

MINUTES OF THE COUNCIL MEETING HELD ON 17 DECEMBER 2009

BOROUGH OF SPELTHORNE

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN,
STAINES ON THURSDAY 17 DECEMBER 2009**

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

Councillor Caroline Spencer, The Mayor, in the Chair

397/09 REVISED COUNCIL AGENDA

The Mayor advised that a complete revised Council Agenda has been circulated at the meeting on light blue coloured paper.

398/09 PROCEDURE FOR DEALING WITH MEMBERS' QUESTIONS

The Mayor outlined the Members' Questions Procedure, which was circulated at the meeting, and advised that all questions and answers would be read aloud.

399/09 APOLOGIES

Apologies for absence were received from Councillors K. Chouhan, R.B. Colison-Crawford, C.A. Davis, H.R. Jaffer, Mrs. I. Napper and Mrs. C.E. Nichols.

400/09 MINUTES

The minutes of the meeting held on 29 October 2009 were approved as a correct record.

401/09 DISCLOSURES OF INTEREST

Councillor E. O'Hara, the Deputy Mayor, declared a personal interest in Item 17, Appointment of a Representative Trustee to the Staines Parochial Charity, as he was Chairman of the Charity.

402/09 ANNOUNCEMENTS FROM THE MAYOR

A2 Dominion - Residents' Award to Sharron Moloney as Community Champion for the Stanwell New Start project.

At the involved Stanwell Residents' Conference on 29th October 2009 awards had been presented to 9 residents in recognition of their help to improve services. Sharron Moloney had been recognised by A2 Dominion and rewarded for her role as Community Champion in undertaking all her community work for the Stanwell New Start project.

Unfortunately, Sharron was unable to attend the Council meeting as she had a prior family engagement. The Mayor advised that she would send Sharron the Council's congratulations and very best wishes on having received this prestigious award.

Surrey County Council - Making a Difference Award 2008-2009 for Employability - to Susie O'Callaghan

Susie O'Callaghan had worked at the Valette Dry Cleaners, Stainash Parade, Staines since 1992 and had been nominated for her length of service and outstanding commitment. In addition, Susie had not only won the award, but had taken part in the making of the 2009 Employability Awards DVD.

The Mayor presented this prestigious award to Susie O'Callaghan.

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

The Mayor thanked Moya Zenonos from Matthew Arnold School for all her hard work in organising the School's involvement in the Christmas Cards Competition.

The 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: Billy Hadley, Katie Tolland, Kimberley Rolph, Connor Penfold, Kathryn McGuinness, Tom Lynch, Lauren Jenner-Ackhurst, Emily Hubbard, Harry Gascoigne, Henry Cameron, Luke Duckworth (who designed the Christmas Card chosen for Matthew Arnold School), Kyle Barth (who designed the Christmas Card chosen for Spelthorne Borough Council) and Kylvin Lee (who designed the Christmas Card chosen for Spelthorne Business Forum).

Planned Mayoral Events

The Mayor advised Members of the following forthcoming events:

Charity Lunch Valentine Lunch – 14th February 2010.

Staines Brass Band Concert – 28th February 2010.

Charity Ball – 20th March 2010.

Staines Brass Band Concert – 28th March 2010.

Celebration / Service ten years Surrey Police Date to be announced.

St. Georges Day Lunch – 23rd April 2010.

Civic Community Reception 13th May 2010.

403/09 ANNOUNCEMENTS FROM THE LEADER

The Leader updated the Council on the following matters:

1. **Surrey County Council [SCC] Charlton Lane Eco Park.**
2. **Comprehensive Area Assessment [CAA] Report**
[Release by the Audit Commission and its partner agencies of the first set of Comprehensive Area Assessments, along with Organisational Assessments of individual Councils].
3. **Surrey Police Re-structure.**

404/09 OUTLINE BUDGET 2010/2011 – 2014/2015

The Council considered the recommendation of the Cabinet on the Outline Budget 2010/2011 – 2014/2015.

