

The minutes of the Council meeting of Spelthorne Borough Council held in the Council Chamber, Council Offices, Knowle Green, Staines on Thursday 15 December 2011 at 7.30pm

Present:

Ayers F.	Forsbrey G.E.	Patterson A.C.
Ayub A.	Francis M.P.	Pinkerton Mrs J.M. (Deputy Leader)
Bannister Mrs C.A.	Frazer C.M.	Rough Mrs M.W.
Beardsmore I.J.	Friday A.E.	Sider R.W. (Deputy Mayor)
Broom Miss P.A.	Gething N.	Smith-Ainsley R.A. (Deputy Leader)
Bushnell Ms M.	Gohil D.	Spencer Mrs C.L.
Colison-Crawford R.B.	Harman A.C.	Strong C.V.
Dale Mrs J.A.	Leighton Mrs V.J. (Leader)	Taylor S.D.
Davis C.A.	Madams Mrs M.	Watts R.L.
Dunn R.D.	Mitchell A.J.	Webb Mrs S.
Dunn Mrs S.A.	Napper Mrs I.	
Evans T.J.M.	Patel Miss D.	
Forbes-Forsyth P.C.		

Mrs Murray Litvak, Chairman of the Standards Committee and Ms Sue Faulkner, the Vice Chairman were also in attendance

Councillor R.W. Sider, the Deputy Mayor, in the Chair

316/11 Procedure for Dealing with Members' Questions

The Deputy Mayor outlined the Members' questions procedure and advised that under Standing Order 14.2 all questions and answers would be read out at the meeting.

317/11 Apologies

Apologies for absence were received from the Mayor, Councillor S.E.W. Budd, Councillors Mrs D.L. Grant, Mrs C.L. Nichols and Miss J. Sexton.

318/11 Minutes

The minutes of the meeting held on 20 October 2011 were approved as a correct record.

319/11 Announcements from the Mayor

**Spelthorne Business Forum - Christmas Cards Competition –
Presentation of Certificates to students from The Matthew Arnold School**

The Deputy Mayor called on Councillor Davis, the Cabinet Member for Economic Development, who thanked Moya Zenonos from The Matthew Arnold School for all her hard work in organising the school's involvement in the Christmas Card Competition. At the conclusion of his speech Councillor Davis called out the names of the students who would receive a certificate from the Deputy Mayor.

The Deputy Mayor presented certificates to the following students from the school who had participated in the successful Christmas Card Competition in partnership with the Spelthorne Business Forum and the Borough Council. Beth Jefferies (Highly Commended), Emma Nightingale (TMAS winner), Katie Arbon (Winner SBC), Nicole Bryce (Third place), Tara Goodfellow (Winner SBC), Grace Free (Business Administrators), Maaian Meneses (Business Administrators), Roman Malin Hiscock (Business Administrators), Ruby Lyde (Business Administrators), and Jordan Camp (Card chosen for sale).

The Deputy Mayor reported that due to prior commitments some of the students were unable to attend the meeting but arrangements would be made for the certificates to be sent to them.

Presentation – Everyone Active

Rehabilitation Facility of the Year Award – GP Referrals

The Deputy Mayor called on Councillor Mrs Jean Pinkerton, The Deputy Leader and Cabinet member responsible for Older People and Health Liaison.

Councillor Mrs Jean Pinkerton reported that she was pleased to inform the Council of the award that Everyone Active had received which was very well deserved. The award was for the support, guidance and treatment that the staff of Everyone Active provided to the elderly, vulnerable and the young people who had been referred to the centre by their GP.

Best Club in UK Award

The Deputy Mayor called on Councillor Penny Forbes-Forsyth the Cabinet member for Parks and Leisure.

Councillor Penny Forbes-Forsyth reported that she had great pleasure in informing the Council of a further award that Everyone Active had received. These awards were for the Best Club in UK for more than 2000 members and a gold award for the South East Region in the same category. The awards were a fantastic recognition of the services provided by the staff at Everyone Active to residents and the Council in the management of our leisure centres.

