

**Roberto Tambini
Chief Executive**

For this Council meeting, please telephone: Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: g.hobbs@spelthorne.gov.uk

13 October 2010

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 21 OCTOBER 2010 beginning at 7.30pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

Councillors are encouraged to wear their badge of past office at the Council meeting.

ROBERTO TAMBINI
Chief Executive

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

PUBLIC SPEAKING AT COUNCIL MEETINGS - For this Council meeting, please telephone Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: g.hobbs@spelthorne.gov.uk

(1) Asking a Public Question; (2) Presenting a Petition; (3) Representations on Recommendations

(1) Public "Question Time" is near the start of Council meetings and is an opportunity for any person to ask the Leader of the Council, or his nominee, a question about a matter in which the Council has powers or duties or an issue that affects the Borough.

(2) The Council has a procedure to enable any person to present a petition at a Council meeting and for the presenter to address the Council for a maximum of three minutes. Anyone wishing to present a petition should refer to the Council's Petition Scheme.

(3) Before the Council considers a recommendation from the Cabinet or a Committee and before it makes a decision on that recommendation, any person can put forward views on the issues involved by making representations to the Council for a maximum of three minutes.

Persons wishing to (1) ask a public question or (3) make representations on a recommendation **must** notify the Chief Executive [CX] in writing by letter, FAX or e-mail before **12 Noon, five working days prior to the day of the Council meeting (i.e. before 12 noon on the preceding Thursday for a Council meeting on the following Thursday)** and at the same time **must** deliver to CX (1) their written question or (3) their written statement of representations.

IMPORTANT PUBLIC NOTICE

MOBILE TECHNOLOGY – ACCEPTABLE USE

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in meetings can:

- Interfere with the Public Address and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

PLEASE:

Either switch off your mobile telephone etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.

**Roberto Tambini
Chief Executive**

A G E N D A

	PAGE No.
1. TRIBUTE The Mayor to pay tribute to Trevor Baker.	
2. APOLOGIES FOR ABSENCE To note apologies received from Ms Sue Faulkner, Vice-Chairman of Standards Committee and to receive any other apologies for non-attendance.	
3. MINUTES – COUNCIL MEETING HELD ON 22 JULY 2010 To confirm as a correct record the Minutes of the Council Meeting held on 22 July 2010.	5 -18
4. DISCLOSURES OF INTEREST To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members.	
5. ANNOUNCEMENTS FROM THE MAYOR To receive any announcements from the Mayor.	
6. ANNOUNCEMENTS FROM THE LEADER To receive any announcements from the Leader.	
7. ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE To receive any announcements from the Chief Executive.	
8. QUESTIONS FROM MEMBERS OF THE PUBLIC The Leader or his nominee to answer questions raised by members of the public, <i>[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]</i> .	
9. PETITION To receive any petitions submitted in accordance with the Council's Petition Scheme which have sufficient signatories to be debated by Council, <i>[where proper notice of the petitions and the persons wishing to speak to them has been given in accordance with the procedures laid down in the Petition Scheme]</i> .	
10. RECOMMENDATIONS FROM THE PLANNING COMMITTEE To consider any recommendations arising from the Planning Committee meeting held on 13 October 2010.	To follow
11. REPORT FROM THE LEADER OF THE COUNCIL To receive the report from the Leader of the Council on the work of the Cabinet.	19 - 20
12. REPORT FROM THE CHAIRMAN OF THE AUDIT COMMITTEE To receive the report from the Chairman of the Audit Committee on the work of his Committee.	21 - 22

- 13. REPORT FROM THE CHAIRMAN OF THE LICENSING COMMITTEE** **23**
 To receive the report from the Chairman of the Licensing Committee on the work of his Committee.
- 14. REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE** **25**
 To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee.
- 15. REPORT FROM THE CHAIRMAN OF THE PLANNING COMMITTEE** **To follow**
 To receive the report from the Chairman of the Planning Committee on the work of his Committee.
- 16. REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE** **27**
 To receive the report from the Chairman of the Standards Committee on the work of his Committee.
- 17. REPORT FROM THE CHAIRMAN OF THE YOUTH COUNCIL** **29**
 To receive the report from the Chairman on the work of the Youth Council.
- 18. MOTIONS**
 Under Standing Order 16.3, the Council has received Notice of the following Motion:
- “This Council recognises the over-centralised and bureaucratic nature of the current planning system bequeathed by the previous Labour government.
- This Council further recognises that Labour's top down heavy approach has resulted in frequent interventions by such people as the Planning Inspectorate that limits the way the Local Development Framework (LDF) can truly represent local opinion.
- With the coalition government clearly signalling major changes in the planning system, this Council resolves to instruct the Leader and Chief Executive to write to the Secretary of State for Communities and Local Government to urge him to quickly introduce...
1. Legislation that allows appeals against local planning decisions by local residents;
 2. Legislation that developers of larger developments must collaborate with local residents before a plan is submitted;
 3. Legislation that all non-market housing built by housing trusts remain in public ownership in perpetuity.”
- Proposed Cllr Ian Beardsmore
 Seconded Cllr Colin Strong
- 19. QUESTIONS ON WARD ISSUES**
 The Leader or his nominee to answer questions from Members on issues in their Ward, *[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

20. GENERAL QUESTIONS

The Leader or his nominee or relevant Committee Chairman to answer any other questions from Members on matters affecting the Borough or for which their Committee has responsibility, *[where proper notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

21. URGENT BUSINESS

To consider any urgent business.

MINUTES OF THE COUNCIL MEETING HELD ON 22 JULY 2010

BOROUGH OF SPELTHORNE

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 22 JULY 2010

Ayers F.	Dunn Mrs S.A.	Packman J.D. (Leader)
Bain Miss M.M.	Flurry K.E.	Pinkerton Jack D.
Beardsmore I.J.	Forsbrey G.E.	Rough Mrs M.W.
Bell Mrs E.M.	Grant Mrs D.L.	Royer M.T.
Bhadye S.	Hirst A.P.	Sider R.W.
Broom Ms P.A.	Hyams Ms N.A.	Smith-Ainsley R.A. (Deputy Leader)
Budd S.E.W. (Deputy Mayor)	Jaffer H.R.	Spencer Mrs C.L.
Chouhan K.	Leighton Mrs V.J.	Strong C.V.
Colison-Crawford R.B.	McShane D.L.	Thomson H.A.
Crabb T.W.	Nichols L.E.	Trussler G.F.
Davis C.A.	O'Hara E. (The Mayor)	

Councillor E. O'Hara, The Mayor, in the Chair

233/10 APOLOGIES

Apologies for absence were received from Councillors Mrs P.C. Amos, S.J. Fairfax, Mrs I. Napper, Mrs C.E. Nichols, Mrs J. Pinkerton and S.J. Rough. Apologies were also received from Mr Murray Litvak and Ms Sue Faulkner the Chairman and Vice Chairman respectively of the Standards Committee.