RESOLVED:

1. That the net budgeted expenditure (before investment income and use of reserves) for 2009/2010 be set at a maximum level of £14.45m.
2. That, in order to reach this level, the Management Team, taking into account of the forthcoming recommendations of the Budget Task Group, identifies a package of options by which the budget can be balanced both in 2010-2011 and 2011-2012 and over the next 3 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 2010-2011 and 2011-2012.
4. That the Council's use of reserves policy be reviewed with the aim of the council seeking to maximise the level of its reserves whilst taking account of the impact of the economic downturn and the reduced potential for capital receipts and the need to maintain a capital programme.
5. That an agreed total reserves target minimum level (as measured on 31st March each year) be set at a level of £12m for 31 March 2011.

405/09 THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – NEW POWERS FOR OVERVIEW AND SCRUTINY COMMITTEES

The Council considered the recommendation of the Cabinet on the Local Government and Public Involvement in Health Act 2007 – New Powers for Overview and Scrutiny Committees.

RESOLVED:

1. That all Members note the new scrutiny powers contained in the Local Government and Public Involvement in Health Act 2007, and in particular the Councillor Call for Action [CCfA].
2. That the arrangements for operating the Councillor Call for Action (CCfA), as set out in the report to Cabinet by the Deputy Chief Executive at Appendix 2 (flowchart) and at Appendix 3 (Councillor CCfA form), be approved.
3. That the Head of Corporate Governance be authorised to amend the Council's Constitution to facilitate the arrangements for CCfA.
4. That a CCfA will initially be discussed by the Member [i.e. the Councillor putting forward the Call for Action] with the Chairman of the relevant Scrutiny Committee together with the appropriate Scrutiny Lead Officer, to agree how the CCfA should be processed.
5. That the Performance Management and Review Committee be asked to review the Councillor Calls for Action procedure after one year's operation.
6. That in the current economic climate the option to delegate powers to Councillors under section 236 of the Local Government and Public Involvement in Health Act 2007 be deferred and be reviewed in a year's time. During this time it was anticipated that relevant operational and financial data may be available from other local authorities who have implemented s236 of the Local Government and Public Involvement in Health Act 2007.

406/09 POLICE AND JUSTICE ACT 2006 – IMPLICATIONS FOR OVERVIEW AND SCRUTINY

The Council considered the recommendation of the Cabinet on the Police and Justice Act 2006 – Implications for Overview and Scrutiny.

RESOLVED to:

1. Note the new scrutiny powers for crime and disorder arising under the Police and Justice Act 2006.
2. Note the new Community Call for Action (CCfA) role for all councillors.
3. Approve the preferred option for dealing with the scrutiny of crime and disorder in Spelthorne by designating the Performance Management and Review Committee.
4. Authorise the Head of Corporate Governance to make the necessary amendments to the Constitution.

5. Request that the Performance Management and Review Committee develop its Crime and Disorder Scrutiny Rules of Procedure in association with the Crime and Disorder Reduction Partnership [CDRP].

407/09 MINOR VARIATIONS UNDER THE LICENSING ACT 2003

The Council considered the recommendation of the Cabinet on Minor Variations under the Licensing Act 2003.

RESOLVED to delegate authority to the Head of Environmental Health and Building Control Services, in consultation with the Chairman of the Licensing Committee, to determine minor variation applications under sections 41A to 41C and 86A to 86C of the Licensing Act 2003, including the power to decide whether to consult with Responsible Authorities and that the Scheme of Delegations to Officers in the Council's Constitution be amended accordingly.

408/09 THE GAMBLING ACT 2005 – ADOPTION OF STATEMENT OF GAMBLING POLICY 2010 TO 2013

The Council considered the recommendation of the Cabinet on the Gambling Act 2005 – Adoption of Statement of Gambling Policy 2010 to 2013.

RESOLVED to:

1. Adopt the Statement of Gambling Policy 2010 – 2013, as set out at Appendix A to the report to the Cabinet by the Assistant Chief Executive, subject to the word “workplace” in the last line of the first paragraph on page 47 being replaced by the words “licensed premises”.
2. Agree that the Scheme of Delegations to Officers in the Council's Constitution be amended accordingly, as highlighted in Appendix C to the report to the Cabinet by the Assistant Chief Executive.