The Deputy Mayor invited the Deputy Leader, Councillor Mrs Jean Pinkerton and the Cabinet Member responsible for Parks and Leisure, Councillor Penny Forbes-Forsyth to join him in the presentations to Karl Miles, Debbie Hazell and Ryan Grant from Everyone Active

320/11 Announcements from the Leader

Officers retiring from service

The Leader of the Council, Councillor Mrs V.J. Leighton, reported on the change at the Assistant Chief Executive level with Brian Harris retiring. The Leader on behalf of the Council expressed thanks to him for the many years of excellent service he had given to the Council and the residents of the Borough. The Leader also extended very best wishes to Tim Kita, Head of Community Safety and Corporate Services and John Foggo, Head of Office Services and Special Projects who were also retiring this month. The Leader said that “between the three officers they had given 85 years service to Spelthorne Borough Council and an impressive 103 years to local government for which we are very grateful.”

The Leader also took the opportunity to welcome Lee O’Neil as the new Assistant Chief Executive appointed to the post last Thursday and wished him well in his new role.

Councillor I.J. Beardsmore as Leader of the Liberal Democrats also expressed thanks and good wishes to the three officers on their retirement. He went on to acknowledge the many major contributions the officers had made to the Council during their long service.

A vision for Spelthorne

The Leader of the Council, Councillor Mrs V.J. Leighton, gave a short powerpoint presentation on the council’s new vision.

The Leader of the Council reported as follows: “In May when I first addressed the Council as Leader we were a new administration with many of our members just elected for the first time. Also, those of us appointed to Cabinet or to a Chairman position were largely either in new roles or new members. I pointed out that, despite the last government’s ill-conceived legislation which concentrated all Executive powers in the Leader, I intended to develop a team approach, and delegate the majority of those powers to the Cabinet for decisions on a collective basis, which has always been done.

As promised, the Cabinet has in the intervening period worked to assess the business we are running, understand the current challenges and develop a strategy and priorities for this Council. And I would like at this point to thank my Cabinet colleagues for the considerable amount of work they have put in to this new administration and through these efforts developed a vision for Spelthorne.

Our vision is that we will deliver good services that matter most to our local residents at the keenest possible cost. In addition to this we will work tirelessly, using our contacts and skills to create opportunity and prosperity for Spelthorne.”

The Leader went on to outline the three main elements to deliver the Vision which were:

- Enabling and facilitating a better life for our Community
- Delivering quality of life services
- Value for money council

The Leader went on to outline the three priorities of:

- Service – Prioritising on what’s needed and pursuing Value for money
- Support – To promote our local economy and continue to work to support the business sector
- Safety – To care for our communities across the borough such as support for the old and vulnerable to safety from crime and ASB.

The Spelthorne vision is supported by 5 core values of Self-reliance, Opportunity, Accountability, Community and Tradition.

The Leader confirmed that the budget process was well underway and the specific priority projects would be announced as the budget process was finalised.

321/11 Questions from members of the public

The Deputy Mayor reported that under Standing Order 13, three questions had been received from members of the public; Mr A. McLuskey, Mr K. Gardiner and Miss Diane Appleby.

(1) Question from Mr A. McLuskey:

“Can the Leader explain how the Council is going about rectifying the following:

- a) That at the January 2010 Planning Committee meeting Councillor Jack Pinkerton took part and voted on a matter where he had an undeclared interest.
- b) That the Council have recently approved building work in Stanwell which is in clear breach of national and county rules regarding access for fire tenders.
- c) That contrary to the recommendation of the Local Government Ombudsman the Council is failing to initiate enforcement action to stop the construction work currently under way in the Diamedes/St Anne’s Avenue areas in Stanwell.

In addition to the foregoing, I wish to ask if, in the light of the serious head injury sustained by a resident of the Diamedes Avenue flats adjacent to the building works and the dubious building plans revealed to another resident and the distress arising from the lack of recent information or negotiation regarding storage sheds, does the Leader agree that the wisest policy is now to put a stop to further building while attempts are made to resolve these and other outstanding and contentious issues?”

