

MINUTES OF THE COUNCIL MEETING HELD ON 23 FEBRUARY 2006

BOROUGH OF SPELTHORNE

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON
THURSDAY 23 FEBRUARY AT 7.30PM**

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

Co-Opted Members: Mr M. Litvak, Mr T. Davies

Councillor Mrs P. Weston The Mayor, in the Chair

41/06 APOLOGIES

Apologies for absence were received from Councillors S. Bhadye, K. Chouhan, J.M. Fullbrook, S.B.S. Lorch, Mrs M. Madams, Mrs I Napper, J.D. Packman, and J.M. Paton and Mrs J. Wood-Dow.

42/06 INTERIM CHIEF EXECUTIVE

The Mayor welcomed Mr Geoff Chilton, in his role as Interim Chief Executive, to his first meeting of the Council.

43/06 MINUTES

RESOLVED that the minutes of the meeting held on 15 December 2005 be approved as a correct record, subject to the Chief Executive confirming the accuracy of the wording of the supplementary question and response contained within Minute 432/05.

44/06 DISCLOSURE OF INTERESTS

All Members present declared that they had a personal interest in minute number 51/06 Members' Allowances – Report of the Independent Remuneration Panel under Section 4.1 of the Spelthorne Member Code of Conduct.

45/06 ANNOUNCEMENTS BY THE MAYOR AND LEADER

ANNOUNCEMENTS BY THE MAYOR

The Mayor thanked all Members who would be attending her Charity Ball on 25 February 2006, and those who had assisted her with preparations for this event. She announced that a sponsored walk around Virginia Water would be taking place on 19 March 2006. This event was being arranged for her by Fairfax Hairdressing of Laleham. She further announced that a Charity Dinner would be taking place at The Angler's Retreat, Laleham on 25 April 2006.

ANNOUNCEMENTS BY THE LEADER

The Leader, Councillor Ceaser, announced that there would be a seminar for Members on 20 April 2006 on the outcome of the consultation for the review on Improving Older People's Services. Recommendations on this review would be discussed at the meeting of the Executive on 25 April 2006 and these would be brought before the meeting of the Council on 27 April 2006.

46/06 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor reported that under Standing Order 12, four questions had been received from members of the public. She invited each person to put their question in turn, and for responses to be given by the Leader or responsible portfolio holder. She confirmed that a written response would also be sent to the questioners.

(a) QUESTION FROM MR OLLINGTON

"A gantry has been erected at Sunbury Cross with a large illuminated advertisement. This has no planning approval and the Company, Decaux, has played with the Council to obtain years of advertising. Will the Council instruct its officers that any action or application by this company will be treated as in bad faith and take the strongest possible action immediately to correct any future breach of Planning Law? "

The Portfolio Holder for Environment and Planning, Councillor G.E. Forsbrey, responded as follows:

"We are aware of the issue relating to the advertising gantry at Sunbury Cross which was erected without proper authority. Mr Ollington referred the matter to the Council as a complaint on behalf of the Sunbury Common Residents Association and on investigation it was found that there had been undue delay in issuing a summons against the company. His complaint was upheld and an apology was offered to Mr Ollington on behalf of nearby residents. As a consequence of Mr Ollington's complaint the Council has now secured an agreement from the advertiser that it will remove the gantry on 18 March 2006. If it does not do so then the Council will reconsider its position on prosecution. The Head of Corporate Governance has written to Mr Ollington to confirm this.

As regards any future applications from the same advertiser, then the Council is not entitled to treat these as being made in bad faith. Each application brought to the Council has to be considered on its merits and there is no provision in planning law for the Council to look into the background of an applicant.

I would like to add, that the Council is aware of the need to ensure that developers cannot flout planning regulations and officers are working to ensure that better processes are in place so that the delays that occurred in this instance are not repeated."

(b) QUESTION FROM MR CRABB

"Given the assurances made by the Leader of the Council at the Benwell meeting on February 4th that no decision has yet been made regarding closing Day Centres in Sunbury and Stanwell, can he re-affirm his position on the Older Peoples' Review?"