234/10 MINUTES

The minutes of the meeting held on 20 May 2010 were approved as a correct record.

235/10 DISCLOSURES OF INTEREST

Councillor T.W. Crabb declared a personal interest in Agenda Item 8.1 (Petitions) To receive a petition submitted to the Council by residents of The Avenue and Elmbrook Close, Sunbury on Thames as he lived in The Avenue, Sunbury. Councillor Crabb confirmed that he had not been involved in the matter.

236/10 ANNOUNCEMENTS FROM THE MAYOR

(1) Queen's Award for Voluntary Services

The Mayor, Councillor E. O' Hara, presented the Queen's Award for Voluntary Services to the Spelthorne and Runnymede Age Concerns. Two certificates were presented one to Sue Metcalf on behalf of Spelthorne Age Concern and the second to Diana Cotty of Runnymede Age Concern.

(2) Mayoral Events

The Mayor, Councillor E. O'Hara reported on arrangements being made to create a Mayoral Calendar setting out the events for the year which once finalised would be emailed to all members. The Mayor hoped that as many members as possible would support the events.

237/10 ANNOUNCEMENTS FROM LEADER

(1) Richard Powell – Retirement

The Leader, Councillor J.D. Packman, reported on the retirement of Richard Powell Principal Committee Services Manager who after 44 years of local government service was retiring today. On behalf of all members and officers he expressed appreciation and thanks to Richard for the service he had given over the years and to wish him well for a long and happy retirement. The Leader outlined highlights of his career which had started in 1966 with the Fire Service. Councillor I.J. Beardsmore on behalf of the Liberal Democrats endorsed the remarks made by the Leader of the Council.

(2) SLM Sports and Leisure Management Ltd (SLM) – Award for Facility Operator of the Year 2010

The Leader, Councillor J.D. Packman, reported that SLM the Sports and Leisure Management Company who operated the leisure centres on behalf of the Council had for the second year running been awarded the ASA Award for Facility Operator of the Year.

The Leader reported that to acknowledge this achievement a letter would be sent to SLM from the Mayor.

(3) TP26 Hawkes Park

The Leader, Councillor J.D. Packman, had pleasure in reporting that after many years of negotiation with Surrey County Council the purchase of the land known as the TP26 relief road had been completed and the plans for a cycle path through the land would now progress.

238/10 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor, Councillor E. O'Hara, reported that under Standing Order 13, one question had been received from a Mr Mockford a resident of the borough, who due to other commitments was unable to attend the meeting. A copy of the question from Mr Mockford of 36 Kinross Drive, Sunbury on Thames together with a response had been laid round at the meeting and would be sent to Mr Mockford.

For reference purposes the question together with the response of the Leader, Councillor J.D Packman is set out below:

Question from Mr. A.L. Mockford, 36 Kinross Drive, Sunbury on Thames

As a resident of Sunbury I have recently received several apologies from the Council for its repeated failure to enforce straight forward planning conditions. One of the excuses offered for this failure was the cost and effort involved. Consequently I was shocked to discover that in another case the Council had hired a private investigator to spy on a local family prior to a planning appeal. The evidence given by the private investigator was proved false at the appeal and the council lost.

May I ask

- a. how much was spent on this private investigator; and
- b. how many private investigators have been hired by the council in the past 5 years & at what cost?

May I also have an assurance that in future the planning department will not hire private investigators, but will concentrate instead on enforcing straight forward planning conditions?

The response circulated at the meeting is set out below:

“Thank you for your question Mr Mockford. The Council always wishes to be clear and accountable with residents. Sometimes, things do not go as we would have wished and where this happens we will always investigate and, where appropriate, offer an apology.

I must, however, correct the impression that you have given within your question that the Council is unlikely to enforce planning conditions for reasons of cost and time. Without wishing to comment on the circumstances of your individual case, the statement which you have made is not Council policy and I would not wish for anyone reading the question and answer to have the impression that the Council does not take enforcement matters seriously, because that would be wrong.

For your information, in relation to a case you referred to, the private investigator used in the appeal did not attend the inquiry. He was used 15 months before the application was made to gather evidence for enforcement of planning conditions. The evidence which he gathered was not crucial for the council's final decision in the case which is why the Inspector did not criticise the Council for using an investigator.

This recent appeal case started as an enforcement of a planning condition that a summer house should not be occupied as a year round residence. It is not very often that private investigators are used in planning enforcement cases. In fact in the last five years we have only used such agents twice.

The first case was the one to which you referred in your question. That investigation cost £739.

The second case involved a trace on a landowner that we wished to serve with enforcement proceedings and cost £235.

So as you will see, the use of private inquiry agents in planning is limited. Most of the people that we deal with either live in the Borough, or can be traced through land registry records.

Greater use is made of inquiry agents in relation to debt collection where debtors frequently abscond. If you are interested in further details in this area then they can be supplied.

In order to avoid any misunderstanding about the use of such inquiry agents in planning cases, I have asked for this question and response to be circulated to all councillors.”

239/10 PETITIONS

The Mayor, Councillor E. O'Hara, advised that under Standing Order 15.1, a petition had been received from the residents of The Avenue and Elmbrook Close, Sunbury on Thames, seeking the removal of car parking charges from Orchard Meadow Car Park.

Mr Alan Smith the Neighbourhood Watch co ordinator for the area presented the petition to the Mayor and addressed the Council on behalf of the petitioners.

Under Standing Order 15.4 there was no debate on the matter.

RESOLVED that the petition be referred to the Cabinet for consideration at the same time when the annual review of car parking charges takes place later in the year.

240/10 PETITIONS SCHEME

The Council considered the recommendation of the Cabinet on the adoption and implementation of a Petition Scheme and an electric petition facility, as required under the Local Democracy, Economic Development and Construction Act 2009.

It was moved by the Leader of the Council, Councillor J.D. Packman, and seconded by the Deputy Leader of the Council, Councillor R.A. Smith-Ainsley that the recommendation from the Cabinet at its meeting 8 June 2010 and as set out below be approved.

