



18 April 2011

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TO THE COUNCILLORS OF THE SPELTHORNE BOROUGH COUNCIL

I hereby summon you to attend a meeting of the Council to be held in the **Council Chamber, Council Offices, Knowle Green, Staines** on **THURSDAY 28 APRIL 2011** commencing at **7.30pm** for the transaction of the following business.

ROBERTO TAMBINI
Chief Executive

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

EMERGENCY PROCEDURE

In the event of an emergency, leave the building immediately. Proceed downstairs by way of the main stairs or follow any of the emergency exit signs. Leave the building and assemble on the Green adjacent to Broome Lodge, which is located at the front of the Council offices.

THE LIFT MUST NOT BE USED

AGENDA

PAGE No.

1. **APOLOGIES FOR ABSENCE**
To receive any apologies for non-attendance.
2. **MINUTES – COUNCIL MEETING HELD ON 24 FEBRUARY 2011**
To confirm as a correct record the Minutes of the Council Meeting held on 24 February 2011. 5-17
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**
To receive any announcements from the Mayor.
5. **ANNOUNCEMENTS FROM THE LEADER**
To receive any announcements from the Leader.
6. **ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE**
To receive any announcements from the Chief Executive.
7. **QUESTIONS FROM MEMBERS OF THE PUBLIC**
The Leader or his nominee to answer questions raised by members of the public in accordance with Standing Order 13.
8. **PETITION**
To receive any petitions submitted in accordance with the Council's Petition Scheme which have sufficient signatories to be debated by Council.
9. **RECOMMENDATIONS FROM THE CABINET** 18
To consider the recommendations from the Cabinet on:
 - (1) **Annual review of the Constitution**
 - (2) **Planning – Amendments to the scheme of Delegation**
 - (3) **Food waste collection service – Key Decision**
 - (4) **The Supplementary Planning Document (SPD) on the Design of Residential and New Residential Development - Key Decision**
(to follow)

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| 10. | REPORT FROM THE LEADER OF THE COUNCIL | 19-20 |
| | To receive the report from the Leader of the Council on the work of the Cabinet. | |
| 11. | REPORT FROM THE CHAIRMAN OF THE AUDIT COMMITTEE | 21 |
| | To receive the report from the Chairman of the Audit Committee on the work of his Committee. | |
| 12. | REPORT FROM THE CHAIRMAN OF THE LICENSING COMMITTEE | 22 |
| | To receive the report from the Chairman of the Licensing Committee on the work of his Committee. | |
| 13. | REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE | 23-25 |
| | To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee. | |
| 14. | REPORT FROM THE CHAIRMAN OF THE PLANNING COMMITTEE | 26 |
| | To receive the report from the Chairman of the Planning Committee on the work of his Committee. | |
| 15. | REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE | 27-28 |
| | To receive the report from the Chairman of the Standards Committee on the work of his Committee. | |
| 16. | MOTIONS | |
| | Under Standing Order 16.3 the Council has received Notice of the following Motion: | |
| | “This Council is strongly opposed to the proposals by Surrey County Council to introduce parking charges on the borough’s roads on the following grounds: | |
| | The complete failure of Surrey County Council to hold any consultations with this council or local residents prior to announcing its proposals, even though the proposals will damage local shops and businesses; particularly in the three smaller shopping centres currently receiving regeneration grants. | |
| | The announcement of the proposals on the Surrey County Council web site before they were notified to this council. | |
| | The failure of Surrey County Council to notify Spelthorne Council officers of the proposals despite stating that they had done so. | |
| | The very serious adverse effect that the proposals would have on the economic health of local shops and businesses, particularly as this Council is joint funding with the County Council regeneration schemes for all three smaller shopping centres. | |

The failure of Surrey County Council to continue discussions with this council on alternative means of ensuring that on street enforcement could be carried out more efficiently."

Proposed by Cllr R.A. Smith-Ainsley

Seconded by Cllr R.W. Sider

17. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer questions from Members on issues in their Ward, in accordance with Standing Order 14.

18. GENERAL QUESTIONS

The Leader or his nominee to answer questions from Members on matters affecting the Borough or for which their Committee has responsibility, in accordance with Standing Order 14.

19. URGENT BUSINESS

To consider any urgent business.

If you wish to read the report for an item, Ctrl and click on the underlined heading will take you to the report document.

**MINUTES OF THE COUNCIL MEETING HELD ON 24 FEBRUARY 2011
BOROUGH OF SPELTHORNE**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON
THURSDAY 24 FEBRUARY 2011**

Amos Mrs P.C.	Dunn Mrs S.A.	Packman J.D. (Leader)
Ayers F	Forsbrey G.E.	Pinkerton Mrs J.M.
Bain Miss M.M.	Grant Mrs D.L.	Pinkerton Jack D.
Beardsmore I.J.	Hirst A.P.	Royer M.T.
Bell Mrs E.M.	Leighton Mrs V.J.	Sider R.W.
Bhadye S.	Napper Mrs I.	Smith-Ainsley R.A. (Deputy Leader)
Colison-Crawford R.B.	Nichols Mrs C.E.	Thomson H.A.
Crabb T.W.	Nichols L.E.	Trussler G.F.
Davis C.A.	O'Hara E. (The Mayor)	

Sue Faulkner – Vice-Chairman of Standards Committee

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

53/11 APOLOGIES

Apologies for absence were received from Councillors Broom, Budd (Deputy Mayor), Chouhan, Fairfax, Flurry, Ms Hyams, Jaffer, McShane, Mrs Rough, Mr Rough and Strong.

54/11 MINUTES

The minutes of the Special Council and Council meetings held on 16 December 2010 were approved as a correct record.