The Leader responded to this question, and said,

“No final decision has been made and officers and Members are reflecting on and reviewing the proposals in the light of the communication and consultation process. A decision will be made at the Executive on 25 April 2006 and then a final decision by Full Council on 27 April 2006.”

(c) QUESTION FROM MRS NICHOLLS

“The government white paper entitled ‘Our health, Our care. Our say – a new direction for community services’ just published in January 2006 asks the Primary Care Trusts to work with local councils to combine health and social care opportunities. It specifically mentions community centres as appropriate locations for some types of primary healthcare and gives the promise that funding will be available.

This proposal offers potential financial respite for the council’s community centres. Bearing this in mind, a decision to dispose of Stanwell and Sunbury’s day centres would seem to be premature and contrary to government wishes. What options has Spelthorne Borough Council pursued with the PCT, and what other sources of funding has the council investigated with a view to preventing the closure of the day centres.”

The Leader of the Council responded to the question on the following lines:

“Decisions on closing any day centre have not yet been taken. The Council have been in discussion with Surrey County Council Social Services department and the PCT for four to five years. A group, led by the Chief Executive, and senior officers have been looking at opportunities to work together, including funding. The County does provide some funding at a subsidised level for people they wish to attend day centres, but not the full cost to us, to support services and this is mainly for those who have higher needs. Officers are continuing to look at different funding options as part of the final report to Executive on 25 April 2006.”

(d) QUESTION FROM MR JOHNSON

“Since the Asset Management Plan and capital Strategy has been adopted, I notice that in paragraph 8.39 mention is made that a developer has identified alternative uses for the day centre sites and the values they could attract.

I should like to know:

- a) Who is the developer?
- b) How was the developer chosen?
- c) What are the values estimated for each day centre?
- d) What development use has been identified for each site?
- e) Where can the developer’s report be viewed?”

The Leader responded, as follows,

“a) It was not a developer but a planning consultant and a valuer who carried out a piece of work on looking at alternative uses of all the sites. It is seen as

good practice to carry out an options appraisal on sites before taking forward a consultation.

The planning consultant was Paul Dickinson Associates.

The valuer was Campsie & Co

b) The consultant was appointed through our normal standing order procedures. A brief was prepared for him to act upon.

c) The estimated value is exempt business as it is commercially sensitive, but assuming 100% value, the sites are valued as follows:

Benwell	25%
Staines	23%
Fordbridge	19%
Greeno	16.5%
Stanwell	16.5%

d) The planning consultant was requested to look at housing options on each site, including retirement homes.

e) The planning consultant's report can be made available on request, but not the valuations report."

The Mayor thanked Mr Ollington, Mr Crabb, Mrs Nicholls and Mr Johnson for taking the time and trouble to attend the meeting and put their questions.

47/06 PETITIONS

The Mayor invited Mrs Barbara Morley of 43 Birch Grove, Sunbury, to present a petition concerning the Council's review for Improving Older People's Services in Spelthorne and to address the Council.

Mrs Morley presented the Petition, which the Mayor duly received, and outlined her reasons for it. She explained that she was speaking for herself and all other users of the Benwell Centre. The petitioners considered that the day centres kept the elderly active and independent, looked after their social needs and therefore saved costs elsewhere. She described the activities which were provided at the Benwell Centre, and the respite given to those with "higher needs" and their carers. She expressed concerns about accommodating Benwell users at the other day centres, and how the elderly might make the journey to them. She urged the Council most strongly to reconsider its proposal to close down the Benwell Centre.

The Petition would stand referred to the Executive.

48/06 REVIEW OF CONSTITUTION

The Leader proposed that the delegations and amendments requested in the report of the Strategic Director (Support) be accepted. Councillor Sider stated that a further issue had been raised on the Constitution at the Licensing Committee held on 22 February 2006, and was reassured that this would be brought to the attention of the Executive.

