

**MINUTES OF THE COUNCIL MEETING HELD ON 19 OCTOBER 2006
BOROUGH OF SPELTHORNE**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL
CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 19
OCTOBER AT 7.30PM**

Ayers F.	Fullbrook J.M.	Packman J.D.
Bain Miss M.M.	Grant Mrs. D.L.	Paton J.M.
Beardsmore I.J.	Hirst A.P. (Deputy Mayor)	Pinkerton Mrs. J.M.
Bhadye S.	Hyams Mrs. M.	Pinkerton J.D.
Bouquet M.L.	Jaffer H.R.	Ponton Mrs. J.E.
Ceaser G.S. (Leader)	James P.R.	Royer M.T (Mayor)
Chouhan K.	Langridge-John Mrs J.B.	Sider R.W.
Colison-Crawford R.B.	Leighton Mrs. V.J.	Spencer Mrs. C.L.
Culnane E.K. (Deputy Leader)	Lorch S.B.S.	Strong C.V.
Davies F.	Madams Mrs. M.	Trussler G.F.
D'Sa R.V.	Napper Mrs. I.	Turner Mrs D.
Forsbrey G.E.	O'Hara E.	Wood-Dow Mrs. J.M.

Co-Opted Member: Mr. M. Litvak

Councillor M.T. Royer, The Mayor, in the Chair

323/06 APOLOGIES

Apologies for absence were received from Councillors Mrs. P. Amos, E. J. Searancke and Mrs. P. Weston and from Mr. T. Davies.

324/06 MINUTES

RESOLVED: that the Minutes of the Meeting of the Council held on 20 July 2006 be approved as a correct record.

325/06 ANNOUNCEMENTS BY THE MAYOR

The Mayor invited Councillor G.E. Forsbrey, Portfolio Holder for the Environment, to present Green Flag awards for the Lammas and Fordbridge Parks.

Councillor Forsbrey announced that the Council had achieved Green Flag accreditation for two of its parks; Lammas in Staines and Fordbridge Park in Ashford.

The Green Flag Award was the national standard for parks and green spaces in England and Wales. The award scheme began in 1996 as a means of recognising and rewarding the best green spaces in the country. It was also seen as a way of encouraging others to achieve the same high environmental standards and creating a benchmark of excellence in recreational green areas.

There were 423 parks and open spaces in England and Wales which had been awarded a green flag. Winning two flags, at the Council's first attempt underlined its commitment to improving the quality of life for its residents.

The two parks had undergone a programme of improvements funded by the Liveability Scheme.

Councillor G.E. Forsbrey then presented the Green Flag Status Awards for Fordbridge Park, Ashford and The Lammas, Staines, respectively, to the Mayor who accepted them on behalf of the Borough Council.

326/06 QUESTIONS FROM MEMBERS OF THE PUBLIC

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

The Mayor explained that the Council had introduced a change to the public speaking arrangements at Council meetings with effect from this meeting. Members of the public asking questions would now be able to do so from the front of the Council Chamber, with the benefit of addressing the Councillors "face to face" and would receive replies from appropriate Members who would also be facing them directly.

(1) Question from: Mr. T. Crabb: -

"The Council agreed on April 28th 2005 the proposals for disposing the lease of the land at Kempton Park.

The proposals, previously exempt but now in the public domain, included:

"Kempton Park to allow free access to the area of land shown on the plan as DP4 for educational visits, by prior arrangement, 12 times a year. Also, there will be a positive covenant on Kempton Park to maintain DP4 in accordance with an agreed management programme."

Can the Council please tell me

- a) how many educational visits have occurred in the past year?
- b) the duration of the visits?
- c) who visited the site i.e. schoolchildren or local residents?
- d) how has the Council promoted such educational visits among local residents and local schools?"

Thank you in anticipation of your help with this."

The Portfolio Holder for Children and Young People Services, Councillor Mrs. D.L. Grant responded as follows:

Thank you Mr Crabb for your question.

You are probably aware that Kempton Park was closed for about a year for the re-development.

Since it re-opened, it has had a school visit of about 60 children on 1 May 2006 and will have another booking for about 60 children on 6 November 2006. I am not aware of the duration of each visit because we are not the Education Authority (that is a County Responsibility).

The Council regularly meets with school cluster groups and we believe they are well aware of the availability of these educational visits, as the two visits I have mentioned confirm.

However, I will ensure that the next time we meet with schools we will re-iterate this educational opportunity.

I can therefore confirm that under the agreement, Kempton Park must allow free access to the area of land (you have referred to as DP4) for educational visits, by prior arrangement, up to 12 times a year. There is also a positive covenant on Kempton Park to maintain this area (that is DP4) in accordance with an agreed management programme.