55/11 ANNOUNCEMENTS FROM THE MAYOR

1) Young Carers Award

The Mayor welcomed nine very special young people to the Council meeting. They had each been nominated for a Young Carers Award and the ward councillor for each of the young people read aloud a citation describing the courageous way in which they had coped in difficult home situations. Each young person received a certificate and had a photograph taken with their parents and the Mayor and Mayoress.

The names of the young carers receiving the award and their citation are reproduced below:

Sophie (15), Katie (13) and Abigail (11) Wawman

Councillor Trussler:

“Our Mum has M.E which is also known as Chronic Fatigue Syndrome, causing her to be in pain and to be tired most of the time. We all do our best to comfort her, keep her company and help out where we can. Some of the things we do to help, involve; cooking, cleaning, assisting her in the bath, up and down the stairs and just being with her when she feels low. Having to care for our mum affects us as we cannot go out as much as other children and when we do, we worry about her, even when we are at school. We cannot have friends over as much because time with them will be compromised by helping out mum. Some evenings we spend in together and we try to make them as much fun and worry-free as possible, for us and mum. We all snuggle up on the sofa and watch a film or do girly stuff like paint each other’s nails and do each other’s hair. Surrey Young Carers have helped us cope with the stress and worries, being there to talk to and meet new people in the same situation. Even treated us to outings and trips too! We love our mum very much and would never change her for the world!”

Callum Mitchell (12)

Councillor Hirst:

“Callum, who loves bikes, sports and especially skateboarding, joined Surrey Carers two years ago. His mother, Chantelle, suffers from a Severe Bowel Disorder and a number of other illnesses. Callum looks after her as well as his little sister Brooke who has an Immune System Deficiency. Callum wrote, “since I was a baby my mum’s been ill, she’s had lots of operations and spends a lot of time in hospital. I live with my mum and my sister who is five and if mum’s ill or in hospital me and Brooke stay at my nan’s and we’ve already spent two weeks there this year. At home I help my mum a lot, also my sister who has something wrong with her immune system and goes to Great Ormond Street hospital. Mum and Brooke take a lot of medicine every day, some days I’m really angry and other days I am really sad and don’t know what’s going to happen and Surrey Young Carers bought me a punch bag! So when I’ve had a bad day I can punch that!”

Ollie Walsh (12 ½)

Councillor Colison-Crawford:

“Ollie has three brothers, two who are older and at the moment attend university. His younger brother has a very rare genetic disorder. He has his own room when his brothers are away, but has to share a room with his younger brother when they come home at holidays, etc. He feels very passionately about his brother and the lack of support that his family get. He also wrote to David Cameron some time ago but never received a reply.

MY LIFE WITH HARRY

Harry is my little brother. He has 49xxxxxy syndrome, severe learning disabilities, autism and extremely challenging behaviour. Harry can be very annoying at times, and loving at others. Harry will often attack me, when he feels aggravated, even though there is no need to be. Harry seems to have a switch which affects his behaviour!! Harry does not sleep very well, as he wakes up most nights and early in the morning, this will affect my sleep.

We don’t often go on family days out, as Harry will get restless quick. I play with Harry a lot, I sometimes get up early with him to give mum and dad a break, make him hot chocolate, help give him a bath.

COUNCIL, 24 FEBRUARY 2011 - Continued

We had a great residential with young carers in June last year, and it meant a lot to have a break from Harry, as he is 24/7.”

Jessica Mahoney (16)

Councillor Beardsmore:

“Jessica looks after her mother and joined the Surrey Young Carers just six months ago. She has two older sisters, one has left home. Her mother suffers from an extreme form of muscular dystrophy. She has just started to attend Brooklands College. My name is Jessica Mahoney and I am 17 years old. I live with my mum and sister at home, however I also have another sister and a nephew. My nan and auntie live in Dorset and that is my close family.

I care for my mum, she suffers from Muscular Dystrophy, the same as my nan and aunties do. I started mainly caring for my mum when I was in year 7, at 11 years old. My nan has also unfortunately been diagnosed with cancer and sometimes she gets quite ill and goes into hospital. We travel down to make sure she is ok and to look after her when she comes out. I recently got told that there would be a 50% chance that I and my 2 sisters could inherit the disease. I help her with the general things to make life easier. I help with the cleaning in the house, I help cook dinner, do shopping and then I also help with personal care such as helping her to get into bed, making sure she is ok when having a shower. Because of my mum’s condition sometimes her chest goes into a cramp which means she cannot get any air into her lungs. I have to help her then as well by getting her breathing machine started and doing other procedures to help get the air down again.”

Henry Vialardi (8 1/2)

Councillor Smith-Ainsley:

“Henry’s older brother Josh was born severely disabled and has very complex needs.

Henry wrote:- Good Evening

My name is Henry Vialardi and I am 9 years old tomorrow. I go to St Nicholas school and I am in Year 4.

I live in Charlton Village with my Mum, Dad and big brother Joshua who is 15. My brother goes to Walton Leigh, which is a special school.

My favourite hobbies are; building with Lego – especially Star Wars, going to Cubs and going to Surrey Young Carers – also known as SYC.

My brother takes up a lot of mummy and daddy’s time because he needs a lot of extra help. He can also get quite cross when things don’t go right for him. He also talks about the same thing over and over which drives everyone nuts! Sometimes I have to tell little white lies and to “go with the flow” so not to upset Josh when I have special time with mum and dad.

I joined SYC last year and my first trip out with the gang was to Paultons Park - without mum, dad or my brother telling me what to do all the time. I also went along to the Activity Groups in Shepperton for 8 weeks. This was really cool. We played games, made things and also talked about our life at home. I also made some really good friends. It was good just being me. Thank you for listening and good night.”