RESOLVED that the amendments to the Constitution be approved in full.

49/06 REVENUE BUDGET AND COUNCIL TAX

The Council considered a report on the Council's net Revenue Expenditure Budget for 2006/2007, and the proposal for the Council Tax for 2006/07.

The Mayor referred members to the Budget Book [green cover] reflecting the decisions and recommendations made by the Executive on 7 February 2006 and the precepts being levied by Surrey County Council and the Surrey Police which had been circulated to all members.

The Mayor gave consent under Standing Order 16.4 for the budget speech of each of the Group Leaders to exceed five minutes but not to exceed 10 minutes. The Council subsequently agreed that the speeches could exceed ten minutes.

The Leader of the Council, Councillor G.S. Ceaser, made a statement on the Budget and Council Tax and moved the recommendations set out in the Budget Book (green cover). This was seconded by the Deputy Leader, Councillor E.K. Culnane. The Leader of the Opposition Group, Councillor C.V. Strong also made a statement.

A copy of the Leader's statement was made available for other Members, the press and public at the meeting and is **attached at [Appendix A](#)**.

RESOLVED:-

1. That, in support of an increase of 13p per week (5%) in the Spelthorne element of the council tax for 2006/07, the following proposals be approved;
 - (a) the revenue estimates as set out be approved.
 - (b) An amount not exceeding £790,000 as set out in the report be appropriated from general reserves in aid of Spelthorne's local council tax for 2006/07.
 - (b) To note that the council tax base for the year 2006/07 is 39,510.10 calculated in accordance with regulation 3 of the local authorities (calculation of council tax base) regulations 1992, as amended, made under section 33(5) of the Local Government Finance Act 1992.
2. That an additional sum of £122k be taken from the new schemes fund to meet the up front costs of savings; the sum required for Performance Related Pay (PRP) to be taken from savings in 2005/06.
3. That the following amounts be now calculated by the council for the year 2006/2007, in accordance with sections 32 and 33 of the Local Government Finance Act 1992.

(a)	£41,227,405	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)	£29,881,055	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)	£11,346,350	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)	£5,500,440	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)	£147.96	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.

4. That the following amounts be now calculated by the Council for the year 2006/2007, in accordance with section 36 of the Local Government Finance Act 1992.

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
98.64	115.08	131.52	147.96	180.84	213.72	246.60	295.92

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 2006/2007 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.

Precepting Authority	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Surrey CC	644.46	751.87	859.28	966.69	1181.51	1396.33	1611.15	1933.38
Surrey Police	108.84	126.98	145.12	163.26	199.54	235.82	272.10	326.52

6. That having calculated the aggregate in each case of the amounts above, the Council, in accordance with section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2006/2007 for each of the categories of dwellings shown below:

Valuation Bands							
A	B	C	D	E	F	G	H
£851.94	£993.93	£1,135.92	£1,277.91	£1,561.89	£1,845.87	£2,129.85	£2,555.82

50/06 CAPITAL PROGRAMME 2006/2007 TO 2009/2010

RESOLVED that the Capital Programme for 2006/07 to 2009/10 as set out in Appendix 1 of the Budget Book [green cover] be approved and that the Prudential Indicators as set out in Appendix 2 of the Budget Book [green cover] be agreed.

51/06 MEMBERS' ALLOWANCES

The Council considered the recommendation of the Executive to support the recommendations of the Independent Remuneration Panel appointed to consider Members' Allowances. The report from the Independent Panel had been circulated to all members of the Council.