(2) Question from: Mrs. C. Nichols: -

“Kempton Park

I refer you to Item 26 of the minutes of the last Sunbury Area Forum on 28th March 2006. It says “the money that the Council received [from giving up a lease] on Kempton was £250k on completion and £10k plus cumulative RPI for the next 25 years.” It also says “the money was designated for use on open spaces”.

Can the Council confirm that the money is solely for use on open spaces; who was responsible for this decision - the Executive or Full Council; and which open spaces will receive the investment and when?”

The Portfolio Holder for Children and Young People Services, Councillor Mrs D.L. Grant responded as follows: -

“Because the agreement with Kempton Park concerned public access, it has always been the Council’s intention to use the funds from the agreement for public open spaces within Spelthorne. The value of the surrender of the Council’s lease was £250,000 plus an annual payment of £10,000, agreed by the full Council on 28 April 2005.

The Council has, and will continue to make, great improvements to its parks and open spaces, utilising the Kempton funds, plus its own. Some examples of expenditure totaling over £200,000 in the last year are:-

Playground in Oaks Road, Stanwell	£50,000
Playground equipment at Laleham Park Shepperton Road, Laleham	£12,000
Extra BMX/goals in Town Lane, Stanwell	£15,000
Meeting Point, Cedars Park, Sunbury	£4,000
Playground Equipment Halliford Park Shepperton	£5,000
Playground Equipment Woodthorpe Road, Ashford	£6,000
Refurbishment at Greenfield Recreation Ground, Laleham	£60,000
Refurbishment and a new playground surface Feltham Hill Road, Ashford	£60,000

These are in addition to the £2m plus we have spent through the Liveability project.

Thank you, Mrs Nichols, for your question and I trust this information answers it.

(3) Question from: Mrs. C. Nichols: -

“Improving Older People’s Services - request for an updated financial statement.”

“One of the difficulties with the consultation process has been the failure by Spelthorne Council to produce a detailed comprehensive financial statement showing all the short and long term costs and savings of the proposed changes.

Spelthorne Council must now have a clearer idea of the costs of the changes (including any redundancy payments, fees to outside bodies and capital investment in the remaining day centres) as well as a forecast for the income to be received from reinvesting the sale proceeds of the two day centres.”

“Please would the Council now provide complete and detailed financial statements for the years 2005/6, 2006/7, and 2007/8 broken down to show the costs and receipts for each of the following change programmes:

Benwell Day Centre

Stanwell Day Centre

Spelride

(Note: a comprehensive statement should show clearly the same three year capital investment, revenue and cost profile of the meals-on-wheels services, Span, expansion of the remaining day centres -including the temporary occupation of Churchill Hall - and any other older people’s services.)”

The Leader of the Council, Councillor G.S. Ceaser responded as follows: -

The detailed financial data is available identifying the short and long-term costs and savings. As you will appreciate the financial statements are complex. If Mrs Nichols would like to contact the Strategic Director (Support), Ms Sue Sturgeon or the Head of Financial Services, Terry Collier they would be happy to arrange a meeting to explain the financial statement in depth”.

(4) Question from: Ms. L. Parramore

"Joint Waste Plan notes that some partner authorities agree with Surrey and favour Energy from Waste (incineration) and some do not. As a partner authority does Spelthorne support or oppose Incineration in general and at Charlton in particular?

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

“The Joint Municipal Waste Management Strategy, produced jointly by the Surrey districts and County provides a long term strategy for waste management in Surrey (To 2025). As waste is a major environmental issue, the strategy is heavily focused on reduction, reuse and recycling of waste, before looking at final disposal.

The aim of the strategy is to minimise what has to be finally disposed of. However, landfill sites, which have their own environmental issues, are running out of space and one possible alternative is energy from waste. Out of the 12 local authorities involved in production of the strategy, only three authorities have commented/caveated their response in relation to energy from waste. Spelthorne has appreciated that there has to be some form of final disposal and considers all options should be explored thoroughly, but has not made any comment directly on energy from waste plants.

However, actual sites for such schemes are identified through the Surrey Waste Plan and Spelthorne responded to the consultation on this Plan when it was submitted to the Secretary of State in June.

Spelthorne Borough Council has expressed the view that thermal treatment development at any of the identified sites would only be acceptable where the size and form of development is limited, having regard to the environmental impact.

With regard to the site at Charlton Lane we have argued that any development at this site which would give rise to landscape, amenity and traffic impacts greater than the current operations would not be acceptable. Therefore, Spelthorne has objected to the site being used for any large scale development, such as energy from waste”.