409/09 THE LOCAL DEVELOPMENT FRAMEWORK [LDF] - ALLOCATIONS DEVELOPMENT PLAN DOCUMENT [DPD]

The Council considered the recommendation of the Cabinet on the Local Development Framework [LDF] - Allocations Development Plan Document [DPD].

RESOLVED that:

1. The Inspector's Report and recommended changes to the Allocations DPD are noted.
2. The Allocations DPD be adopted incorporating all the Inspector's recommendations.
3. 'Saved' Local Plan Proposals P7, P8, P11, P12 and P17 cease to have effect from the date of adoption of the Allocations DPD and be deleted from the Proposals Map DPD.

4. A revised Proposals Map DPD be prepared to incorporate all adopted 'allocations'.

410/09 THE COUNCIL'S CODE OF CORPORATE GOVERNANCE

The Council considered the recommendation of the Cabinet on the Council's Code of Corporate Governance.

Councillor C.V. Strong requested that the vote on the recommendation be recorded.

The vote was as follows:

FOR (26)	Councillors Mrs. P.C. Amos, F. Ayers, Miss M.M. Bain, S. Bhadye, Ms. P.A. Broom, S.E.W. Budd, S.J. Fairfax, K.E. Flurry, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Ms N.A. Hyams, Mrs V.J. Leighton, D.L. McShane, E. O'Hara, J.D. Packman, Mrs J.M. Pinkerton, Jack D. Pinkerton, Mrs M.W. Rough, S.J. Rough, M.T. Royer, R.W. Sider, R.A. Smith-Ainsley, Caroline Spencer, H.A. Thomson and G.F. Trussler
AGAINST (6)	Councillors I.J. Beardsmore, Mrs E.M. Bell, T.W. Crabb, Mrs S.A. Dunn, L.E. Nichols and C.V. Strong

RESOLVED that the Council's Code of Corporate Governance, within the Council's Constitution, be amended to remove the words "produce an annual report on the activity of the scrutiny function" from the Local Code of Corporate Governance (principle 6, paragraph c).

411/09 REPORT FROM THE LEADER OF THE COUNCIL

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

412/09 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor D.L. McShane, presented his report, which outlined the matters the Committee had considered since the last Council meeting.

413/09 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.

414/09 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Chairman of the Performance Management and Review Committee, Councillor Ms. P.A. Broom, presented her report, which outlined the matters the Committee had scrutinised since the last Council meeting.

415/09 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.

416/09 QUESTIONS ON WARD ISSUES

Under Standing Order 14, Councillor Mrs. E.M. Bell asked the following question:

“Residents in my Ward are concerned at the announcement in the latest Borough Bulletin that the Friday recycling collection which falls on 25th December has not been rescheduled but has been dropped altogether.

Following the recycling collection on 11th December residents will not receive the recycling service again until 9th January.

Other recycling collection days seem to have been accommodated with just a one day delay, whilst the residents in Lower Sunbury have a 15 day delay. The residents of Lower Sunbury are highly motivated to recycle and of course the Christmas season produces more recyclable waste than normal. All residents regard waste collection as a basic service which they have paid for in their council tax.

I understand from the Depot that leaflets and sacks will be delivered to residents in Lower Sunbury on Friday 11th December for them to collect their extra 15 days of recyclables in. Although this is some relief, it is going to create a huge problem for many residents especially those without storage. If, as seems likely, sacks of recyclables are kept on property frontages during this extended 15 day period, it will be a complete eyesore.

Can you please explain why the residents of Lower Sunbury are being given this substantially reduced service?”

Councillor G.E. Forsbrey responded as follows:

“Before the decision was taken to cancel this collection we looked at a number of different options. This service will also affect not just the residents of Lower Sunbury, but also residents of Shepperton and Ashford Common.

The first option was a repeat of a previous year when we attempted to collect one day earlier during the week before Christmas to avoid excessive delays post Christmas. Unfortunately this proved to be very unsuccessful with residents as the majority forgot to place their bins out on the rescheduled days.