RESOLVED:

- (a) That with effect from 1st April 2006 the following allowances be paid:

Basic allowance	
Payable to all Members	£3732
Special Responsibility Allowances	
Leader	£8562
Deputy Leader	£5686
Other Executive members (4)	£2854
Chairmen of Overview and Scrutiny Committees (2)	£2854
Chairmen of Planning and Licensing Committees (2)	£2854
Opposition Group Leader	£2854

- (b) In recognition of 2005 as possibly a unique year for Licensing hearings, that for the financial year 2005/2006 an additional payment be made to the Chairman of the Licensing Committee of £1386 and to the Vice-Chairman of the Licensing Committee of £693 to reflect their contribution.
- (c) That the Panel will review the additional payments to the Chairman and Vice-Chairman of the Licensing Committee again in 12 months time, in light of the volume of activity and future on-going workload of the Licensing Committee and its Sub-Committees.

52/06 REVIEW OF THE OPERATIONAL ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

RESOLVED that the recommendations of the Performance Management and Review Committee arising from the findings of the Task Group set up to review the operational arrangements for Overview and Scrutiny, as endorsed by the Improvement and Development Committee be approved, and that the necessary amendments to be made to the Council's Constitution to reflect the recommended changes to the operational arrangements for Overview and Scrutiny be agreed.

53/06 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor G.S. Ceaser, presented his report, which outlined the various matters the Executive had dealt with since the last Council meeting.

54/06 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.

55/06 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

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

56/06 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor M.L. Bouquet, presented his report on the inaugural meeting of the Committee. He stated that the Committee had considered its future Work Programme and had considered, in particular, a quarterly report on the work of Audit Services.

57/06 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting and the outcome of Appeals against decisions of the Licensing Sub-Committee brought in the Staines Magistrates' Court. He explained that an Appeal concerning the Blue Anchor premises in Staines had been postponed until June 2006 when it was scheduled for a hearing over one and a half days.

58/06 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. On behalf of the Committee, he expressed thanks to John Silvester for his interim role as the Head of Planning and Housing Strategy prior to the arrival in post of Heather Morgan.

59/06 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.

60/06 QUESTIONS ON WARD ISSUES

Under Standing Order 13 Councillor P.R. James asked the Leader of the Council, Councillor G.S. Ceaser the following question:

"Can a statement be given on the accident last week in the Elmsleigh Shopping Centre. The statement to include

- (1) The cause of the accident.
- (2) How many persons were injured and their injuries.
- (3) The litigation that is bound to follow (Because I hear that some of the injuries were serious). Whom will this fall on? The council or contractors.
- (4) Finally I would imagine that the Health & Safety Executive will be bringing charges against some one, and that might involve the Council appearing in court.

The Leader replied, as follows,

"As Members will know the Council owns the head lease of the Elmsleigh Centre in Staines, but the Centre is occupied and operated by Clerical Medical who in turn sub lease to retailers. The Council was made aware that there had been an accident last week, and the information provided to us at the time indicated that four people were injured, one of them seriously. The accident occurred when a sizeable hoarding fell away from the renovation works at the Vision Express premises. At this stage no further detailed information is available on how the hoarding may have fallen. I understand that the matter is being investigated by the Health and Safety Executive. I am advised that there is no legal liability for the Council, since it is not in occupation of the building and it is not responsible for the building works at the Centre."

61/06 APPOINTMENTS TO OUTSIDE BODIES

The Ashford (Middlesex) Sick or Needy Charity

The Mayor expressed the sympathy of the Council on hearing of the death of Mrs Nellie M. Hunter, a long-standing appointee of the Council.

It was moved by Councillor G.S. Ceaser and seconded by Councillor E.K. Culnane and

RESOLVED that Mr Terrance Colins be appointed as a Council Representative Trustee to serve on The Ashford (Middlesex) Sick or Needy Charity for a period of 4 years until 22 February 2010.

62/06 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 involved the likely disclosure of exempt information as defined in the paragraph, indicated below, of Part 1 of Schedule 12A of the Act indicated above.

63/06 LEISURE CENTRE PROCUREMENT

(Paragraph 9 - Proposed Terms of a Contract)

The Council considered the exempt recommendation of the Executive in relation to the Council's leisure contract.

RESOLVED to approve the recommendations laid out and numbered 922 in the record of decisions of the Executive, held on 17 January 2006.