(5) Question from: Mr. K. Johnson

“Areas of Special Advertisement Control

“I attended the public hearing on the 30th August 2006 and represented the public voice against Spelthorne’s application to the Government to remove all its areas of Special Advertisement Control. It transpired that Spelthorne is the only local authority in the country to seek such total revocation of these control areas. The Local Borough Plan was produced, subject to extensive public consultation and includes Areas of Special Advertisement Control enshrined in Policy BE18(a).

I should like to ask how this Authority can make a change to a Borough Plan Policy without public consultation and contrary to the requirements of PPS12 for public involvement?”

The Leader of the Council, Councillor G.S. Ceaser responded as follows: -

“Areas of Special Advertisement Control give additional control over adverts, and have to be agreed by the Secretary of State. Only some 45% of authorities in the Country have such orders – most of our neighbour authorities do not. ASAC can only in the main apply to non-urban areas – in Spelthorne, this is the Green Belt. Spelthorne has had one since the 1960’s.

In essence ASAC reduce the size of adverts that can be erected without permission. However, the permitted limit is very low anyway, and because in practice most adverts applied for nowadays are many times larger than this limit, the provision no longer has any practical benefit for Spelthorne.

We are required to review the order every five years and the Secretary of State will only approve an order where there is clear evidence for it being retained. A review of the value of the order over the past 20 years has shown it to have no additional benefit in controlling adverts and therefore the Council concluded its continued retention could not be justified.

The review of ASAC is subject to a separate statutory process from the preparation and review for the Local Plan and new LDF process. Whilst the current Local Plan cross refers to it, review of the current ASAC cannot be part of a review of the Local Plan or LDF.

The review of the ASAC has been subject to public consultation in accordance with statutory requirements and, as a result of objections, a recent inquiry was held. The Secretary of State decision is awaited.

Whilst we are the first authority to revoke an ASAC, it is understood most authorities fail to regularly review them and therefore assess their continued justification.

The basis of the objections put at the enquiry was concern about unauthorised advertisements that are put up from time to time. These have to be dealt with under existing enforcement powers and the ASAC does not provide any additional benefits when taking enforcement action. These points were debated fully at the recent inquiry”.

(6) Question from: Mr. K. Johnson

“Changes to Waste Recycling and Collection

“This is the subject of Agenda Item 7.3 tonight.

It would appear that this is going to cost the taxpayer money for their waste to be collected less frequently.

I should like to ask:

- a) Is it the intention to consult the public about this apparent reduction in service at greater expense?
- b) Has the Council considered getting a grant from the £140 million waste minimisation and recycling fund?
- c) Has the Council taken note that the biggest culprit to landfill waste is the construction industry involved with demolition waste - which according to Surrey County Council accounts for 42% of landfill? Is Spelthorne going to change its policy of allowing perfectly habitable dwellings to be demolished in order to reduce waste at source?
- d) Has the Council sought advice from the top performing councils in the country for recycling? (St.Edmundsbury 50.64%; Forest Heath DC 48.59%; South Cambridge DC 46.8%; Lichfield DC 46.35%; and Harborough 46%)
- e) It would appear the top councils supply containers free to collect compostible waste. Will Spelthorne do the same?

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

- “a) It is intended to run pilots on the proposed service. It is expected that extra costs will be limited and some are "one offs" in terms of the scheme's implementation. We are also hoping that glass will be included by next year in the dry recyclables wheeled bin rather than having to be collected separately under the new scheme, thus keeping costs under control.
- b) The Council considers obtaining grants wherever possible. There was a pot of money of about £140M that was available in 2002/03 and 2003/04 to help Local Authorities with their waste and recycling schemes. Such funds are no longer available. More recently, much more targeted schemes have arisen and we do apply for these.
- c) The Council is fully aware of contribution that the construction industry makes to landfill waste. The Government, Surrey County Council and the industry itself are looking at ways

to increase recycling of such waste. In the UK, encouragement of diversion of biodegradable waste from landfill is implemented via the Landfill Allowance Trading Scheme. If targets under the scheme are not achieved in terms of reducing the amount of biodegradable waste to landfill, Surrey County Council will be fined, with potential consequences for Surrey council tax payers.