Joey (18) and Jordan (16) Jennings

Councillor Amos:

“Joey and Jordan’s mother, Jasmine, has Brittle Asthma and chronic back and joint pains due to all the steroids she has been on over the years. She relies on crutches

and a wheelchair to get around and has to carry a nebulizer with her at all times due to the nature of Brittle Asthma.

Joey is the eldest and attends Brooklands College. Jordan has Attention Deficit Hyperactivity Disorder (ADHD); autism and has learning difficulties. He attends Philip Southcote School, a Special Needs School in Addlestone. In spite of his own needs Jordan offers some support to his mum.

Joey became the main carer for his mum, with some help from Jordan after the sudden death of their father in June 2008. Despite everything, Joey continues to care for both his mum and brother.”

2) Peggy Pickering

The Mayor presented Peggy Pickering with a copy of her picture as thanks for allowing him to use her original painting as the Mayor’s Christmas Card 2010 and placing it into the silent auction at his Charity Ball.

3) Jos Sartain

The Mayor presented Jos Sartain, the Community Network Co-ordinator for the Spelthorne Mental Health team, with two awards which she had won at the NHS Star Awards for staff achievements.

The first award was in the Creativity and Innovation category and the Mayor read the following citation:

“Jos has a gift for identifying a need and then researching creatively to find a way to deliver a solution. Alongside all the daily demands of managing a team of staff and volunteers, she has pursued her passion for social inclusion by setting up self-funded activities and projects led by people using the services – such as a mobile internet café – to help them on the path to recovery. Last year she also ran a successful sports day at the Abraham Cowley Unit and later gained funding from the County Council’s arts team to run a song and dance day at the Runnymede Centre. Both events attracted over 100 people, young and old and she has bigger plans for this year and next.”

The second award was for Employee of the Year, with the following citation read by the Mayor:

“She has a practical ‘can do’ attitude which is infectious.

Jos has created an ethos of mutual support and respect, with her team more than willing to follow her hard-working example. She makes people feel productive and listened to by welcoming suggestions from others and has developed a raft of creative events and activities to help members of the network – both paid and voluntary – gain experience and self-esteem. Her projects include a self-financing badminton group and a song and dance day attended by over 100 people. Among her future plans is a regular slot for staff and members on a local radio station and a mobile internet café run by people using the service.”

56/11 [OUTLINE BUDGET 2011/2015](#)

The Council considered the recommendation of the Cabinet on the Outline Budget 2011/12 – 2015/16.

RESOLVED

COUNCIL, 24 FEBRUARY 2011 - Continued

1. That the net budgeted expenditure (before investment income and use of reserves) for 2011/2012 be set at a maximum level of £11.831m;
2. That, in order to reach this level, the Management Team identifies a package of options by which the budget can be balanced both in 2011-12 and 2012-13 and over the next three years of the outline period;
3. That for the purposes of the Outline Budget an annual increase of 0% has been assumed for pay and council tax increases for 2011-12;
4. That the Council's use of reserves policy be reviewed with the aim of the Council seeking to take account of the impact of the economic downturn and the reduced potential for capital receipts and the need to maintain a capital programme whilst continuing to maximise the level of its reserves and
5. That an agreed total reserves target minimum level (as measured on 31 March each year) be set at a level of £12m for 31/3/12.

57/11 DETAILED BUDGET 2011/12

The Council considered the recommendation of the Cabinet on the detailed Budget for 2011/2012 and on a formal proposal on a Council Tax for 2011/2012.

The Mayor referred Members to the Budget Book (green cover) reflecting the decisions and recommendations made by the Cabinet on 15 February 2011.

At the invitation of the Mayor, the Council gave consent under Standing Order 18.4 for the budget speech of each of the Group Leaders to exceed 10 minutes.

The Leader of the Council, Councillor John Packman, made a statement on the Budget and Council Tax and moved the recommendations on the detailed Budget for 2011/2012 as set out in the Budget Book (green cover). This was seconded by Councillor Mrs Leighton. The Leader of the Opposition Group, Councillor Lawrence Nichols, also made a statement.

A copy of the Council Leader's and the Opposition Leader's statements are attached to these Minutes at Appendices A and B, respectively.

Councillor Packman requested, under Standing Order 21.4, that the voting on the recommendations be recorded.

The voting was as follows:

FOR (19)	Councillors Mrs. P.C. Amos, F. Ayers, Miss M.M. Bain, S. Bhadye, C.A. Davis, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Mrs V.J. Leighton, Mrs I. Napper, E. O'Hara, J.D. Packman, Mrs J.M. Pinkerton, Jack D. Pinkerton, M.T. Royer, R.W. Sider, R.A. Smith-Ainsley, H.A. Thomson and G.F. Trussler
AGAINST (6)	Councillors Mrs E.M. Bell, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, Mrs C.E. Nichols and L.E. Nichols.
ABSTAIN (1)	Councillor I.J. Beardsmore

COUNCIL, 24 FEBRUARY 2011 - Continued

RESOLVED:

1. To consider and approve the growth and savings items as set out in the report.
2. To approve a 0% increase in the Spelthorne Borough Council element of the council tax for 2011/12 the following proposals:
 - a) The Revenue Estimates as set out be approved
 - b) No money, as set out in this report, is appropriated from General Reserves in support of Spelthorne's local Council Tax for 2011/12. £276k to be used from specific reserves
 - c) To agree that the council tax base for the year 2011/12 is 40489.0 calculated in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, made under Section 35(5) of the Local Government Finance Act 1992.
3. That the following sums be now calculated by the Council for the year 2011/12 in accordance with Sections 32 and 33 of the Local Government Act 1992.