The second option (which would have enabled the recycling for the Friday to be collected on 29 December) would have pushed all rubbish collections further forward and the return to schedules would have then moved forward for a further week, resulting in confusion for the majority of residents until 18 January.

I hope all Councillors will agree with me that the sooner “normal service“ is resumed the better it is for everybody.

By rescheduling the collection we have enabled all of the more difficult rubbish waste, which residents do not wish to keep hold of, to be removed much quicker. In addition to this, all recycling/rubbish collections will return to normal collection days by Monday 11 January 2010, thereby avoiding any more confusion than necessary for residents, particularly the elderly residents who find this type of change more difficult to cope with.

The Streetscene staff does try to avoid disruption to this type of service wherever possible, which is why there is normally a collection on Bank Holidays throughout the year apart from Xmas. Staff are not required to work on Bank Holidays or Saturdays but agree to do so to keep the service running as smoothly as possible.

The recycling "bring sites" will also be monitored and emptied regularly over the Christmas and New Year period to ensure that residents who do not wish to, or cannot store their recyclables at home, have somewhere to dispose of them."

417/09 GENERAL QUESTIONS

Under Standing Order 14, Councillor T.W. Crabb asked the following question:

"There has been adverse publicity in the press recently about local authorities who are "slow payers" and who thus make the difficulties small businesses face during the recession even worse. A year ago I sought reassurance that our Council's conscience in this matter was clear.

Will the Leader and Members join me in thanking Assistant Chief Executive, Terry Collier and his team who since then has been providing me with figures showing not only that invoices are being paid within the target dates but also that performance in this is improving?"

Councillor Mrs. V.J. Leighton responded as follows:

"Thank you to Councillor Crabb for giving us the opportunity to highlight the progress our payments team have made in improving the promptness with which they pay our suppliers.

The team's performance compares favourably with that of other Councils. The team working with all the Council's departments, seeks to continually improve performance, in particular the team have been pioneering in the way they have pushed the development of our payments system. In the current financial year the percentage of invoices paid within terms has risen from 96.6% to 97.6% and the percentage paid within 10 days has risen from 30.6% to 39.5%.

The average time it takes to pay an invoice has now fallen to 13 days. We recognise that being a prompt payer can help the businesses supplying us and we are in the process of signing up to the public sector Prompt Payment Code. "

Under Standing Order 14, Councillor L.E. Nichols asked the following question:

“On the 23rd November 2009 the LDF Working Group was asked to approve the Planning Brief for the Brooklands College Ashford Campus.

The Group was advised that it was essential that this brief be approved immediately so that the public consultation could start and the brief be formally adopted at the Council meeting on the 25th February 2010.

The Group was assured by Officers that it was vital that the brief meet the defined timetable.

At the Cabinet meeting on the 30th of November 2009 the brief was deferred and therefore the proposed timetable cannot be met.

Can the Leader please explain why the brief was so urgent when it came to the LDF Working Group on the 23rd of November 2009?

What happened between the Working Group meeting and the Cabinet meeting which made it less urgent?

Does the Council still intend to hold a consultation on a Planning Brief for the site and, if so, when and under what circumstances?”

Councillor J.D. Packman responded as follows:

“In late October Brooklands College announced that, due to the withdrawal of government funding to the Learning and Skills Council, their proposals to provide a new College complex at the Ashford Campus could not proceed and they would cease education at the site in July 2010. In education terms this was disastrous news.

The trigger that started the process of preparing a Planning Brief for the College came about because the Council was advised, by the then Principal, Colin Staff, that they intended putting the college site on the open market.

Officers, Cabinet Member and the Chief Executive met with the then Principal Colin Staff who confirmed the situation. It was also clear that sale of the site was an essential part of helping to address the financial deficit the College now has. It was evident that enquiries about the future uses of the site would be made to the Council in the very near future.

Faced with these facts it was prudent to move quickly so that the Council could assist the College and any prospective purchasers with advice about what in planning terms would be acceptable on the site. It was also important the public had the opportunity to have a say on such an important site as this is in the heart of Ashford. For this reason a draft Planning Brief was prepared and plans were made to progress its adoption as soon as possible.