- (i) The Petitions Scheme, attached at Appendix 1 to the report of the Deputy Chief Executive to the Cabinet meeting held on 8 June 2010, be approved and adopted for immediate implementation, subject to the inclusion of under eighteen year olds and except for the e-petitions elements, which will be approved for implementation on 1 November 2010;
- (ii) The Head of Corporate Governance be authorised to determine any petitions received that are vexatious, abusive or otherwise inappropriate and therefore not covered by the Petitions Scheme;
- (iii) The Head of Corporate Governance be authorised to make the necessary amendments to the Council's Constitution, to include the Petitions Scheme and the e-petitions elements and the new role of the Council's Overview and Scrutiny Committee in relation to the Petitions Scheme; and
- (iv) The Overview and Scrutiny Committee be asked to review the operation of electronic petitions and the Petitions Scheme one year after operation.

An amendment which was circulated at the meeting was moved by Councillor T.W. Crabb and seconded by Councillor L.E. Nichols that :

- (i) The Petitions Scheme, attached at Appendix 1 to the report of the Deputy Chief Executive to the Cabinet meeting held on 8 June 2010, be approved and adopted for immediate implementation, subject to (1) the inclusion of under eighteen year olds and (ii) for petitioners with more than 30 signatories to present their petition to Council and address the members for no more than 3 minutes and to then subsequently be able to address the Committee to which the petition is referred;

Except for the e-petitions elements, which will be approved for implementation on 1 November 2010
- (ii) The Head of Corporate Governance be authorised to determine any petitions received that are vexatious, abusive or otherwise inappropriate and therefore not covered by the Petitions Scheme;
- (iii) The Head of Corporate Governance be authorised to make the necessary amendments to the Council's Constitution, to include the Petitions Scheme and the e-petitions elements and the new role of the Council's Overview and Scrutiny Committee in relation to the Petitions Scheme; and
- (iv) The Overview and Scrutiny Committee be asked to review the operation of electronic petitions and the Petitions Scheme one year after operation.

Councillor C.V. Strong under Standing Order 21.4 requested that the voting on the amendment be recorded. The vote on the amendment was as follows:

FOR (7)	Councillors I.J. Beardsmore, Mrs E.M. Bell, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, L.E. Nichols and C.V. Strong
AGAINST (25)	Councillors F. Ayers, Miss M.M. Bain, S. Bhadye, Miss P.A. Broom, S.E.W. Budd, K. Chouhan, C.A. Davis, K. Flurry, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Ms N.A. Hyams, H.R. Jaffer, Mrs V.J. Leighton, D.L. McShane, E. O'Hara, J.D. Packman, Jack D. Pinkerton, Mrs M.W.

	Rough, M.T. Royer, R.W. Sider, R.A. Smith-Ainsley, Mrs C.L. Spencer, H.A. Thomson and G.F. Trussler
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The amendment was lost. The original motion was put to the vote and carried

RESOLVED that:

- (1) The Petitions Scheme, attached at Appendix 1 to the report of the Deputy Chief Executive to the Cabinet meeting held on 8 June 2010, be approved and adopted for immediate implementation, subject to the inclusion of under eighteen year olds and except for the e-petitions elements, which will be approved for implementation on 1 November 2010;
- (2) The Head of Corporate Governance be authorised to determine any petitions received that are vexatious, abusive or otherwise inappropriate and therefore not covered by the Petitions Scheme;
- (3) The Head of Corporate Governance be authorised to make the necessary amendments to the Council's Constitution, to include the Petitions Scheme and the e-petitions elements and the new role of the Council's Overview and Scrutiny Committee in relation to the Petitions Scheme; and
- (4) The Overview and Scrutiny Committee be asked to review the operation of electronic petitions and the Petitions Scheme one year after operation.

241/10 AIRTRACK – PUBLIC CONSULTATION ON THE SECOND ADDENDUM TO THE ENVIRONMENTAL STATEMENT

The Council considered the recommendation from the Cabinet on a consultation response to the second Addendum to the Environmental Statement, originally produced by Heathrow Airport Ltd in July 2009 for the Airtrack and the extent to which it met the Council's 79 points of objection.

RESOLVED that the response set out in Appendix A to the report of the Deputy Chief Executive to the Cabinet, meeting held on 20 July 2010, be endorsed.

242/10 CORPORATE PLANS AND PRIORITIES

The Council considered the recommendation from the Cabinet on a review of the Corporate Plan 2008-2011, the achievements against targets after two year's of operation and total number of priorities. The Cabinet had supported the following six corporate priorities for adoption for 2010/2011:

- A Safer Spelthorne
- Supporting Housing Needs
- Supporting Younger People
- Help for Older People in Need
- A Cleaner and Greener Environment
- Economic Development

RESOLVED to approve the reduction in corporate priorities and approve the revised Corporate Plan 2008-11(2010 3rd Revision) as submitted to the Cabinet at its meeting on 20 July 2010.

243/10 OVERVIEW AND SCRUTINY COMMITTEE REMIT

The Council considered the recommendation from the Overview and Scrutiny Committee on its remit.

In response to a question raised on the need to increase the frequency of meetings the Chairman of the Committee, Councillor Philippa Broom confirmed that there was flexibility to hold additional meetings if required.

RESOLVED that the remit for the Overview and Scrutiny Committee as submitted be approved.

244/10 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor J.D. Packman, presented his report, which outlined some of the important issues the Cabinet had discussed at its meeting on 8 June 2010. In response to a question raised as to why only selected items from the Cabinet meeting were contained in the report the Leader confirmed that the agenda and reports on all matters considered by the Cabinet were available to all members therefore only those matters which he felt were relevant were contained in the report to Council.

245/10 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor M.T. Royer, presented his report, which outlined the matters the Committee had considered at its meeting on 24 June 2010. In response to a question raised the Leader agreed to look into why the minutes of the meeting held on 24 June 2010 were not available on the Council's website.

246/10 LICENSING COMMITTEE

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

247/10 OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee, Councillor Philippa Broom, presented her report, which outlined the matters the Committee had decided since the last Council meeting. The Chairman went on to confirm that the outstanding responses to issues raised at the last committee meeting would be available shortly.

248/10 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor H.A. Thomson, presented his report, which outlined the matters the Committee had decided since the last Council meeting.

249/10 MOTIONS

Under Standing Order 16.3, the Council had received Notice of the following Motion:

“Council notes the substantial over-development that has taken place across the Borough in the last decade to the detriment of our environment.

Council further notes that many new dwellings across Spelthorne have been built on back gardens.

Council welcomes the recent moves by the Conservative-Liberal Democrat coalition government to end ‘garden grabbing’ by developers and the removal of top-down targets for house building.

Council resolves:

- 1) That in order to compensate for the exceptional over-development in the last decade to substantially reduce the rate of new development over the next 5 years
- 2) To resist any new dwelling built on back gardens.
- 3) To work towards substantially increasing the number of new family homes with gardens as a proportion of the number of new dwellings that are built each year.”