Response by the Deputy Leader, Councillor R.A. Smith-Ainsley:

“Mr McLuskey has asked a number of questions all of which have little foundation in fact. His numerous long standing personal concerns have been considered by the Council on multiple occasions over the last months and years. He will not accept any answer which is given to him. The matters to which he refers have been raised already with the Local Government Ombudsman and the Council’s actions have not been criticised. There is little the Council can do but repeat the answers that it has already given to Mr McLuskey and these are as follows:

- (a) Councillor Jack Pinkerton did not have an interest in the matter which was at Planning Committee. This has been investigated and the matter referred to the Local Government Ombudsman. After nearly two years, Mr McLuskey needs to accept that he is wrong on this matter.
- (b) The Council has not approved works in breach of fire regulations. There has been considerable indulgence of Mr McLuskey’s opinions by officers of the Council who have patiently responded to his many many emails on this subject. The approval of the works is entirely in order.

- (c) The Local Government Ombudsman has not asked the Council to take enforcement action. This is beyond the powers of the Ombudsman and Mr McLuskey is just mistaken on this point.
- (d) The safety of the building works in Stanwell is a matter for the constructor. The Council's Building Control section has been involved and does not consider that there is a risk from the works which Mr McLuskey has identified.

In conclusion, I have to finish by saying that, whilst Mr McLuskey may wish to campaign against a development in his neighbourhood, the Council has properly dealt with his concerns and responded to Mr McLuskey's many issues for a great many months. His continued questions and correspondence are taking up a great deal of officer time which is better deployed elsewhere. At a conservative estimate the time involved to answer these questions has run into hundreds if not thousands of pounds of Council Tax payers' money. The time has come for these questions and such correspondence to cease. I am sorry that Mr McLuskey has left the room but I have just outlined the position".

(2) Question from Mr K. Gardiner:

"Members of the public do not currently have the right to respond to answers they are given when asking questions to the Council.

- a) Can the Council explain why this is?
- b) Will the Council introduce a right to respond in the future?"

Response by the portfolio holder for Economic Development, Councillor C.A. Davis:

"Mr Gardiner, thank you for your question.

The public question procedure is long established. It enables residents to ask questions publicly and get an answer which is recorded in the Council minutes.

We do not allow a second or supplementary question, or indeed a right of reply, because we believe that such a process is open to abuse. Council questions often require prior research in order to answer them properly. The councillor responding is presenting an answer which is given with the benefit of that research and preparation from the whole Council staff, so that it is a comprehensive answer to the question posed. Questions asked without notice are unlikely to get such a prepared answer principally because there is no time to collate, research and prepare a proper answer. I appreciate that some questioners would like the opportunity to ask a supplementary question but on balance the view of the Council is that the current procedure allows the Council to be challenged properly with a well considered question and further amendments to the procedure are not required."

(3) Question from Miss D. Appleby:

"My question relates to Staines new 'visitthames' website

Whilst the website is strong on the culture and history of Staines, and provides good walks and maps, I would like to know if and when the following will be included:

- (a) Language options, both European, for which a grant might be available, and Korean to reflect current trading links;
- (b) Events calendar showing the Olympic rowing and cycling calendars, in particular;
- (c) Links to hotel, camping and all accommodation, restaurants, bars, churches, markets and transport;
- (d) Why is the business community so noticeably absent?"

Response by the portfolio holder for Economic Development, Councillor C.A. Davis:

"Thank you for your question, Miss Appleby. The site has only just been made available on the internet, although it has not yet been formally launched. There is more work to be carried out to improve and update the site before such a launch and you actually make reference to some of those areas under consideration.

The Council has limited resources to maintain and update the website which must be added on to the existing responsibilities of staff.

For that reason, the speed at which we are able to carry out some of the improvements is not as fast as we would like. We felt that it was important to make the web-site available at the earliest opportunity as the 2012 Games are not too far away and wanted to ensure that we were able to market the borough sooner rather than later.

The Olympic events will be referenced (even though none of them actually takes place within the borough) as we also want to make a point about the ease of access when visiting London and other locations from Spelthorne.

Links to businesses within the borough is another area where we are keen to foster greater links and connectivity, and this will be added to the web-site. We have already started a process of liaising with local hotels and local businesses and enterprises in the leisure/visitor industries to develop additional links and content for the website.

We have not yet considered alternative languages. This will be discussed as an option at a future meeting of the Economic Development Theme Group.

Once again thank you for your question, Miss Appleby."

The Deputy Mayor, Councillor R.W. Sider, confirmed that a written copy of the response which had been given at the meeting would be sent to all the questioners in due course.