(a)	£54,582,700	Being the aggregate of the amount which the council estimates for the items set out in Section 32 (2)(a) to (e) of the Act
(b)	£43,519,062	Being the aggregate for the amounts which the Council estimates for the items set out in Section 32 (3)(a) to (c) of the Act.
(c)	£11,063,638	Being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
(d)	£4,289,828	Being the aggregate sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant, increased by the sum which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax surplus) and increased by the sum which the council estimates will be transferred from its collection Fund to its General Fund pursuant to the collection Fund (Community Charges) Directions under Section 98(4) of the Local Government Finance Act 1988 made on 7 th February 1994 (Community Charge surplus).
(e)	£167.30	Being the sum (c) above less the amount at (d) above, all divided by the amount at (c) above, calculated by the Council in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.

COUNCIL, 24 FEBRUARY 2011 - Continued

4. That the following amounts be now calculated by the Council for the year 2011/12 in accordance with Section 36 of the Local Government Finance Act 1992.

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
111.53	130.12	148.71	167.30	204.48	241.66	278.83	334.60

Being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the sum which in that proportion is applicable to dwellings listed in valuation band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different band.

5. That it be noted that for the year 2011/2012 that the Surrey County Council and the Surrey Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40, as amended, of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below.

Valuation Bands	A £	B £	C £	D £	E £	F £	G £	H £
Precepting Authority: Surrey County Council	744.24	868.28	992.32	1116.36	1364.44	1612.52	1860.60	2232.72
Surrey Police Authority	132.36	154.42	176.48	198.54	242.66	286.78	330.90	397.08

6. That, having calculated the aggregate in each case of the amounts at 4. and 5. above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out the following amounts as the amounts of Council Tax for the year 2011/2012 for each of the categories of dwellings shown below.

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
988.13	1152.82	1317.51	1482.20	1811.58	2140.96	2470.33	2964.40

58/11 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2011/12

The Council considered the recommendation of the Cabinet on the Treasury Management Strategy Statement and Annual Investments Strategy 2011/2012.

RESOLVED to approve the Treasury Management Strategy and Annual Investment Strategy for 2011/12 and the Prudential Indicators for 2011/12, as set out in the report of the Chief Finance Officer.

59/11 CALENDAR OF MEETINGS JUNE 2011 – MAY 2012

The Council considered the recommendation of the Cabinet on a Calendar of Meetings June 2011 to May 2012.

RESOLVED to approve the Calendar of Meetings for the period 1 June 2011 to 24 May 2012, attached at Appendix A to the report of the Deputy Chief Executive.

60/11 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor John Packman, presented his report which outlined the various matters the Cabinet had decided since the last Council meeting.

Councillor Mrs Caroline Nichols asked a question in relation to the item on the Parks and Open Spaces Strategy on whether a playground could be provided near Orchard Meadow in the Sunbury East ward. The Leader agreed to give consideration to this request and provide an answer in writing.

The response provided subsequently in writing is set out below:

“We will look at funding for a play area near Orchard Meadow in the next financial year, but location (and style of play area) would be subject to finance being available.”

Councillor Lawrence Nichols asked a question in relation to the item on the draft Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development. He stated that the SPD failed to satisfy the definition of a “storey” and a stronger one was needed. This was supported by the Mayor who suggested the matter be progressed through the Local Development Framework working party. The response provided subsequently in writing is set out below:

“You expressed concern at Council that the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development no longer had a definition of the word ‘storey’. You also referred to your suggestion made after the last LDF Working Party that the word ‘storey’ could be considered to be any floor level which has a self contained habitable unit as this would avoid automatically classifying all rooms in a roof space as an additional storey.

Firstly I can confirm that the current consultation document has a clear definition of the word ‘storey’ in the first sentence in paragraph 3.10.

The definition of the word ‘storey’ and the planning implications of adding additional accommodation in roof spaces or enlarging roofs you will recall was discussed at some length at the last Local Development Framework Working Party. The Working Party considered the matter very carefully and accepted some revised wording to further improve the way this issue and the design implications that arise are explained. At the heart of the definition issue is the need to ensure that any potential overbearing impact from the scale of a development or overlooking from windows at a higher level are properly taken into account. The revised wording clearly explains this and concludes by stating at the new paragraph 3.13 “Any proposal which results

in a structure that is overbearing due to its scale, or which leads to loss of privacy due to overlooking will be considered as unacceptable.”

I think with respect your own definition would add confusion to the clear definition we have in the document and obscure the issues we are trying to bring out and summarised in the above extract. The issues are much wider than those relating to self contained accommodation.

We are of course now consulting the public on the final draft of the document and will have the opportunity to make further amendments if there is a need for more clarification.”

61/11 REPORT FROM THE CHAIRMAN OF THE 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.

62/11 REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

Councillor G.F. Trussler, a member of the Overview and Scrutiny Committee, presented the report, which outlined the matters the Committee had decided since the last Council meeting.

63/11 REPORT FROM THE CHAIRMAN OF THE 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.

64/11 GENERAL QUESTIONS

Five general questions had been submitted under Standing Order 14. 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 Tony Crabb:

“Since being appointed to the planning committee by the Leader last May, one member has been able to attend only one of its twelve meetings since then. A second member appointed by the Leader has not yet attended one. Given their apparently pressing other commitments, why has the Leader not replaced them with others able to carry out the duties expected by the residents who elected them and for which they have received allowances?”

The response circulated at the meeting is set out below:

“Thank you for raising this important point Councillor Crabb. It is a concern to me that attendance at Committees and Task Forces is not what it should be and this applies to both sides of the Chamber. Please understand that I have spoken to the two councillors concerned to remind them of their duties to attend those committees to which they have been elected.

Unfortunately it is not in the gift of group leaders to change councillors on committees once they have been elected at the Annual Council meeting. If a councillor is unable to tackle the commitments to which they first agreed, then there should be a mechanism to address this. I think that this is an unfortunate oversight in the current constitution and I have asked the Head of Corporate Governance to look at this. We will consider a provision to be included in the forthcoming review of the constitution which would allow group leaders to change councillors on committees by way of a simple notification directly to the Chief Executive. As I say, this is early warning of a matter which will be included in Mr Graham's report to Council on 28 April. All councillors will have a chance to consider this in plenty of time and consider the matter at the next Council meeting.