COUNCIL, 22 July 2010 - Continued

Proposed by: Councillor Ian Beardsmore

Seconded by: Councillor Colin Strong

Councillor R.A. Smith-Ainsley circulated the following amendment to the Motion which was seconded by Councillor H.A. Thomson

“Council notes development that has taken place across the Borough in the past decade as part of the Council’s strategy to deliver housing as required by our top down housing targets.

Council further notes that many new dwellings across Spelthorne have been built on back gardens which had been designated as Brownfield land.

Council welcomes the recent moves by the Conservative led coalition government to amend PPS3 and give LPAs more power to refuse ‘back garden’ development where appropriate.

Council notes that as one of the leading planning authorities in the country, with an already adopted Core Strategy it has already been able to start on long planned work on Supplementary guidance on ‘Design of Residential Extensions and New Residential Development and Size of Dwellings. These will further strengthen the Council’s position in rejecting poor development on any type of site, securing high standards of design and ensuring new dwellings meet local needs.

The Council resolves:

- 1 To take into account the change in PPS3 along with all the other guidance in our adopted Core Strategy as well as Supplementary Planning Guidance and other relevant planning issues when determining development applications on ‘back garden’ land; and
- 2 To affirm the importance of the supplementary guidance the Local Development Framework Working Party will be bringing forward over the coming months to deal with design issues and size of new dwellings.”

Councillor T.W. Crabb asked for a point of order as he felt that the amendment was a negative to the motion which under Standing Order 18.7 was not permitted. The Head of Corporate Governance clarified the matter and the amendment was allowed.

Councillor C.V. Strong requested under Standing Order 21.4 that the vote on the amendment be recorded. The voting was as followed:

FOR (23)	Councillors F. Ayers, Miss M.M. Bain, S. Bhadye,, S.E.W. Budd, K. Chouhan, C.A. Davis, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Ms N.A. Hyams, H.R. Jaffer, Mrs V.J. Leighton, D.L. McShane, E. O’Hara, J.D. Packman, Jack D. Pinkerton, Mrs M.W. Rough, M.T. Royer, R.W. Sider, R.A. Smith-Ainsley, Mrs C.L. Spencer, H.A. Thomson and G.F. Trussler
AGAINST: (7)	Councillors I.J. Beardsmore, Mrs E.M. Bell, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, L.E. Nichols and C.V. Strong

The amendment was carried. The amendment was then put as the substantive motion and Councillor C.V. Strong requested the voting on the Substantive motion be recorded. The voting was as follows:

FOR: (23)	Councillors F. Ayers, Miss M.M. Bain, S. Bhadye, S.E.W. Budd, K. Chouhan, C.A. Davis, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Ms N.A. Hyams, H.R. Jaffer, Mrs V.J. Leighton, D.L. McShane, E.
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	O'Hara, J.D. Packman, Jack D. Pinkerton, Mrs M.W. Rough, M.T. Royer, R.W. Sider, R.A. Smith-Ainsley, Mrs C.L. Spencer, H.A. Thomson and G.F. Trussler
AGAINST (7)	Councillors I.J. Beardsmore, Mrs E.M. Bell, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, L.E. Nichols and C.V. Strong

RESOLVED:

1 To take into account the change in PPS3 along with all the other guidance in our adopted Core Strategy as well as Supplementary Planning Guidance and other relevant planning issues when determining development applications on 'back garden' land; and

2 To affirm the importance of the supplementary guidance the Local Development Framework Working Party will be bringing forward over the coming months to deal with design issues and size of new dwellings.

250/10 QUESTIONS ON WARD ISSUES

The Mayor, Councillor E. O'Hara, had reported at the beginning of the meeting that questions together with the answers would not be read out but had been circulated. However under Standing Order 14.5 supplementary questions would be permitted but that in the interest of fairness gave a direction that the answers would be provided in writing in order to ensure that a properly considered response was provided.

Question from Councillor L.E. Nichols

"Is Spelthorne Borough Council satisfied with the level of consultation that Surrey County Council has undertaken in respect of the development of a co-incinerator and anaerobic digester at Charlton Lane? What direct involvement has Spelthorne Borough Council had with SITA in respect of this proposed development?"

The response circulated at the meeting is set out below:

"To date, Surrey County Council and SITA have undertaken some initial consultation (letters, exhibitions) on the proposed gasification plant and anaerobic digester at Charlton Lane. The first exhibition in April 2010 was attended by a Spelthorne Borough Council officer and the Community Liaison Group meeting was attended by a member and officer to hear what residents have to say. Similarly the technical group meeting on 15 July 2010 for local residents was also attended by a Spelthorne Borough Council officer. The Service Head attends Surrey Waste Partnership meetings, where all partners provide updates on projects relevant to all authorities, and County has provided updates on progress at these meetings over the last three months. In between, four meetings have been held with Surrey County Council and SITA for short updates on the progress being made.

We understand that, as information from studies associated with the application emerges, Surrey County Council and SITA will be providing information to residents via letters, meetings with residents, specialist technical meetings. There will also be discussions on information as it arises via the Community Liaison Group, which has independent residents and representatives of Resident Associations attending. An exhibition of the plans and results of studies will be held in September 2010.

At the recent Local Committee meeting (12 July 2010) Surrey County Council emphasised that they were very keen to ensure the local community were kept informed about the scheme, as the detail and environmental impact assessments for the proposed scheme are finalised, before submission of the planning application to Surrey County Council.

Spelthorne Borough Council has always emphasised the need for consultation with local residents and have encouraged SITA to hold meetings, such as one arranged with Charlton and Halliford residents, held at the Sunbury Golf Club on 18 May 2010.

As with any scheme of this size in the Borough, even as consultee as in this case, Spelthorne Borough Council would expect to meet with developers prior to submission of the application, to discuss details and to ensure all aspects required in commenting on an application such as this were covered.

The Council has encouraged Surrey County Council and SITA to undertake public consultation and at the Local Committee meeting on 12 July 2010, the Leader spoke strongly on the need for Surrey County Council to undertake public consultation and keep the residents informed. He received assurances that this would occur.

Councillor L.E. Nichols asked for confirmation as to whether the consultation being undertaken by the County was to the satisfaction of the Borough Council. The Leader confirmed that the council had and would continue to encourage the county and SITA to undertake public consultation and to keep the residents informed.

251/10 GENERAL QUESTIONS

Question from Councillor R.W. Sider

'Will the Leader join me in congratulating 'Team Spelthorne' on their performance in this year's Surrey Youth Games, and whilst they did not follow up their winning vein of last year, they were awarded the Surrey County Playing Fields Association 'Fair Play' award for their good sporting attitude. That said, will the Leader and members of both parties agree that this Award is perhaps far greater to achieve than that of winning any titles and demonstrates team spirit, respect for opponents, camaraderie and is a great credit to the youth of Spelthorne.'

