashford Hospital and would request everything be done to ensure the long term future of Ashford for the benefits of the residents of the Borough;
 - (i) The Committee understands that it is not a primary role of the NHS to provide public transport but would like to see the NHS working closely with the public transport providers and the transport authority to improve the availability of public transport to both hospital sites; and
 - (j) The Committee would request that the Surrey County Council Health scrutiny committee monitor the issues on a quarterly or half yearly basis because of the importance of the matter locally.
- 1.5. As a committee we attempted to balance the need to provide scrutiny on key performance areas as well as providing support and comment upon the review of services. Hopefully we responded to issues of concern as raised through the questions submitted by residents of the borough to ensure that the health needs of the population are met as far as possible
- 1.6. I believe this review was a fine example of a committed piece of work by all members of the committee and matched by a positive and measured response from the Executive.

2. FINANCIAL ISSUES

- 2.1. The Committee discussed three financial related reports. The first covered the current budget monitoring position for both revenue and capital expenditure. The report took account of actual expenditure for the first three months of the year, together with the value of committed expenditure on schemes not yet started.
- 2.2. The second report covered the New Schemes Fund, which provided an update on the progress and costs of schemes being financed from the fund. The report covered the fund's opening and closing balances, expenditure incurred and interest earned for the financial year 2006/2007.
- 2.3. The third report was on a revised set of financial regulations for this council to work to and based on the Chartered Institute of Public Finance and Accountancy's template. The main changes to the document came about due to changes in the statutory and regulatory framework, structural changes within the Council and Risk

Management. The Committee recommended to the Executive that the document as submitted be approved for submission to Council. The Committee also asked the Executive to give consideration as to whether there would be any benefits in sharing the document with neighbouring authorities. The Executive supported both of the recommendations and went one step further by agreeing that our neighbouring authorities be asked to comment on the draft revised Financial Regulations document prior to the document being adopted by full Council.

3. QUALITY OF LIFE INDICATORS

- 3.1. The Committee received a short presentation on Area Profiles which had been developed by the Audit Commission from information gathered over a three year period. The committee felt that the information relevant to the borough warranted an in-depth investigation and have agreed that this be undertaken by a Task Group. The website for further information on Area Profiles can viewed at [http://www.areaprofiles.audit-commission.gov.uk/\(wvabmf55zl4w44mj2ejmkvyp\)/SingleAreaSearch.aspx](http://www.areaprofiles.audit-commission.gov.uk/(wvabmf55zl4w44mj2ejmkvyp)/SingleAreaSearch.aspx) The Task Group will be reporting back to the committee at its meeting on 5 December 2006.

4. EXECUTIVE FORWARD PLAN

- 4.1. The committee in considering the current Executive Forward Plan identified two areas where the pre decision scrutiny approach could be undertaken. One was for the report on the review of byelaws being considered by this committee at its next meeting which will enable any views to be forward to the Executive when the matter is considered at the Executive meeting on 12 December 2006. The second area was for the proposed report being considered by the Executive on 16 October covering water features within the Borough to include a section on the lighting problems that are occurring in Memorial Gardens. The Executive supported both recommendations but decided that the lighting situation in Memorial Gardens needed a separate report and would be considering the issue at a future meeting of the Executive.

5. WORK PROGRAMME

- 5.1. The Committee made changes to the current work programme by requesting a presentation from the officers on the Council's Housing waiting list system to the meeting in February 2007. As Chairman I will be inviting the lead member of the Task Group set up by the Improvement and Development Committee to look at the Council's Housing Strategy to attend and participate in the discussion.

Councillor Frank Ayers

Chairman of the Performance Management and Review Committee

19 October 2006

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

There have been two Licensing Sub-Committee meetings on 23 and 30 August 2006 and one meeting of the Licensing Committee on 20 September 2006, which considered the following items of business:

Licensing Sub-Committee - 23 August 2006

A Licensing Sub-Committee heard and refused an application for the sale of alcohol at Stanwell food and wine, 109-111 Clare Road, Stanwell.

Licensing Sub-Committee - 30 August 2006

A Licensing Sub-Committee heard and granted an application, subject to modification and conditions, in respect of the London Irish Rugby Football Club, The Avenue, Sunbury on Thames.