Once again my thanks to Councillor Crabb for what is a sensible and important question which contributes to the smooth running of this authority."

Under Standing Order 14.2 Councillor Tony Crabb asked the following supplementary question:

"Given the Leader's impotence under the Constitution, since it must have become evident after, say, six months that the commitments of these two members were too great to allow them to fulfil their duties on the committee, why did he not ask them to stand down – indeed, why did they not stand down of their own volition? "

The response provided subsequently in writing is set out below:

"I note Councillor Crabb's frustration with the situation. I do not wish to minimise the importance of the issue, because I have said in the answer to his question that I am sympathetic. I also wish the circumstances were different. However, without going into chapter and verse, I would like to assure Councillor Crabb that I have tried to deal with the matter to the best of my ability. That I may not have been completely successful is evident because of the continued poor attendance record, there is no arguing with that. As I pointed out in my initial response, the main thing is to ensure that we are not in this position again in the new Council and that any group leader has the power to deal swiftly with similar circumstances. The matter will be before the Council on 28 April to consider a new power in the constitution."

Question from Councillor Elisabeth Bell:

"Has the Council set any maximum limit on individual salary increases for the next financial year, and does the Council expect to be paying any bonuses in the next financial year?"

The response circulated at the meeting is set out below:

"As all Councillors must be aware the Council has already announced a pay freeze for 2011-12. I must emphasise that this will be the second year running that no pay awards have been made to our staff. We are aware that nationally there will be no pay award for local government staff this year, although staff who are not at the top of their pay scales will be entitled to annual single increment rises. However, with regard to 'bonuses', the Council scrapped Performance Related Pay some 5 years ago and does not pay bonuses. We do occasionally pay 'merit awards' to staff for outstanding performance, which will typically amount to a few hundred pounds. These are given at the discretion of the Chief Executive.

Regradings are considered where staff assume more responsibility as a result of such things as restructuring, but are only considered if they deliver cash savings.”

Question from Councillor Mrs Caroline Nichols:

“What progress has the Council made in reducing the amount of household waste produced (including recyclables) per Spelthorne resident. In respect of doorstep collections what have been the per capita tonnages collected in each of the past five years, broken down into black bag waste and recyclables and what are the forecast figures for the next two years? How many properties are still outstanding for doorstep recycling?”

The response circulated at the meeting is set out below:

“Firstly, can I again reiterate that all these facts are available directly from Officers and you do not need the time-wasting tactic of asking for the detail through Council question time?

However, let me say that the Council has made considerable progress in increasing the recycling rate from 19.57% to 36.36% between 2007 and 2010. I have a table here to give you which illustrates the data we have from DEFRA’s waste data flow system, which is the national system used to monitor all authorities waste collections. I hope this provides sufficient detail.

Year	Kg waste per head	Total household (HH) waste (tonnes)	Total HH waste recycled, reused, composted (tonnes)	% recycled, reused, composted *
Apr 06 – Mar 07	384.6	34,080.16	6,668.35	19.57
Apr 07 – Mar 08	375.09	34,046.61	8,483.15	24.92
Apr 08 – Mar 09	352.63	32,137.68	10,038.25	31.24
Apr 09 – Mar 10	352.43	32,071.43	10,730.87	33.46
Apr 10 – Sept 10	NDA	16,470 (6 months)	5,989.10 (6 months)	36.36 (6 months)

In terms of future recycling rates, we expect to see continuing modest increases of 1 to 2 % per year, as more people recycle and we move more difficult properties, such as flats, onto the alternate weekly system.

As per the last report to Overview & Scrutiny, we started in 2007 with about 8000 difficult properties, and have moved approx 4500 to alternate weekly collection and, therefore, still have approx 3500 remaining. However, we must note that some of these properties will not be easily moved over because of current physical problems, such as flats with chutes, of which there are a large number in Spelthorne.

If you require further information then I would suggest that you contact the relevant officer.”

Under Standing Order 14.2 Councillor Caroline Nichols asked the following supplementary question:

“This information is not in the public domain. Why do we not engage more with the community on waste reduction issues? ”

The response provided subsequently in writing is set out below:

“Councillor Mrs Nichols’ supplementary question implies that we do not engage with the community in regard to recycling. Which begs the question, how much more does she think we can do with our limited resources?”

We continue to work in the community through our links with schools, with the local businesses via the Business Forum, with residents associations, at community events such as Partnership Days. We also place regular articles in the Bulletin and electronic newsletter.

If the Councillor cares to contribute ideas that are cost effective, mindful of the current financial constraints, we will give them consideration.”

Question from Councillor Lawrence Nichols:

“The Leader has dismissed requests for the Council to seek a judicial review if Surrey County Council grants SITA’s application for an “ecopark” at Charlton. In view of the very strong objection to the application by Spelthorne’s planning committee, will he not at least take the modest step of obtaining legal opinion as to the viability of such a review, especially given the successful outcome of the legal challenge against a similar scheme at Capel Manor?”

The response circulated at the meeting is set out below:

“Councillor Nichols. I think it is pre-emptive to talk about the judicial review of decisions which have not been made as yet. A judicial review looks at the process by which decisions are made and it is not to be presumed that Surrey County Council will make an unlawful decision, even if it is a decision which is unpopular here in Spelthorne and is contrary to our advice.

For the record, I have not been asked about a judicial review on the forthcoming decision, but I was asked by Lower Sunbury Residents Association to consider seeking a counsel’s opinion on the decision to retain the present facility. As I am sure you are aware, I felt that I had to decline that request for reasons explained here.