The response circulated at the meeting is set out below:

"May I thank Councillor Sider for his question.

In response I feel sure that all councillors will join me in congratulating 'Team Spelthorne' in their performance at this year's Surrey Youth Games which included the following achievements:

- Gold medal for mild learning disability football
- Girls cricket
- Boys hockey
- Silver Medal for mixed hockey, girls hockey and senior squash
- Bronze Medal for boccia and junior squash
- 5 Gold, 2 Silver and a Bronze in the Judo event

Over 200 young people took part in the event over the 2 days but 300 young people were selected for the initial squads. It is anticipated that many of the young people are now involved in various local sports clubs. I attended the Sports Council AGM two weeks ago and put the point to all the clubs in attendance that they could do more to encourage our youths to join their clubs.

I do agree though that although the team did not meet the dizzy heights of first place again they did achieve something greater - The Surrey Playing Fields Association 'Fair Play' Award for their good sporting attitude. This shows that Spelthorne has young people who, as they move on in life, have the important values; respect, spirit and camaraderie – it is indeed a great credit to the young people of Spelthorne and we are justly proud of them".

Question from Councillor C.V. Strong

“The Leader will recall that I led a debate in October 2009 to sign the Borough up to the national 10:10 campaign where organisations pledge to seek to reduce carbon emissions by 10% during 2010.

The Leader will also recall that the issue was referred to Cabinet for consideration where the chance to sign up to the 10:10 campaign was, sadly, rejected.

I warmly welcome the coalition government's announcement of their decision to sign up to the 10:10 campaign. They recognise that strong leadership on this issue is required and have pledged to reduce central government's carbon dioxide emissions.

Will he give a similar commitment that the Borough will now sign up to the 10:10 campaign and work to reduce the Council's carbon emissions by 10% over the next 12 months?”.

The response circulated at the meeting is set out below:

“The 10% target, whilst to be commended, has been agreed for central government who should, with the resources available to them, be able to drive the 10% reduction through. However, in smaller authorities, such as ourselves it is not so easy to achieve with the limited resources available.

However, we do continue to be focused on reducing our energy consumption and in fact have over the last year achieved a 10% reduction in energy usage at Knowle Green. We have also already seen a fall in energy use in Tothill car park since the introduction of energy efficient lighting and “Powerperfector” earlier this year.

For the coming year we have further energy reduction projects planned for Knowle Green and our community centres. The Council is also looking at the feasibility of a Combined Heat and Power Scheme with the Leisure Centre which will achieve further savings both for the Council and our partner SLM.

Therefore, the Councillor and our residents can be assured that we are continuing to reduce our energy consumption (with associated carbon savings) and have achieved this without making a gesture of signing a commitment to a 10% reduction. When the opportunities arise we will respond subject to finance being available”.

Question from Councillor L.E. Nichols

“What are the implications for Spelthorne in 2010/11 and beyond of the loss of Local Authority Business Growth Incentive (LAGBI) and Housing and Planning Delivery Grant (HPDG)? What government incentives remain to encourage delivery of housing in Spelthorne?”

The response circulated at the meeting is set out below:

“The financial implications of the loss of Local Authority Business Growth Incentive (the LABGI), is that we will not receive the £50,000 built in our budget in anticipation of receipt of the grant. We were notified in March that we would receive £47,000 in 2010-11. Similarly, with respect to Housing and Planning Delivery Grant, we had anticipated £100,000 grant income this year. The combined effect is that we have an additional budget pressure this year and for future years of £150,000. The Council's Management Team have, in response to this problem, already worked with Heads of Service to ensure that we have already identified sufficient additional savings which can be made in 2010-11 to offset this, and on an ongoing basis.

The Conservative Green Paper ‘Open Source Planning’ put forward the principle of providing incentives for housing development by allowing Councils to keep the Council tax base generated by this development for a period of six years. There is also a

proposal to allow local neighbourhoods to keep some of the money contributed by developers at the time when planning permission is granted.

However, at present, there is little detail on the mechanisms for delivering housing by this means. Once this is available, the Council will need to carefully weigh up the financial incentives to determine what is considered to be an appropriate level of development, bearing in mind there is still a demand for housing of all kinds in the Borough.

Councillors can be assured that we are keeping the matter under close review.”

The Leader of the Council, Councillor J.D. Packman agreed to arrange for a response to be provided to the supplementary question raised by Councillor L.E. Nichols concerning a mechanism for neighbourhoods to retain money via Section 106 Agreements.

The response is set out below:

"As part of your question at full Council on Thursday 22 July you asked what government incentives remain to encourage the delivery of housing in Spelthorne. My answer included reference to the idea of Council's being allowed to keep the Council tax generated by development for a period of six years and allowing neighbourhoods to keep some of the money contributed by developers. I explained there was little detail at this stage but we would keep the matter under close review.

In a supplementary question you asked whether the mechanism for neighbourhoods to retain money would be through Section 106 agreements.

Section 106 is the current legal mechanism through which developer contributions can be secured to fund any infrastructure requirements imposed by a particular scheme, however, as I have said there is little detail of how proposed future initiatives will operate."

Question from Councillor Mrs S.A. Dunn

“What independent consultation has Spelthorne undertaken in respect of the proposed “Eco-Park” at Charlton Lane? What further consultation will Spelthorne be undertaking before the planning application due to be submitted in October?”

The response circulated at the meeting is set out below:

“As the councillor is I am sure fully aware, the application for the Eco Park is being made by SITA. Surrey County Council is the planning authority for waste and in this case they are responsible for appropriate publicity of the eventual application and for ensuring appropriate pre-application consultation takes place. It would be inappropriate for this council to organise their consultation for them. Once the application is submitted, it will be placed on our website so that our residents are kept informed. It must be noted in this case Spelthorne Borough Council is a consultee, not the planning authority.

The Leader of the Council, Councillor J.D. Packman responded to a supplementary question raised by Councillor Mrs Dunn who requested an assurance that ward councillors would be kept briefed of the arrangements for the proposed eco park.”

In addition the Leader indicated that he would contact the County to ask that they contact the councillor with consultation dates and processes.

Question from Councillor Mrs C.E. Nichols

“At the scrutiny meetings since December last year I have sought a members working group be established to scrutinise the proposal by Surrey County Council for an anaerobic digester and co-incinerator at the Charlton Lane site. These requests have

consistently been refused by the Chairman. Does the portfolio holder agree with me that the refusal to establish a working group was a lost opportunity? Given the short timescales before Surrey County Council intends to submit a planning application, is the portfolio holder prepared to establish immediately a working group to allow members to officially scrutinise what is one of the most important developments for the residents of Spelthorne?"