However, at the end of the week of 23 November, and before Cabinet on 30 November the new interim Principal announced a review of the situation the College was in and that nothing was ruled out, including future education provision on the Ashford site. This news was most welcome for the residents of this Borough and, whilst our plans to agree a planning brief for consultation

were well advanced, it was sensible in the circumstances to note the brief, but not progress it any further at this stage pending the outcome of the College' review.

This Council remains committed to do all it can to assist in securing high quality education facilities for 16 to 19 year olds. I sincerely hope that facilities can be retained at the Ashford site. If in the future it is clear that the College need our advice on the future of the site, and a planning brief would assist, we will produce one and ensure it is subject to public consultation."

Under Standing Order 14, Councillor L.E. Nichols, on behalf of Councillor Mrs. C.E. Nichols, asked the following question:

"At the last Council meeting (29th October 2009) the Leader, Councillor J D Packman was pleased to report the appointment of Trevor Roberts Associates Ltd, experts in planning control, to review the Council's Planning arrangements (Minute 343/09). Residents in my ward will be interested to know the outcome of this review and some of them will want to provide input into the review.

I note that a final report is expected in March but can the Leader amplify how, and when residents will be contacted to submit their views, and by what method; for example, will submissions be taken by interview, letter or formal questionnaire? Could the Leader also advise whether all residents may make a submission? How is the timetable for the process being advertised and where will the final report be published; will the full report be available through the public pages of Spelthorne Borough Council's website?"

Councillor H.A. Thomson responded as follows:

"The Council fully recognises the importance of obtaining the views of those who come into contact with the planning service. We need feedback in order to understand where we need to continue to improve. It is for this reason we insisted that as part of the brief, Trevor Roberts Associates incorporate the results of various satisfaction surveys in their final report even though this is not their standard approach.

I am pleased to inform all members that a satisfaction survey has already gone out to all Residents Associations and Amenity Groups on 2 December. At the same time, surveys were sent to Applicants and Agents who had submitted applications to the Council in the last six months. In addition a survey also went out to all Councillors for their views on 10 December and I would ask them to respond to this. The Leader of the Liberal Democrats was emailed a copy of all three questionnaires/surveys on 2 December (in advance of them being formally issued). I would have hoped that he would have forwarded this information onto the rest of his party Members.

A further survey will also be going out in the New Year (to avoid the Christmas period) to objectors who have commented on planning applications which have been recently considered by the Council. This is considered the best way of getting focused comments from those residents who have had actual direct contact with the planning service.

I trust all Councillors will recognise that the Council is taking the review seriously and that we are engaging with as many people as possible to obtain their views after which the actions identified will then be considered by the Cabinet.

The final report is due by the end of March 2010.”

Under Standing Order 14.2, Councillor L.E. Nichols, on behalf of Councillor Mrs. C.E. Nichols, asked the following supplementary questions:

“(1) Will written submissions / survey responses sent to the Council by any Borough resident, who was not approached direct by the Council, be allowed and be accepted as consultation feedback and be included so that the resident’s views will be considered?”

(2) Will the final report be available on the Council’s Website?”

Councillor H.A. Thomson responded on the following lines:

“(1) Yes, all written submissions / survey responses sent to the Council by any Borough resident will be allowed and will be accepted as consultation feedback and will be included so that the resident’s views will be considered.

(2) Yes, the full final report will be made available on the Council’s Website.”

418/09 APPOINTMENTS TO OUTSIDE BODIES

Appointment of a Representative Trustee to the Laleham Charities

RESOLVED that Mrs. Susan Pett of Moonfleet, Vicarage Lane, Laleham be appointed as a Council Representative to serve on the Laleham Charities for a four year term of office until December 2014.

Appointment of a Representative Trustee to the Staines Parochial Charity

RESOLVED that Ms. Elizabeth Moore, Chief Officer of VAIS (Voluntary Action in Spelthorne) be appointed as a Council Representative to serve on the Staines Parochial Charity for a four year term of office until December 2014.

419/09 SEASONS GREETINGS

The Mayor wished all Members and Officers present a happy Christmas and best wishes for the new year 2010.