

MINUTES OF THE COUNCIL MEETING HELD ON 29TH APRIL 2004

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 29TH APRIL 2004 AT 7.30PM

Ayers F	Grant Mrs D L	Paton J M
Bain Ms M	Hirst A P	Pinkerton Mrs J M
Beardsmore I J	Hyams Mrs M	Pinkerton J D
Ceaser G S (Mayor)	Jaffer H R	Ponton Mrs J E
Colison-Crawford R B	James P R	Royer M R
Culnane E K	Leighton Mrs V J	Sider R W
Davies F (Leader)	Napper Mrs I	Spencer Mrs C L
D'Sa R V	O'Hara E	Strong C.V
Forsbrey G E	Packman J D (Deputy Leader)	Trussler G F (Deputy Mayor)

Co-Opted member: Mr M. Litvak

G S Ceaser, Mayor, in the Chair

105/04 APOLOGIES

Apologies for absence were received from Councillors Mrs. P. Amos, M.L Bouquet, R. Chouhan, J.M. Fullbrook, S.B.S. Lorch, Mrs. M. Madams, Mrs P. Weston and J.M Wood-dow.

106/04 MINUTES

RESOLVED that the minutes of the meeting held on 19th February, 2004 be approved as a correct record.

107/04 DISCLOSURE OF INTERESTS

Councillor Mrs V. J. Leighton declared a personal interest in Item 4 of the Recommendations of the Executive - Park Security - Changes to Byelaws - under Section 4 of the Spelthorne Members' Code of Conduct.

Councillor I.J. Beardsmore declared a personal interest in the Leader's Report, as he was a member of SEERA.

108/04 ANNOUNCEMENTS BY THE MAYOR

Death of Ex-Councillor Ernest Wright.

The Mayor invited the Council to hold a minute's silence in remembrance of the recent loss of Ex-Councillor Ernie Wright. Ernie was elected on Spelthorne Council in 1973 and served until 1982. He was the second Mayor of the Borough in 1975/1976 and was Chairman of the Highways Committee for many years. He was also elected to serve as a County Councillor. The funeral had taken place at St Mary's Church, Sunbury earlier that afternoon and a memorial service would be held at Storrington.

Staines Brass Band

The Mayor announced that Staines Brass Band had won the Area Championships of the National Championships and would now be competing at Professional level. The Mayor proposed and Members agreed that a letter be sent to Staines Brass Band, on behalf on he Council, congratulating them on their tremendous achievement.

Mayor's Charity Concert

The Concert would be held at the John Crook Theatre at Halliford School on 7th May, featuring Staines Brass Band. Tickets were available from the Mayor's Secretary and he hoped that Members would support the event.

Presentation of Civic Pride Awards

The Mayor introduced Jill Stephens, Chairman of Spelthorne Civic Pride, who described the significant contribution and long-term dedication of the Civic Pride volunteers. The Mayor and Jill Stephens then presented the Senior Environmental Award to David Pope for his work in Staines and Egham as a Tree Warden, his work on the Civic Pride Tree Nursery and his fund raising activities. They then presented the Junior Award to St Nicholas Primary School for their work in support of the 'Funky Footprints Nature Reserve', which was open to all schools in Surrey.

The Mayor recalled that Civic Pride had been established with the aim of improving the environment of the Borough and the Civic Pride Environmental Awards Scheme had started 12 years ago in 1992, with the purpose of acknowledging the work of its volunteers. Civic Pride currently had four ongoing Community Projects – Black Ditch Walk in Shepperton, Laleham Pond, Millennium Wood and the St Nicholas Nature Reserve, also in Shepperton. Civic Pride would be holding a special Wildlife Open Day at The Funky Footprints Nature Reserve on Saturday 24th July from 10am to 2pm and he hoped that Members would be able to attend.

109/04 ANNOUNCEMENTS FROM THE LEADER

Last Council Meeting for this Municipal year

Councillor F. Davies reminded Members that this was the last Council meeting of the current municipal year and thanked Members and Officers for their efforts.