I sympathise with the feelings of the local community about the recent decision of the Surrey County Council Planning and Regulatory Committee on the retention issue. It is very disappointing that the views of the Borough Council were not accepted and I was also sympathetic with the request that the Council look to take a legal challenge on this matter.

However, I have to remind you that the position of the Borough Council is that it is a statutory consultee in a planning application to be determined by the County Council. We have provided a thorough and detailed account of the reasons why we think there should be no retention of the present facility and why there should be no Eco Park at Charlton Lane. Our view on that has not prevailed, but that does not automatically mean that the County Council have acted unlawfully.

As I explained in my response to LOSRA, in these very difficult economic times, I do not think it is a good use of public money for the Borough Council to spend thousands investigating a legal challenge to the County Council when at the same time we are having to reduce grants to the voluntary sector and make staff redundant whilst trying to provide the same levels of service that residents expect.

The County Council are well advised and have to make the decision as they see fit, taking into account our views and others.

As regards, Capel Manor, I have to say that all these decisions have to be taken on their merits and what is applicable in one case is unlikely to be relevant to another.

Can I use this opportunity to ask you to join me in thanking our Planning Officers, the Chairman of the Planning Committee, Cllr Howard Thomson and the Vice-Chairman of the Planning Committee, Cllr Richard Smith-Ainsley for their dedication and attention to detail that enable them to move a recommendation to Very Strongly Object which was so warmly received by a packed public gallery at the Planning Meeting.”

Question from Councillor Sandra Dunn

“Given the closure of the Sunbury Police College do the Council intend to produce a planning brief for this prime location? If not, can the Council give any indication of the expected use of this site in the future?”

The response circulated at the meeting is set out below:

“This is a large site within the Lower Sunbury Conservation Area owned by the Metropolitan Police. We have had early contact with them and understand they intend to dispose of the site sometime this year.

For all large or complex sites we review the need to produce a planning brief. This site is in a largely residential area, with relatively straight forward issues and although there are flood risk issues to consider in this case, it is my view that it would be premature to make any comment on a specific use at this stage. Therefore, I have been advised by the Head of Planning that a planning brief is not necessary at this time. There are alternative approaches to providing planning guidance and Officers are considering the best approach.

However, can I assure the Councillor and the residents of the importance I place on getting the right form of redevelopment on this site and they will be consulted if and when an application is received.”

RECOMMENDATIONS OF THE CABINET

1. ANNUAL REVIEW OF THE CONSTITUTION

1.1 The Cabinet considered a report on suggested amendments and improvements to the Constitution.

1.2 The Cabinet recommends that Council agrees:

1. The amendments to the Constitution (in section 2 of the report) with effect from the third day after the local government elections of 2011 (9 May 2011).
2. That the Head of Corporate Governance publishes a new, update version of the Constitution on the Council's website from the same date.

2. PLANNING – AMENDMENTS TO THE SCHEME OF DELEGATION

2.1 The Cabinet considered a report on the proposed changes to the scheme of delegation regarding planning applications and the impact those changes would have.

2.2 The Cabinet recommends that the Council:-

Adopts option 2, as set out in paragraph 3.2 of the report of the Deputy Chief Executive, as the new scheme of delegation for dealing with planning matters, subject to the Head of Corporate Governance giving further consideration to the member call-in procedure.

3. FOOD WASTE COLLECTION SERVICE

3.1 The Cabinet considered a report on five recommendations for the implementation of a food waste collection service to commence in October 2011.

3.2 The Cabinet noted that Surrey County Council has the responsibility for making appropriate arrangements for the collected food waste to be disposed of at Colnbrook.

3.3 The Cabinet agreed to:

1. Authorise the Head of Sustainability and Leisure to implement a food waste collection service with effect from October 2011.
2. Note the arrangements which the Head of Streetscene will make to appoint eight new staff (loaders) for collecting food waste.
3. Authorise the Head of Streetscene to procure the kitchen caddies, food waste bins and liners.
4. Progress the planning and implementation of the food waste scheme through a Leader's Task Group in the new Council.

3.4 The Cabinet recommends that Council approves the capital funding of £265,000 for the procurement of kitchen caddies, food waste bins and liners.

RECOMMENDATIONS OF THE CABINET

4. The Supplementary Planning Document (SPD) on the Design of Residential and New Residential Development

- 4.1 The Cabinet considered a report on proposals to ensure that residential extensions and new residential developments are built to a high standard.
- 4.2 The proposals are intended to assist designers and home owners to create dwellings which fit in with the character of a locality.
- 4.3 The Cabinet noted the need to emphasise the importance of using good construction materials whose appearance can be maintained for the life of a building.

Cabinet agreed:

- 4.4 to approve the Consultation Statement for publication at the same time as the adoption of the SPD.
 - 4.5 to approve the publication of the statutory 'Adoption Statement' as required.
- 4.6 **The Cabinet recommended that Council adopts the Supplementary Planning Document (SPD) on the Design of Residential and New Residential Development as Council policy.**

Councillor John Packman
Leader of the Council

28 April 2011

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 meeting on 22 March 2011 and its Special Meeting on 30 March 2011.

CABINET – 22 MARCH 2011

1. ADOPTION OF FOOD AND HEALTH AND SAFETY SERVICE PLANS 2011-12

- 1.1 We considered the proposed service plans for 2011-12. The Food and Health and Safety Service Plans set out how authorised officers intend to ensure that the local food and non-food businesses they visit produce and sell food that is safe to eat and/or safeguard the health, safety and welfare of their employees and visitors.
- 1.2 We noted that, since Spelthorne successfully launched its “Scores on the Doors” scheme in October 2008, it has proved very popular with residents. The number of best performing food businesses has increased by 155 and the number of worst performing has dropped by 41.
- 1.3 We agreed the adoption of the service plans for 2011-12.