LICENSING COMMITTEE - 19 OCTOBER 2006

Adoption of Procedure

The Committee agreed a procedure for the purpose of hearing applications under the Gaming Act 1968 until the Gambling Act came into full effect in September 2007.

**Gaming Act 1968, S.34 – Application For The Renewal of Permits For
The Use of Amusements with Prizes Machines**

The Committee heard and granted applications for the renewal of permits for the use of four machines at each of the following premises: The Goat Public House, Upper Halliford Road Shepperton and Crossroads Public House, Laleham Road Shepperton

Scheme of Delegations – Licensing

The Committee recommended to Executive, changes to the delegation of authority to officers to enable them to issue renewal permits for Amusements with Prizes Machines.

Councillor Robin Sider
Chairman of the Licensing Committee

19 October 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 report therefore gives an overview of the key applications considered by the Planning Committee at its meetings on 19th July, 16th August, 13th September and an overflow Committee on 18th September 2006.

1. The Planning Committee meeting on **19th July 2006** dealt with 8 items, plus 4 enforcement notices and one information item.

Public speaking took place on 4 items with 6 persons taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the refusal of planning permission for the erection of 29 flats, creation of new access and car parking at the Crooked Billet PH, London Road, Staines
- (b) the refusal of retrospective planning permission for the continued use of land for parking, sale and display of motor vehicles at West London Nissan garage, Walton Bridge Road, Shepperton
- (c) the refusal of planning permission for four bungalows at 31 & 33 Cadbury Road, Sunbury
- (d) the approval of planning permission for the conversion of 4 houses into 9 flats with associated parking at 1,3 White Lodge and Brecknock, Stanwell New Road, Staines

2. The Planning Committee meeting was held on **16th August 2006** and dealt with 5 items plus one enforcement notice and one information item. Public speaking took place on 3 items with 4 people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the approval of an office building at 5a-7 Fairfield Avenue Staines

3. The Planning Committee on **13th September 2006** dealt with 6 items in total. Public speaking took place on 4 items with 6 persons taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the refusal of a 96 unit residential scheme at the Rodd Engineering site Govett Avenue Shepperton

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- (b) the refusal of 14 units at Little Manor and Taranaki Green Street Sunbury
- (c) the approval of 12 flats at 3-5 Ashford Crescent Ashford
- (d) the refusal of 12 flats at 321-323 Staines Road West Ashford
- (e) the erection of a replacement supermarket at Somerfield Church Road Ashford.

4. The overflow Planning Committee on **18th September 2006** dealt with 6 items and 2 Enforcement Notices and information item. Public speaking took place 3 on items, with 4 people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the conversion of 139 Laleham Road Staines to 3 flats
- (b) the raising of no objection to the consultation from Surrey County Council concerning improvement to the Charlton Lane Recycling Centre
- (c) the raising of an objection to the consultation from Surrey County Council concerning the extension of working at Oakleaf Farm Horton Road Stanwell Moor

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) (65% in 8 wks)	Other applications (BVPI Target) (80% in 8 wks)
2005			
September	None	67%	82%
October	50%	73%	65%
November	None	29%	80%
December	None	58%	77%
2006			
January	None	68%	75%
February	33%	62%	91%
March	50%	87%	87%
April	100%	80%	86%
May	100%	78%	86%
June	100%	71%	84%
July	0%	73%	89%
August	50%	81%	83%
September	71%	46%	84%

APPENDIX 8

- b) The Planning and Housing Strategy service has recently completed the first phase of its Business Process Improvement, which has been facilitated by RSe Consulting. This is part of a larger process which will look at all service areas across the Council in the next three years. The process has highlighted four areas for potential improvement, both in terms of efficiency savings and customer service. Project plans for each of the areas are being finalised and it is hoped implementation will start in early November. This phase will take up to six months to implement in full.
- c) Members visited the new T5 building at the invitation of BAA on 5th October 2006. They were given a floor by floor visit to understand how the building will function when opened. By all accounts the building is very impressive.

Councillor John O'Hara
Chairman of the Planning Committee

19 October 2006

**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. COMPLAINT MONITORING

- 1.1. The Committee discussed a detailed report on complaints the Council had received and dealt with under the Corporate Complaints Procedure for the period 1 April 2005 to 31 March 2006 as well as the first quarter of this year. The report gave details of the number and nature of complaints received, trends and issues, which had affected the level and type of complaints received and action taken to respond to complaints. The Committee noted that the majority of complaints were from anonymous customer feedback forms relating to the Leisure Centres. These forms were reviewed by the Leisure Centre's management with details being submitted to this Council's Leisure Centre Contract Manager on a monthly basis.