- d) Yes, the Council has sought advice and information from many Councils and also looked at the top performing Councils. However, a number of top performers only achieve such levels because they have a free garden waste collection or have been funded by Government grants. Their recycling rates for dry recyclables (paper, card etc) are often not that high. With regards to garden waste, Spelthorne is currently able to offer a limited cost effective service as the Surrey district closest to a composting site, but more facilities are required. Surrey County Council is intending to build such facilities in Surrey within the next two years.
- e) As a result of discussions in Surrey around the sustainability issues of garden waste collection, it is unlikely that Surrey will implement free garden waste collections services, as it only results in greater tonnages of waste to dispose of, rather than encouraging local composting in the garden and reduced carbon emissions”.

327/06 LOCAL DEVELOPMENT FRAMEWORK – ADOPTION OF THE STATEMENT OF COMMUNITY

The Council considered the recommendation of the Executive on the proposed adoption by the Council of the Statement of Community Involvement.

RESOLVED that the Council approve the Statement of Community Involvement, subject to the Inspector’s recommendations.

328/06 LICENSING COMMITTEE - PROPOSED CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS

The Council considered the recommendations of the Executive on proposed changes to the Council’s Scheme of Delegation to Officers.

RESOLVED that the Council agree that the Scheme of Delegation to Officers, in the Council’s Constitution, be amended to read as follows:

“To issue permits under Section 34 of the Gaming Act 1968: where:

- (a) In the case of a new application, there are no more than two amusements with prizes machines; and
- (b) In the case of an application for renewal and after consultation with the Chairman of the Licensing Committee and subject to Ward Members being notified, the number of machines does not exceed that which already exists and provided that no complaints have been received about the premises in respect of the machines.”

329/06 RECYCLING AND WASTE COLLECTIONS

The Council considered the recommendations of the Executive on proposals for future arrangements for Recycling and Waste Collections in the Borough.

It was moved by Councillor G.S. Ceaser and seconded by Councillor G.E. Forsbrey: -

- “1. That the alternate weekly collection system is based on co-mingled plus (flexibility to include add-ons), consisting of a two wheelie bin system with one bin for refuse and one for co-mingled dry recyclables, with flexibility to deal with difficult localities [including the provision of an appropriate stock of [180 litre] wheeled bins, for those properties unable to accommodate 240 litre bins].
2. That the 240 litre wheeled bin is the most appropriate container for an alternate weekly collection of residual waste.
3. That the 240 litre wheeled bin is the most appropriate container for alternate weekly collection of dry recyclable material.
4. That when the scheme comes into operation, refuse side waste will not be collected.
5. That when the scheme comes into operation, recycling side waste will be collected.
6. That one of the 240 litre bins is coloured entirely British Racing Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.
7. That the other 240 litre bin is coloured entirely Light Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.
8. That chip technology is fitted at the point of purchase and that the Officers shall not use such technology in any way without bringing the matter before the Council to determine the grounds for usage.
9. That branding is by way of “hot branding” and kept simple with the words “Spelthorne Borough Council” plus “the year”, on the top of each bin, and either the word “refuse” or “recycling”.
10. That the Council will continue to maintain the present chargeable garden waste service.
11. That the Officers are authorised to procure containers and vehicles (on contract hire and maintenance) appropriate for the service recommended in recommendations 1 to 3 and 6 to 9 above.
12. That the funding of the scheme be agreed with £1.1M capital provision for the purchase of wheeled bins, and, for inclusion in the outline budget, additional ongoing revenue of £286,000 or £556,000, if the Council require a separate glass collection.
13. That the implementation costs, as identified in paragraph 6.5 of the report of the Strategic Director (Community), be specifically funded from reserves.
14. That the Council places on record its thanks to the Improvement and Development Committee’s Waste Management Task Group for its work to date in considering the options for changes in the refuse and recycling system and for its advice to the Executive.

15. That the Waste Management Task Group continues, in order to address detailed issues under Phases 2 and 3 of the terms of reference, such as operational policies”.

An amendment was moved by Councillor C.V. Strong, seconded by Councillor I.J. Beardsmore that: -

“in line one of recommendation 2, the number ‘240’ be deleted and substituted by the number ‘180’;

That in line one of recommendation 6, the words ‘one of the 240 litre bins ‘ be deleted and the words ‘the 180 litre bin’ be substituted therefor; and

That in line one of recommendation 7, the word ‘other’ be deleted”

The amendment was lost.