2. DOG CONTROL ORDER

- 2.1 We considered a report on a proposal for A Dog Fouling Order for playgrounds, parks, open spaces and public highways (pavements) within Spelthorne.
- 2.2 We noted that dog fouling in parks and pavements has increased and there is an expectation from the public that on-the-spot fines can be imposed.
- 2.3 We agreed that the Sustainability and Open Space Manager could proceed with a consultation, which is likely to start in May, on the implementation of a Dog Control Order for parks and highways in Spelthorne.

3. LEISURE EVENTS PROGRAMME

- 3.1 We considered the proposed events programme for 2011.
- 3.2 We noted that many of the events recognise the achievements of local people and their contribution to the community.
- 3.3 We agreed that the Leisure Services Department should support local community and voluntary groups to promote and deliver community events.

SPECIAL CABINET – 30 MARCH 2011

4. FOOD WASTE COLLECTION SERVICE – KEY DECISION

- 2.1 We considered a report on five recommendations for the implementation of a food waste collection service and authorised the Head of Sustainability and Leisure to implement the scheme from October 2011.
- 2.2 We noted, in particular, that Surrey County Council has the responsibility for making appropriate arrangements for disposal of the food waste collected.
- 2.3 We agreed to recommend that Council approves the capital funding of £265,000 for the procurement of kitchen caddies, food waste bins and liners.

Councillor John Packman
Leader of the Council

28 April 2011

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee held a meeting on 24 March 2011 and considered the following items of business.

1. CORPORATE RISK MANAGEMENT

The Committee noted the quarterly update on the Corporate Risk Register.

2. ANNUAL AUDIT SERVICES PLAN 2011/12

The Committee considered and noted the report which outlined the work planned by Audit Services for 2011/12.

3. INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Committee received and noted an update on the implications of the International Financial Reporting Standards on the work of the Committee. As there was no longer a requirement to take the draft statement of accounts to the Audit Committee for approval, the Committee agreed to include consideration of the audited Statement of Accounts at its September 2011 meeting. The Committee further agreed to bring forward the date of its September 2011 meeting to allow time for consideration of the Statement of Accounts before they were signed off on 30 September.

4. COMMITTEE WORK PROGRAMME 2011/12

The Committee considered and approved its Work Programme for the remainder of the municipal year 2011/12.

Councillor M.T. Royer
Chairman of the Audit Committee

28 April 2011

REPORT OF THE CHAIRMAN ON THE WORK OF THE LICENSING COMMITTEE

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

LICENSING SUB-COMMITTEE 18 FEBRUARY 2011

A Licensing Sub-Committee considered a report to determine whether Mr B. Chopra is a fit and proper person to hold a hackney carriage or private hire driver licence. Mr Chopra was granted a licence to hold a hackney carriage or private hire driver licence for the reasons set out in the decision notice.

LICENSING SUB-COMMITTEE 22 MARCH 2011

A Licensing Sub-Committee considered an application for a premises licence at Precious Link, 21 Shepperton Road, Laleham. The application was granted for the reasons set out in the decision notice.

LICENSING SUB-COMMITTEE 31 MARCH 2011

A Licensing Sub-Committee considered an application by Surrey Police for the review of the premises licence at Forest and Ocean, 13-15 High Street, Staines. The premises licence was modified by addition of conditions and reduction in hours of licensable activities on a Friday and Saturday, for the reasons set out in the decision notice.

LICENSING SUB-COMMITTEE 11 APRIL 2011

A Licensing Sub-Committee considered a report to determine whether Mr M. Winter is a fit and proper person to hold a hackney carriage or private hire driver licence. The licence issued to Mr Winter to drive a hackney carriage vehicle was suspended for a period of twenty-one (21) days, for the reasons set out in the decision notice.

Councillor Robin Sider
Chairman of the Licensing Committee

28 April 2011

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. FINANCIAL REPORTS

- 1.1 The Committee received two financial reports setting out the provisional outturn position for both Revenue and Capital budgets together with the list of carry forward requests by Officers.
- 1.2 In relation to the Revenue budget it was noted that at month 11 £11,501m had been spent against the year to date budget of £12.972m and the full year budget of £13.501m. The total value of Revenue carry forward requests was £370.5k with the Chief Finance Officer recommending that only £175k be carried forward.
- 1.3 In relation to the Capital budget it was noted that at month 11 £1.653m had been spent against the full year budget of £2.767m. The total value of Capital carry forward requests was £226.2k and which was supported by the Chief Finance Officer.
- 1.4 The Committee agreed to recommend to the Cabinet Member responsible for Finance and Resources, Councillor Mrs V.J. Leighton, that the carry forward items as identified in both the Revenue and Capital reports as being required immediately and supported by the Chief Finance Officer be approved.

2. BRIEFING PAPERS

- 2.1 The Committee received two briefing papers. The first was from the ICT Manager giving an update on the improvements to the Council's ICT Services. The second briefing paper was on the outcome of the review undertaken by the County Safer, Stronger Board on community safety services across the County.
- 2.2 In relation to the review of the community safety services across the County the Committee agreed that the matter be added to the work programme for future consideration.

3. ALLOTMENTS

- 3.1 The Committee received a presentation from officers providing details on the effectiveness and the implementation of the Council's allotment service.
- 3.2 The Committee discussed how the officers engaged with the allotment holders via representatives from each site and that a future aim was to look into the feasibility of introducing self management of the allotment sites.
- 3.3 The Committee discussed the benefits of a councillor being involved with the work of the Allotment Liaison Group.
- 3.4 The Committee agreed that as this was the last meeting prior to the borough elections that the new administration be asked to include the matter in the work programme for further consideration.