Award of 'Excellent' from CPA

The Leader, Councillor Davies, congratulated Members, Officers and staff for their work to achieve the 'excellent' award, and on behalf of the Council, thanked Members, past Members and Officers for their contribution to achieving this grading and added his personal thanks.

110/04 E-GOVERNMENT CAPITAL PROGRAMME

The Council considered the recommendations of the Executive on the Council's E-Government Capital Programme and

RESOLVED:

- (1) That the amendments to the E-Government Capital Programme in respect of 2004/2005 and 2005/2006 be approved, to take account of the Government's announcement of funding for the Implementation of Electronic Government.
- (2) To note that a future report would be submitted to the Executive to clarify the timescales for the delivery of the services set out in the report of the Strategic Director (Support).
- (3) That the nature of these services, as set out in the Council's E-Government Capital Programme, should be communicated clearly and effectively to all Members and to the public.

111/04 REVIEW OF DELEGATIONS TO OFFICERS

The Council considered the recommendations of the Executive on the outcome of a review of delegated powers to reflect (1) changes in legislation, (2) the revised Officer Structure, (3) recent decisions taken by the Executive and (4) current practices and a separate report on Parks Security – Changes to Byelaws.

RESOLVED:

- (1) That the revised Delegated Powers, as outlined in Appendices A and B to the report of the Chief Executive to the Executive, including new delegated power 166 in item (2) below be approved.
- (2) That a new delegated power 166 to authorise the Chief Executive to grant authority in writing to any named person (not being a Council Officer or Police Constable) to enforce the Byelaws made by Spelthorne Borough Council for Recreation Grounds and Open Spaces (1992) be approved.

112/04 EMPTY HOMES STRATEGY 2004-2007

The Council considered the recommendations of the Executive on proposals relating to the adoption of a revised Empty Homes Strategy 2004 to 2007.

RESOLVED:

- (1) That the Empty Homes Strategy 2004 – 2007, attached at Appendix A to the report of the Strategic Director (Community), be adopted for immediate implementation.
- (2) To approve the proposal that the Council Tax discount for properties empty for more than six months be removed with effect from 1st April 2005, with all owners of empty properties being advised of this change as soon as possible to allow them time to bring their properties back into re-use.

113/04 PARKS SECURITY – CHANGES TO BYELAWS

The Council considered the recommendation of the Executive on the options available for the enforcement of Council Byelaws by non-Council staff [in particular Parks Police Community Support Officers (PCSOs)] and on recommendations relating to the preferred model for implementation.

RESOLVED that the following amendment to the Byelaws for Recreation Grounds and Open Spaces (1992) to enable Parks Police Community Support Officers (PCSOs) to have the appropriate powers to enforce the Council's Byelaws be approved:-

“Any person offending against any of these Byelaws may be removed from the grounds by any Officer of the Council, any Constable or any person authorised in writing by the Chief Executive of the Council to enforce these Byelaws.”

114/04 REVIEW OF THE ANNUAL INVESTMENT STRATEGY 2004-2005

The Council considered the recommendation of the Executive on the Council's Annual Investment Strategy for 2004/2005.

RESOLVED that the revised Annual Investment Strategy for 2004/2005, to include money market funds and supranational bonds as part of the Council's Investment Portfolio be approved.

115/04 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor F. Davies, presented his report on the work of the Executive.

116/04 IMPROVEMENT AND DEVELOPMENT COMMITTEE

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

117/04 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Chairman of the Performance Management and Review Committee, Councillor Mrs. Hyams presented her report which outlined the matters the Committee had dealt with since the last Council meeting.