RESOLVED that the Council agree, as follows:

1. That the alternate weekly collection system is based on co-mingled plus (flexibility to include add-ons), consisting of a two wheelie bin system with one bin for refuse and one for co-mingled dry recyclables, with flexibility to deal with difficult localities [including the provision of an appropriate stock of [180 litre] wheeled bins, for those properties unable to accommodate 240 litre bins].
2. That the 240 litre wheeled bin is the most appropriate container for an alternate weekly collection of residual waste.
3. That the 240 litre wheeled bin is the most appropriate container for alternate weekly collection of dry recyclable material.
4. That when the scheme comes into operation, refuse side waste will not be collected.
5. That when the scheme comes into operation, recycling side waste will be collected.
6. That one of the 240 litre bins is coloured entirely British Racing Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.
7. That the other 240 litre bin is coloured entirely Light Green [including the lid], subject to advice being sought from the National Disability Discrimination forum on whether the colour is distinguishable by partially sighted persons.
8. That chip technology is fitted at the point of purchase and that the Officers shall not use such technology in any way without bringing the matter before the Council to determine the grounds for usage.
9. That branding is by way of “hot branding” and kept simple with the words “Spelthorne Borough Council” plus “the year”, on the top of each bin, and either the word “refuse” or “recycling”.
10. That the Council will continue to maintain the present chargeable garden waste service.

11. That the Officers are authorised to procure containers and vehicles (on contract hire and maintenance) appropriate for the service recommended in recommendations 1 to 3 and 6 to 9 above.
12. That the funding of the scheme be agreed with £1.1M capital provision for the purchase of wheeled bins, and, for inclusion in the outline budget, additional ongoing revenue of £286,000 or £556,000, if the Council require a separate glass collection.
13. That the implementation costs, as identified in paragraph 6.5 of the report of the Strategic Director (Community), be specifically funded from reserves.
14. That the Council places on record its thanks to the Improvement and Development Committee's Waste Management Task Group for its work to date in considering the options for changes in the refuse and recycling system and for its advice to the Executive.
15. That the Waste Management Task Group continues, in order to address detailed issues under Phases 2 and 3 of the terms of reference, such as operational policies.

330/06 FORMAL ADOPTION OF THE SURREY JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY

The Council considered the recommendation of the Executive to formally adopt the Surrey Joint Municipal Waste Management Strategy.

RESOLVED that the Council approve and adopt the Surrey Joint Municipal Waste Management Strategy.

(Councillor I.J. Beardsmore indicated at the commencement of this item that he wished to have his abstention recorded in the Minutes)

331/06 REVISED FINANCIAL REGULATIONS

The Council considered the recommendation of the Executive on draft revised Financial Regulations.

RESOLVED that the Council approve the Revised Financial Regulations, as set out in the Appendix to the Report of the Strategic Director (Support) to the Executive.

332/06 REVIEW OF THE PLANNING CODE

The Council considered the recommendations of the Standards Committee on a revised Planning Code.

It was moved by Mr M. Litvak and seconded by Councillor E. O'Hara: -

“that the amendments to the Planning Code, as set out in the Annex to the report of the Monitoring Officer, be approved.”

Mr. Keith Johnson had given notice that he wished to present a Statement to the Council on the Review of the Planning Code before the Council made any decisions on Agenda Items 8 [a] and 8 [b] as follows: -

“Review of the Planning Code

As a member of the public I am led to believe that the planning code is about the public’s perception of probity yet the public has no right to be consulted on its acceptability. I wish to comment on two of the clauses.

a) Paragraph 22

From our experience with Kempton Park I request that this clause remains and is not deleted as proposed.

The Executive made decisions in private on the sale of a lease that affected this planning application and had a vested interest in seeing it approved. This was not subject to the Planning Officer’s report.

The public perception is that the Executive Planning Portfolio holder had a prejudicial interest.

b) Paragraph 23

There is a strong case for members to take part in appeals where planning officers have made recommendations to approve a planning application which the planning committee then rejects because the planning officer has failed to take into account all material facts. Similarly cases where the Council has failed to determine an application by exceeding the time limit.

As a Member has a duty to the public it does not seem right to take advice from the department that failed in its performance.

I therefore suggest that Clause 2.3 be reworded as follows:

“A Member who intends to make representation in any planning appeal whether in writing or by appearing at a hearing or inquiry should advise the Head of Planning and Housing Strategy stating the reasons for such representation”.

Following a discussion by Members on paragraph 23 of the code, the Monitoring Officer stated that the wording of this paragraph was not intended to, and would not, prevent members of the Planning Committee either speaking on behalf of residents or themselves at a Planning enquiry.

RESOLVED that the amendments to the Planning Code, as set out in the Annex to the report of the Monitoring Officer, be approved.

333/06 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.

334/06 IMPROVEMENT AND DEVELOPMENT COMMITTEE

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

335/06 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.

336/06 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.

337/06 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.

338/06 STANDARDS COMMITTEE

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

339/06 AUDIT COMMITTEE

The Chairman of the Audit Committee, Councillor M.L. Bouquet, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.