2. PLANNING CODE

- 2.1. The Committee has completed its review on the Planning Code in accordance with the timetable previously set and in consultation with members of the Planning Committee. The revised Code is before members tonight to approve.
- 2.2. It was felt the Code had worked well for members and no substantial changes were identified. However the committee believes that those changes put forward will give clearer practical guidance to all members; those members on Planning Committee and those representing the interests of residents as Ward Members.

3. ANNUAL LETTER – LOCAL GOVERNMENT OMBUDSMAN

- 3.1. The Committee discussed with the Monitoring Officer the annual letter from the Local Government Ombudsman, which provided statistical information and summarised the complaints received on this authority. The Committee noted from the Letter that 10 complaints against the Council had been received during 2005/2006 one less than the previous year.

Murray Litvak
Chairman of the Standards Committee

19 October 2006

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee met on 17 October 2006 and considered the following items of business.

1. EXTERNAL AUDIT REPORT ON 2005-06 AUDIT AND STATEMENT OF ACCOUNTS

- 1.1 The Council's external Auditor, Henry Arthurs, who attended the meeting praised the work of the Head of Audit Services, the Head of Financial Services and the Chief Accountant for their excellent work in preparing the documentation. The Committee received and noted the External Audit Report for 2005-06, which had been prepared by Baker Tilly.

2. MATTERS ARISING FROM THE MINUTES

- 2.1 The Head of Audit Services gave an update on the following items: -

2.1.1. Single person discount

Recommendations had been made on a number of improvements to strengthen the process of verifying genuine claims for single person discount on Council Tax. Assurances were gained from Financial Services Head, Terry Collier, that these were being effected.

2.1.2 Payroll Services

Following recommendations from Audit Services independent checks of Payroll procedures were now being carried out by the Human Resource service.

2.1.3 Proof of qualification

Audit Services confirmed they had now seen a copy of a qualification which had previously been missing from a Human resources file.

2.1.4 High Hedge Legislation

An item explaining High Hedge Legislation was being prepared for inclusion in the next Borough Bulletin.

2.1.5 IT Security

The Head of Customer and E-Government Services was working on the implementation of recommendations made by Baker Tilly, following identification of possible risks relating to the security of the system from outside intervention.

3. AUDIT SERVICES QUARTERLY REPORT

- 3.1 The Committee discussed and noted the quarterly report which covered the work undertaken by Audit Services from July to September 2006 and included: -

3.1.1 Internal Audit partnership with Surrey Heath Borough Council.

That Spelthorne's Head of Audit Services would be managing Surrey Heath's audit team under a partnership arrangement, with effect from 1 October 2006.

3.1.2 Parking Services Audit

That risk assessments were updated and recommendations agreed to improve control on parking services.

The Committee asked for a report to the next meeting on progress made in resolving a discrepancy between Council and bank records of an amount banked by a Council contractor which was currently being investigated.

3.1.3 Risk Management

- That the Corporate Risk Register had been re-drafted and a number of Service Risk Registers had been reviewed with managers.
- A performance management system to enable managers and members to monitor outstanding recommendations/actions relating to high/medium risks was being implemented.
- Risk management training for Members was being organised.

3.1.4 Business Improvement Programme

That Audit Services, as a representative on the programme sponsors board, had attended and contributed to Planning workshops/meetings and would also be involved in advising project teams on subsequent reviews of Financial Services and Environment /Direct Services.

3.1.5 Theft from Council Offices

That following the theft of a purse and subsequent fraudulent use of credit/debit cards, Audit Services reviewed risks and controls associated with use of corporate credit cards and set up an audit trail to ensure CCTV was operating effectively.

4. REPORTING OF CRIME

Following a report on a policy for notifying the police of all crime against the Council, the Committee approved the officer proposal to place general policy and guidance for the reporting of all crimes/suspected crimes against the Council, on the Intranet for all staff, linking into specific advice from police and internal reporting requirements.

5. COMMITTEE WORK PROGRAMME 2006

The Committee agreed its current Work Programme for 2006/07.

Councillor M.L. Bouquet
Chairman of the Audit Committee

19 October 2006