The response circulated at the meeting is set out below:

"As already explained in the answer to Councillor Mrs Dunn, the proposed application is being submitted by SITA. As a waste application, Surrey County Council is the Planning Authority, Spelthorne Borough Council is a consultee.

I will repeat that the Planning Committee for Spelthorne will have the opportunity to discuss the proposal when submitted. It is a Planning Committee's role to scrutinise any proposals for development.

At this stage relatively little information is available on the detail of the scheme, as the master plan has only just been finalised by Surrey County Council. Therefore, the most information available at this time was presented to the Local Committee on 12 July 2010 when Members including Councillor Mrs Nichols had ample opportunity to hear about the scheme and ask questions."

Question from Councillor Mrs E. Bell

"What progress has Spelthorne Borough Council made with introducing recycling for "hard to reach" properties? What are the numbers of "hard to reach" properties without recycling facilities on a quarterly basis since Alternate Weekly Collection was introduced?"

The response circulated at the meeting is set out below:

"Unfortunately, it is not possible to provide these figures on a quarterly basis. Any work on difficult access properties is carried out on an on going basis when officer time is available, as this function is not allocated to a specific officer. However, there has been a significant amount of work done in this area as the original number of 'hard to reach' Alternate Weekly Collection (AWC) properties, was more than 5,000 properties in September 2007.

There are currently about 41,000 domestic residential properties in Spelthorne, of which about 3,900 are currently not on the AWC service, which represents 10% of all properties versus an original 13%.

We estimate that of the 3,900 properties not on AWC, 2,000 properties cannot be put on the AWC service without major structural change and associated costs. Councillors need to understand that these properties include blocks of flats with chutes, islands in the River Thames, and other properties with similar access or capacity problems.

Therefore, our current target is to reduce the remaining 1,900 properties (that are achievable) as soon as practicable".

Question from Councillor T.W. Crabb

"What minimum standard of air quality does the Council have for children's play spaces?"

The response circulated at the meeting is set out below:

"There are no minimum standards set for outdoor play spaces. However, we are guided by the European Union's air quality limit standards.

COUNCIL, 22 July 2010 - Continued

The EU air quality limit standards are only a guide because the limits set are based on an averaged exposure periods (a year, a day, an hour). The limit used is therefore based on the likely exposure time for the land use”

Councillor T.W. Crabb asked a supplementary question concerning the skate park proposal and whether the site was suitable due to the air quality of the area. The Leader suggested that the Councillor should raise the matter at an Area Regeneration Board Meeting.

COUNCIL MEETING – 21 OCTOBER 2010

**RECOMMENDATION FROM THE PLANNING COMMITTEE MEETING
HELD ON 13 OCTOBER 2010**

1. **ARTICLE 4 DIRECTION - 09/00739/CLD – THE NUTSHELLS, ABBEY ROAD, SHEPPERTON**
- 1.1 The Committee considered the report of the Deputy Chief Executive requesting the Article 4(1) Direction to withdraw permitted development rights in respect of land at The Nutshells, Abbey Road, Shepperton be reconfirmed.
- 1.2 The Committee discussed the statutory process that was required to be followed for Article 4(1) Directions and noted that these needed to be made for a 6 month period with the current Direction expiring on 25 December 2010.
- 1.3 The Committee noted that the withdrawal of permitted development rights by an Article 4 Direction may give rise to liability to compensate. Any person with an interest in the land or in any mineral in the land may seek compensation for abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights. The right to compensation does not arise until an application for planning permission has been made specifically for the carrying out of work which would be classified as permitted development under the relevant Order.
- 1.4 The Committee discussed the processes involved and noted that if Council gave approval to the Direction it would take immediate effect. The Council would need to notify the Secretary of State of its confirmation of Direction.
- 1.5 **RESOLVED TO RECOMMEND TO COUNCIL** that the Article 4 (1) Direction issued on 24 June 2010 to remove the permitted development rights at The Nutshells, Abbey Road, Shepperton and relating to Classes A, B, D and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 be confirmed.

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

This is my report to the Council as the Leader of the Council on the work of the Cabinet. It is an overview of some of the more important issues the Cabinet discussed at its Special meeting on 23 August and ordinary meeting on 28 September 2010.

The Cabinet has made one recommendation to the Council on the new form of Governance which will be considered at its December meeting.

1. MINUTES OF THE LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY– 2 AUGUST 2010

1.1 The Cabinet considered recommendations from the Local Development Framework Working Party on the approach to achieving a high standard of design and the context to the draft Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development.

1.2 The Cabinet approved the draft SPD for public consultation.

2. STREET CLEANSING VEHICLE REPLACEMENT PROGRAMME

2.1 The Cabinet considered a report setting out proposals for drawing up specifications for the procurement for the replacement of six specialist Street Cleansing mechanical sweepers to test the market following which a full evaluation will be carried out to determine which option will be most advantageous for Spelthorne. The latest technology would be employed on the service with more fuel efficient engines, lowering exhaust emissions, thus helping to lower the Council's Carbon footprint.

2.2 The Cabinet has authorised Streetscene to obtain costs for both lease and purchase options for the procurement of six specialist vehicles through a framework agreement to replace the equivalent number for use in the Council's street cleaning services.

3. REVISED BUILDING CONTROL FEE CHARGING SCHEME

3.1 The Cabinet considered a report on a legislative requirement that from 1 October 2010, local authorities would be required to change the way that building control services charge for their fee. The new regulations required Spelthorne's building control service to specify a fee for each individual application/notice based on the estimated hourly rate that officers spend on processing the application.

3.2 The Cabinet approved a proposed charging scheme for building control fees for implementation from 1 October 2010.

4. CHRISTMAS LIGHTS

4.1 The Cabinet considered a report on the provision of Christmas lights in Spelthorne which provides an enjoyable festive shopping experience for residents of the

Borough and visitors to Staines whilst lending support to traders during difficult times.

4.3 A three year contract has been awarded to the Festive Lighting Company for the provision of Christmas lights in Staines Town Centre. The Council is also providing Grant funding for Christmas lights in Ashford, Shepperton and Lower Sunbury for 2010/11.

4.4 The Cabinet has approved the 3 year contract for Christmas lighting in Staines Town Centre and officers have been instructed to work with Chambers of Commerce and traders in the borough to take responsibility for Christmas lights.

5. CAPITAL FUNDING FOR SALIX PROJECT

5.1 The Cabinet considered a report on a match funding Salix capital project for the draught proofing of windows at the Knowle Green Council Offices.