322/11 Promoting Staines: changing the name to Staines-upon-Thames

The Deputy Mayor reported that three statements had been received from residents of the borough. Two of the statements were in favour of the proposal and one against. However, two of the statements submitted had missed the deadline as set out in the Constitution and had been laid round at the meeting for information.

Under Standing Order 11.1, the Deputy Mayor invited Anne Egleton to read her statement to the Council as follows:

“My name is Anne Egleton of 7 Sundown Road, Ashford, Middlesex.

I represent two organisations within the Spelthorne area; firstly as MD of local company Pentagon HR, secondly as a Committee member of Laleham Camping Club which is situated on the Thames.

I fully support the name change to Staines upon Thames as this will allow us to make the most of our location on a world-famous river. The name change will also allow us to attract new business ventures or those looking to relocate commercially or residentially to the area.

We have many attractions within a short proximity of the town centre. Advertising with the name “upon Thames” will raise awareness and help to drive more visitors from within the UK and overseas. Local businesses will benefit from the additional revenue that is needed in today’s challenging economy.

Whilst the history of Staines is a required consideration and should not be forgotten, we must collectively make changes that will ensure that the future of the borough remains buoyant. The eight hundred years of Staines history can only be enhanced by this addition as a reminder of our situation on a much loved river, which is both a commercial conduit and the provider of local beauty spots.”

The Council considered a recommendation from the Cabinet on changing the name of Staines to Staines-upon-Thames.

Resolved that the Council:

1. Now calls Staines by the new name of Staines-upon-Thames.
2. Calls upon Surrey County Council and Runnymede Borough Council to likewise adopt the name of Staines-upon-Thames for all official business.
3. Calls upon residents, businesses and public bodies to refer to Staines-upon-Thames instead of Staines; and
4. Updates the Local Land and property Gazetteer to reflect the change and request Runnymede Borough Council to do likewise.

In accordance with Standing Order 21.4 Councillor I.J. Beardsmore requested that the voting on the motion be recorded. The vote was carried as follows:

FOR (25)	Councillors Mrs V.J. Leighton , R.A. Smith-Ainsley, Mrs J. Pinkerton, F. Ayers, A. Ayub, Ms P.A. Broom, Ms M. Bushnell, Mrs J.A. Dale, C.A. Davis, T. Evans, Ms P.C. Forbes-Forsyth, C.M. Frazer, A.E. Friday, N. Gething, D. Gohil, A.C. Harman, Mrs M.J. Madams, A.J. Mitchell, Mrs I. Napper, Ms D. Patel, Mrs M.W. Rough, R.W. Sider, S.D. Taylor, R.L. Watts, Mrs S. Webb
AGAINST (4)	Councillors I.J. Beardsmore, R.B. Colison-Crawford, R. Dunn and Mrs S. Dunn

ABSTAIN (6)	Councillors Mrs C.A. Bannister, G.E. Forsbrey, M.P.C. Francis, A.C. Patterson, Mrs C. Spencer and C.V. Strong
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323/11 Treasury management half-yearly report 2011-12

The Council considered the recommendation of the Cabinet on the Treasury Management activities report covering the first half of the year up to 30 September 2011, seeking approval to make changes to the Council's Investment Strategy with a view to gaining additional investment flexibility to enhance future returns.

Resolved that:

1. The proposed changes to the Treasury Management Strategy as set out in the report of the Chief Finance Officer be approved.
2. The use of pooled funds within the list of approved investments be approved; and
3. That the Council's creditworthiness criteria be updated.

324/11 Adoption of legislation to regulate sex establishments

The Council considered the recommendation of the Cabinet on the adoption of legislation to regulate sex establishments which would allow local residents to oppose applications for sex establishments on wider grounds than are currently allowed under existing legislation. The report also provided details of the fees to be charged for an application for the grant, renewal, variation or transfer of a sex establishment licence.

Resolved that:

1. The powers to regulate sex establishments and the proposed fees for the licensing of these venues be adopted, subject to the Council advertising its intention to do so; and
2. The proposed policy for sex establishments for public consultation be approved.

325/11 Treasury Management Strategy 2011-12 update

The Council considered the recommendation of the Cabinet on an update to the current advice from the Council's treasury advisors in respect of creditworthiness criteria.