4. PROCUREMENT UPDATE

- 4.1 The Committee considered the report providing an update on progress being made with the delivery of cashable savings and on progress with implementing sustainable procurement arrangements.
- 4.2 The Committee noted that considerable savings had been achieved under the new procurement process including our Council's new insurance cover which would deliver ongoing annual savings of £180k per annum.
- 4.3 During the general discussion the Committee were pleased to note that the Council had met the coalition government's expectations on transparency by publishing details of spend on invoices above £500 on a monthly basis. We were one of the first Councils in Surrey to comply with the government transparency requirements.

5. PARTNERSHIPS UPDATE

- 5.1 The Committee received a presentation from the Assistant Chief Executive on progress being made with partnership arrangements, which included sharing resources, people and buildings all with a general aim of reducing costs and improving efficiency.
- 5.2 The Committee in receiving the presentation noted that we had entered into a number of successful partnerships both in the private and public sector all of which help to improve the outcomes for our local community by improving the quality of services.

6. WORK PROGRAMME

- 6.1 As this was the last meeting in the current Administration the committee felt it would be beneficial if following the borough elections the new Administration considered including the following matters in the work programme:
- Outcome of the review undertaken by the County Safer, Stronger Board on community safety services across the County
 - Allotments services and how allotments are managed
 - Procurement being a high priority
 - Facilities in parks for disabled children.
- 6.2 At the meeting I as Chairman reported on a request received from a member of the committee to invite representatives from the Ashford and St Peter's Hospital NHS Foundation Trust to attend a future committee meeting. The request was initially to enable representatives from the Trust to respond to the concerns that had been raised in an article reported in The Guardian newspaper concerning job reductions.
- 6.3 As Chairman I had agreed for the request together with an initial response from Ashford and St Peter's Hospitals NHS Foundation Trust to be circulated at the meeting for information. At the meeting I reported that this was a very important matter and for continuity purposes would best be dealt with by the new Council following the Borough elections taking place on 5 May 2011. I recommended that the Committee, after the forthcoming elections, consider how best to take this request forward.

7. **THANK YOU**

- 7.1 As this was the last meeting of this Committee in the current Administration, I as Chairman, placed on record my thanks and appreciation to the committee members and officers for their support and contributions to the work of the Committee. I also wished those members of the committee who were not standing for re election all the very best for the future.

Councillor Philippa Broom
Chairman of the Overview and Scrutiny Committee

28 April 2011

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 included an adjourned meeting arranged to consider those items which were not able to be considered at the earlier meeting on 9 March. This report therefore gives an overview of the key items considered by the Planning Committee at those meetings held between February and April

The special meeting on **23 February** dealt with the reserved matters application for land at Explorer Avenue and Holywell Way Stanwell (Stanwell New Start site). One person took the opportunity to address the Committee. At the meeting approval was given for the detailed design of 225 dwellings within Phases 2 and 3 of the development.

The meeting on **9 March**, and adjourned meeting on **23 March**, dealt with 13 items. Public speaking took place on 7 items with 13 people taking the opportunity to address the Committee.

. The most notable items on the agenda were:

- The consideration of a consultation from the County Council on an application to extract gravel from land at Manor Farm, off Worple Road Staines. It was resolved to raise a strong objection to the proposal.
- The granting of permission for an affordable residential scheme of 14 units at land at Park Road Stanwell.
- The granting of permission for 14 dwellings at land to the rear of 582-592 London Road Ashford.
- The refusal of an application for the erection of 13 dwellings at 46 Station Crescent Ashford.
- The renewal of a previous permission for an extension to the office development at 59 Church Street Staines.
- The granting of permission for the erection of 10 dwellings at 217-219 Charlton Road Shepperton.

The meeting on **6 April** dealt with 5 items. There were no public speakers on any of the items. The most notable items on the agenda were:

- The consideration of a consultation from the County Council on an application to extract gravel from land adjoining the Home Farm Quarry Shepperton Road Laleham. It was resolved to raise no objection to the proposal subject to a number of provisos.

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. PLANNING - AMENDMENTS TO THE SCHEME OF DELEGATIONS

- 1.1 The Committee considered the report of the Deputy Chief Executive on the proposed changes to the scheme of delegations regarding planning applications, and what impact those changes would have.
- 1.2 The Committee agreed that the Cabinet be advised that this Committee supported option 2 as set out in the report of the Deputy Chief Executive as the new scheme of delegations for dealing with planning matters.

2. LOCALISM BILL

- 2.1 The Committee discussed and noted the report of the Monitoring Officer providing an analysis of the impact of the Localism Bill which had been published in December 2010. The Committee discussed the series of proposals which included:
 - new freedoms and flexibilities for local government,
 - new rights and powers for communities and individuals,
 - reforming the planning system with an aim to making it more democratic and more effective by regional strategies being abolished, providing for neighbourhood development orders and plans, and making changes to pre application consultation and planning enforcement.
 - clarifying the laws on bias and predetermination.
 - reforming social housings to ensure that decisions about housing were taken locally.

3. FUTURE OF THE STANDARDS REGIME

- 3.1 The Committee received an update from the Monitoring Officer on the latest developments concerning the abolition of the national standards regime by the Coalition Government through the Localism Bill. The Committee discussed the following proposals which were mainly contained in Chapter 5 of the Localism Bill.
 - To abolish the Standards Board for England
 - To remove the national Code of Conduct for councillors and the requirement to have a standards Committee
 - To allow councils to choose whether or not they wish to have a local code or a standards committee
 - To create a criminal offence relating to failure to register or declare interests.

3.2 The Committee also discussed with the Monitoring Officer the proposed transitional arrangements that the government intended to introduce for any cases which had not been concluded once the standards regime had ceased.

Murray Litvak
Chairman of the Standards Committee

28 April 2011