5.2 As a local authority the Council had an important role to play in helping to deliver climate change targets, demonstrating improvements, how the Council reduces its energy use and associated costs and giving a lead to the community.

5.3 Cabinet approved a net capital contribution of £21,500 (and a gross capital provision of £43,000) to proceed with the Salix funded project to draught proof the Knowle Green Council Offices.

6. STANWELL NEW START

6.1 The Cabinet considered a report on the progress made on the Stanwell New Start Project and I have great pleasure in announcing that despite all the difficulties that have arisen due to the instability of the property market and the uncertainty as to grant funding, the Council and A2Dominion have negotiated a revised deal which will allow the project to continue to progress.

6.2 This project seeks to regenerate and revitalise the area and provides real benefits to the local community. The Council will help in any way possible, in order to allow this project to proceed which will give greater certainty to the residents in and around the area that their new homes will be delivered.

6.3 Not only have we made a positive step forward in this project, but the Council's advisors have also negotiated a better deal for the Council, which provides improved security on the delivery of the aspirations for the project, such as new housing and community facilities, and places the Council in an improved financial position compared to that previously negotiated.

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee held a meeting on 16 September 2010 and considered the following items of business.

1. ANNUAL GOVERNANCE STATEMENT

The Committee discussed whether it wished to look in more detail at the sources of assurance upon which the Annual Governance Statement was based. It agreed it would be helpful to see the set of matrices, which are produced by CIPFA/Solace and used to assess the Council's position against set criteria for the Code of Corporate Governance. The Committee agreed to receive a report on the review of the Code of Corporate Governance together with the updated matrices, after it had been reviewed by the Overview and Scrutiny Committee and before their consideration of the AGS at the June 2011 meeting.

2. EXTERNAL AUDIT REPORT ON 2009/10 AUDIT AND STATEMENT OF ACCOUNTS

The Committee noted the External Audit report on the 2009/10 Statement of Accounts, Use of Resources and Governance and the officer responses to the External Auditors' recommendations.

The Committee noted that the Chief Finance Officer would provide an update on progress with implementing the International Financial Reporting Standards, (IFRS) at its March 2011 meeting and that a training session on the IFRS would be arranged for the Committee prior to its June 2011 meeting.

The Committee asked the Chief Finance Officer to circulate additional information relating to the Statement of Accounts.

The Chairman asked KPMG whether they felt the Council had obtained value for money on the use of resources work it had paid for bearing in mind that much of the feedback they had provided in their report reflected issues Council officers had identified and already flagged to the Committee. Details of the discussion are available in the minutes.

The Committee authorised the Chief Finance Officer and the Chairman of the Audit Committee to sign the draft letter of representation as set out in the auditors' report.

3. CORPORATE RISK MANAGEMENT

The Committee considered and approved the quarterly update on the Corporate Risk Register.

4. ANNUAL REVIEW OF THE SYSTEM OF INTERNAL AUDIT

The Committee considered and approved a report on the annual review of the system of internal audit. The Committee expressed their thanks to the internal audit team for the work they had done in assisting the external auditor.

5. COMMITTEE WORK PROGRAMME 2010/11

The Committee considered and approved its Work Programme for the Municipal Year 2010/11 subject to the inclusion of the matters discussed at the meeting.

Councillor M.T. Royer
Chairman of the Audit Committee

21 October 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE LICENSING COMMITTEE

There have been three Licensing Sub-Committee meetings and a full Licensing Committee since my last report. Details of their work are set out below.

LICENSING SUB-COMMITTEE 28 JULY 2010

A Licensing Sub-Committee dispensed with a hearing following the withdrawal of an objection by Surrey Police to a minor variation of the Premises Licence at Shepperton Food & Wines Ltd., 135 Green Lane, Shepperton, TW17 8DY.

LICENSING SUB-COMMITTEE 10 AUGUST 2010

A Licensing Sub-Committee considered an application by Surrey Police for a review of the Premises Licence at Bar Niche, 169 High Street, Staines. The Premises Licence was suspended for a period of two weeks and the conditions modified.

LICENSING SUB-COMMITTEE 13 SEPTEMBER 2010

A Licensing Sub-Committee considered a report to determine whether an individual is a fit and proper person to hold a hackney carriage driver licence. His licence to drive a Hackney Carriage was suspended for a period of fourteen (14) days.

LICENSING COMMITTEE 6 OCTOBER 2010

Adoption of Statement of Licensing Policy 2011 – 2014

The Licensing Committee considered and agreed to recommend Cabinet to adopt Spelthorne's Statement of Licensing Policy 2011 – 2014.

The Committee acknowledged that the policy has primarily been updated to reflect legislative changes in the period since the policy was last updated; and that some minor amendments have been made to the policy following feedback during the consultation period.

Revision of Hackney Carriage and Private Hire licence requirements policy

The Licensing Committee considered and agreed to recommend Cabinet to amend the Hackney Carriage and Private Hire requirements policy to remove discounted licence fees for vehicles with swivel seats following a consultation with the trade.

Councillor Robin Sider
Chairman of the Licensing Committee

21 October 2010

REPORT OF THE CHAIRMAN ON THE WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE

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

1. BUSINESS TRANSFORMATION PROGRAMME

1.1 The committee received a presentation from the Business Improvement Manager on the progress to date of the business transformation programme which covered the following projects:

Document Management and Scanning (SharePoint)

Customer Relationship Management (CRM)

Website upgrade

Remote Working (Pilot)

Housing Options Systems Review

Programme Governance

1.2 The committee noted that the programme was well underway and once completed would deliver significant cashable savings as well as significant efficiency savings across most areas of the council.

1.3 During the debate the committee acknowledged how important the work of the programme was and the need to ensure any short term resource savings would not jeopardise the programme.

2. SPELTHORNE BOROUGH YOUTH PLAN

2.1 The Committee received a presentation from the Borough Council's Youth Officer on the progress made with the Youth Plan 2008 – 2012 which was set out in six categories, five of which were linked in with the national 'Every Child Matters' standards. The presentation highlighted the key areas of success and where further work was required.

2.2 During the discussion the committee requested more evidence on the national standards 'Every Child Matters' and statistics on leisure events.

3. WORK FORCE MONITORING

3.1 The Committee discussed a report from the Head of Human Resources on the diversity of the workforce and recruitment monitoring for the year 2009/2010.

4. STREETSCENE SERVICES

4.1 The Committee discussed with the Head of Streetscene her briefing paper outlining the work of the service, which included Enforcement, Refuse Collection, Street Cleansing and Refuse and Recycling.