118/04 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor Sider presented his report which outlined the matters both the Licensing and Licensing sub-Committees had dealt with since the last Council meeting

119/04 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor E. O'Hara, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

120/04 STANDARDS COMMITTEE

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

121/04 WARD ISSUES

Under Standing Order 13 Councillor P.R. James asked Councillor G.E. Forsbrey, the Portfolio Holder for Environment and Planning the following question:

"In December 2003, I asked a question at Council about the removal of two telephone boxes / kiosks in the Staines Town Centre. As the two boxes / kiosks are still in place, can the Leader or Portfolio Holder advise me of any progress made to date to secure their removal, as it would appear that nothing has changed since December 2003. Why is this present state of affairs allowed to happen? Do we as a Borough Council have no clout with anyone to have these eyesores removed from our modernized Town Centre? Or are we afraid to take on the telephone companies? So please let us as a Council do more to put pressure on these companies, even if it means taking legal action."

Councillor Forsbrey, the Portfolio Holder for Environment and Planning, responded as follows:

"With regard to the British Telecom (BT) telephone kiosks in Staines High Street, I can comment as follows:

Following the public consultation on the High Street pedestrianisation proposals BT requested the relocation of all of their telephone kiosks in the High Street. The relocation proposals were included in the final plans approved by the Executive on 12 June 2001.

As part of the High Street pedestrianisation works, BT carried out the relocation of all their kiosks. Following the completion of the pedestrianisation in October 2002, BT then began to install telephones within the kiosks. This process took several months. It was not apparent until the summer of 2003, and after contacting BT, that they had decided not to install telephones in the kiosks outside Bon Marche. In October 2003, BT gave an undertaking to remove the kiosks as soon as practicable.

BT is a Statutory Undertaker, as defined within the New Roads and Street Works Act (NRSWA), and therefore has certain rights as regards their equipment and apparatus. Surrey County Council as the Highway Authority are responsible for enforcing the provisions of the NRSWA. All information regarding the kiosks and BT's desire to remove them has been passed to the Local Transportation Director for Spelthorne, Paul Fishwick, to action.

After several attempts by both Surrey County and Spelthorne Officers, and despite various promises by BT, no action has been forthcoming.

With regard to the Interphone telephone kiosks outside Lunn Poly in Clarence Street, I can comment as follows:

Since the termination of the Highways Agency Agreement, Spelthorne has had no statutory powers to deal with issues on the highway. Surrey County have been requested on several occasions to pursue the removal of these kiosks. They have informed Spelthorne Officers that to date they have been unsuccessful. This issue again revolves around the New Roads and Street Works Act and the rights of utility companies to install equipment and apparatus.

The particular problems caused by Interphone, and their lack of maintenance of their kiosks, is a national one. Several other local authorities are trying to take similar action to remove Interphone kiosks and have not succeeded as yet.

With regard to both issues:

An offer has been made to Surrey County, BT and Interphone by Spelthorne Officers for Spelthorne to undertake the work to remove the kiosks and recharge the appropriate agencies. This offer has been declined.

Spelthorne Officers are not aware, at this time, of any other legislation that would enable Spelthorne to take further action in this matter. However, the Officers will continue to explore all available powers at their disposal, in order to hasten the removal of these kiosks. Meanwhile the Officers will continue to apply pressure to Surrey County, BT and Interphone to arrange for the removal of the telephone kiosks, as soon as possible.”

122/04 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated above.

123/04 MEMORIAL GARDENS, STAINES

(Paragraph 9 – Terms of a Contract)

RESOLVED to:

- (1) Authorise the Strategic Director (Support) to incur supplementary expenditure up to a maximum of £100,000 on fees for commissioning specialist advice from Counsel, Solicitors, lead Consultants, Quantity Surveyors etc in order to support the Council's case in refuting the claim submitted by the contractors in relation to the Memorial Gardens Contract, Staines.
- (2) Instruct the Strategic Director (Support) to submit a further progress report on this matter to the next Executive on 25th May 2004.

124/04 MAYOR'S THANKS

The Mayor expressed his thanks to the Members for their support during the past municipal year and said that it had been a pleasure to have served as Mayor.