Resolved that:

The proposed changes to the creditworthiness criteria within the Council's Treasury Management Strategy be approved. Specifically that the minimum required counterparty credit rating be reduced to A- for:

1. Deposits and Certificates of Deposit with nationalised and part-Nationalised UK banks and building societies;
2. Deposits and Certificates of Deposits with UK banks and building societies; and

3. Forward deals and fixed term deposits with variable interest rates and variable maturities, including callable deposits in the UK banks and building societies.

326/11 Charging for pre application planning advice

The Council considered the recommendation of the Cabinet on charging applicants for planning advice prior to submitting a planning application.

Resolved that:

The pre-application fees for householder and other proposals are brought in from 3 January 2012.

327/11 Dog control order

The Council considered the recommendation of the Cabinet on the responses to the consultation on the introduction of dog control orders for playgrounds, parks and roads within Spelthorne.

Resolved that:

1. Dog Control Orders be made as set out in Appendix 2 and 3 to the report submitted to the Cabinet meeting on 13 December 2011.
2. Delegated authority be given to the Head of Corporate Governance to publish notices in the newspapers as required by the regulations.
3. Delegated authority be given to the Head of Corporate Governance to deal with all consultation responses.
4. The Fixed Penalty Notices for the Dog Control Orders be adopted with the Penalty being £75 or reduced to £50 if paid within 14 days.
5. Delegated authority be given to the Head of Streetscene to issue Fixed Penalty Notices for breaches of the Dog Control Orders.

328/11 Report from the Leader of the Council

The Leader of the Council, Councillor Mrs V.J. Leighton, presented her reports which outlined the various matters the Cabinet had decided since the last Council meeting.

329/11 Report from the Chairman of the Audit Committee

The Chairman of the Committee, Councillor Mrs Madams, presented her report, which outlined the matters the Committee had dealt with since the last Council meeting.

330/11 Report of the Chairman of the Crime and Disorder Scrutiny Committee

The Chairman of the Committee, Councillor Philippa Broom, presented her report, which outlined the matters the Committee had dealt with since the last Council meeting.

331/11 Report from the Chairman of the Licensing Committee

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

332/11 Report from the Chairman of the Overview and Scrutiny Committee

The Chairman of the Committee, Councillor Philippa Broom, presented her report, which outlined the matters the Committee had dealt with since the last Council Meeting.

333/11 Report from the Chairman of the Planning Committee

The Chairman of the Committee, Councillor G.E. Forsbrey, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

334/11 Report from the Chairman of the Standards Committee

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

335/11 General Questions

One general question had been submitted by Councillor S.D. Taylor in accordance with Standing Order 14. The Deputy Mayor reported that he had also given permission for a map to be tabled at the meeting.

Question from Councillor S.D. Taylor:

“What is Spelthorne Council doing with regards to the ditches in Stanwell Moor? Do they know who owns what, who is responsible for what?”

The Cabinet member for the Environment, Councillor Watts, responded as follows:

“Thank you for your question, Councillor Taylor.

The Council takes the issue of ditch maintenance very seriously as part of our overall strategy on flooding.

The majority of watercourses that run through Stanwell Moor are classed as Main Rivers. The Head of Sustainability and Leisure has prepared a map to show these and it will be given to you. Main Rivers come under the responsibility of the Environment Agency and they have powers to maintain and improve rivers in order to ensure the efficient passage of flood flow and to manage water levels. It is also their responsibility to enforce clearance works. Spelthorne Council does not have powers over Main Rivers other than a riparian responsibility where they border our land.

There are three such areas of Council land in Stanwell Moor and the Council checks these on a bi-annual basis so they are cleared of impeding vegetation and debris when required.

There are also a small number of Ordinary Watercourses within Stanwell Moor. These are watercourses that are not classed as Main Rivers, such as minor ditches and streams. Spelthorne Council is the operating authority for Ordinary Watercourses and we have powers to carry out and enforce works upon these.

Riparian owners have a responsibility to maintain the bed and banks of the watercourse, and also the trees and shrubs growing on the banks. They must also clear any debris, even if it does not originate from their land. This

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responsibility is shared with whoever owns the property on the other side of the watercourse.

The Council can choose to take enforcement action against riparian owners if they fail to maintain the flow of an ordinary watercourse alongside their property. The Cabinet agreed a policy to manage these Ordinary Watercourses in 2009.”