5. FINANCIAL REPORTS

- 5.1 The Committee received two financial monitoring reports setting out the provisional outturn position for both revenue and capital for the period April to July 2010. In relation to Capital £487k had been spent to date against the original annual budget of £2,204k and against the revised annual budget of £2,767k. In respect of the Revenue budget £2,302m had been spent to date against the original annual budget of £13,851m.

6. PROPOSED ECO PARK UPDATE

- 6.1 The Committee discussed the arrangements being put in place for the committee to hold a special meeting to consider the Eco Park proposals. To assist the committee residents and other interested parties would be invited to submit their questions/concerns which would be raised at the meeting via members of the committee. It was agreed that as Chairman I would categorise the questions and allocate the questions to members of the committee to ask at the special meeting.

7. WORK PROGRAMME

- 7.1 During the course of the meeting various topics were identified for inclusion in the work programme including progress reports on the Business Transformation Programmes and the long term vision for Streetscene Services.
- 7.2 If any members of the Committee have any issues they wished to be considered for inclusion in the work programme details should be sent to me as Chairman and to Brian Harris, Assistant Chief Executive.

Councillor Philippa Broom

Chairman of the Overview and Scrutiny Committee

21 October 2010

LICENSING SUB-COMMITTEE

25 October 2010

Resolution required

Report of the Head of Environmental Health and Building Control Services

Applicant	Mr Sung Chul Lim
Premises	Forest & Ocean 13-15 High Street Staines TW18 4QY
Location plan	Appendix A
Designated Premises Supervisor:	Mr Simon Price

1. BACKGROUND INFORMATION

The premises operated prior to the Licensing Act 2003 as a late licensed venue offering alcohol and entertainment under the provisions of relevant licences. The licences were converted to a premises licence under the Licensing Act in August 2005.

The current licence holders took over the business in February 2010. The nature of the business differed from the pub/nightclub it was prior to their tenure. When it opened it was promoted as a restaurant with karaoke facilities. However the signage has recently changed and the venue is now branded as “Forest Karaoke Club” and “Ocean Restaurant”.

An application was made and subsequently granted in March 2010 for a “minor variation” to change the layout and alter conditions specific to the previous operation.

The current permitted hours are:

DAY	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
FROM	10.00	10.00	10.00	10.00	10.00	10.00	noon
TO	23.00	23.00	23.00	00.30	02.00	02.00	00.00

A copy of the current licence is at **Appendix B**

The current permitted licensable activities are:

- Exhibition of films
- Indoor sport
- Live and recorded music
- Performances of dance
- Provision of late night refreshment

Enforcement

There were initially some concerns when the licence was transferred to the current holders in February 2010 that internal alterations had been made to the layout without there having been an application to vary the licence. This was necessary as the plan forms part of the licence. This was remedied by the submission of a “minor variation” application in March 2010 as mentioned above. The current DPS has co-operated with Surrey Police and has been proactive in seeking advice from the authorities.

Complaints have been received in Environmental Health about Forest & Ocean in relation to blocked drains, food waste, litter, and bins overflowing in a shared rear parking area. At the time of writing, the matter was being investigated by Environmental Health Officers and the licence holders are co-operating in that investigation.

2. THE APPLICATION

The application is to extend the hours of the current licensable activities of the Forest & Ocean restaurant and karaoke bar as follows:

DAY	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
FROM	10.00	10.00	10.00	10.00	10.00	10.00	12.00
TO*	01.30	01.30	01.30	02.00	04.00	04.00	02.00

Opening hours of premises: 30 minutes later than times for licensable activities

The application also requests the addition of regulated entertainment permitting the provision of facilities for making music and dancing.

3. APPLICANT PROPOSES TO TAKE THE FOLLOWING STEPS TO PROMOTE THE LICENSING OBJECTIVES:

The applicant has not offered any additional conditions on their operating schedule in respect of this application.

The applicant’s agent, John Gaunt and Partners Solicitors, advised that the existing operating schedule had been reviewed for its suitability for late night trading.

As the premises are already licensed to trade until the early hours of the morning, they submitted that the existing conditions were suitable and reflected the type of operation at the premises. They further submitted that it was not anticipated that the proposed variation would adversely affect the four licensing objectives and that the proposed operating schedule had been prepared on that basis.

However, in response to suggestions made by Surrey Police, their clients subsequently volunteered the following additional condition:

“The DPS shall conduct a risk assessment regarding the need of additional door supervisors in addition to the current conditions on the Premises Licence during

additional hours and support any reasonable request made by Surrey Police in relation to numbers of door supervisors”

4. REPRESENTATIONS RECEIVED:

(a) Responsible authorities

No representations were received from responsible authorities

(b) Interested Parties

12 representations were received from interested parties and are at **Appendix C**

Three independent petitions with a total of 91 names were received but they were not received within the statutory timescale, included some signatories that cannot be considered as interested parties because they do not live in the vicinity, and the grounds for the objection to the application were not given. The petitions cannot therefore be considered by the licensing sub-committee.

5. SUMMARY OF GROUNDS FOR REPRESENTATION

The grounds for the representations are self-explanatory. However, common themes that emerge and which are relevant to the licensing objectives are:

- fears of an extension to rowdy and antisocial behaviour,
- Disturbance from loud music and people entering and leaving the premises in the early hours,
- that Surrey Police will not cope with the potential extra burden on resources,
- and littering.

Issues which are ***not relevant*** to the licensing objectives and cannot be taken into account by a Licensing Committee:

- Objections on the basis of need, or lack of need, for premises to operate into the early hours.
- Objections based on lack of parking or other wider amenity issues that can be considered in a planning application.

6. MAKING A DECISION

Options

In order to promote the licensing objectives, the Committee may

- **GRANT THE APPLICATION**

Or

- **MODIFY THE CONDITIONS OF THE LICENCE, BY ALTERATION, ADDITION OR OMISSION**

Or

- **REJECT THE WHOLE OR PART OF THE APPLICATION**

REPORT OF THE CHAIRMAN ON THE WORK OF THE STANDARDS COMMITTEE

The Standards Committee has met once since the last Council meeting and considered the following items of business.

1. REVIEW OF THE PLANNING CODE

- 1.1 The Committee continued its discussions with the Monitoring Officer on the annual review of the Planning Code.
- 1.2 To assist the Committee the Monitoring Officer had circulated with the agenda a copy of the Planning Code identifying the suggested changes made to date. The Committee discussed the document page by page and made comments for the Monitoring Officer to take on board and amend for further consideration.
- 1.3 To assist in the review of the Planning Code the Chairman of the Planning Committee, and the Head of Planning and Housing Strategy had been invited to attend the meeting and take part in the discussion.
- 1.4 The revised Planning Code will be submitted to the next Council meeting.

Murray Litvak
Chairman of the Standards Committee

21 October 2010

