

MINUTES OF THE COUNCIL MEETING HELD ON 13 DECEMBER 2007

BOROUGH OF SPELTHORNE

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON
THURSDAY 13 DECEMBER AT 7.30PM**

Ayers F.	Dunn Mrs S.A.	O'Hara E.
Bain Ms M.M.	Flurry K.E.	Packman J.D. (Leader)
Beardsmore I.J.	Forsbrey G.E.	Pinkerton Mrs J.M.
Bell Mrs E.	Grant Mrs D.L.	Pinkerton J.D.
Bhadye S. (Deputy Mayor)	Hirst A.P. (Mayor)	Royer M.T.
Bouquet M.L.	Hyams Ms N.A.	Sider R.W.
Broom Ms P.A.	Jaffer H.R.	Smith-Ainsley R.A. (Deputy Leader)
Budd S.E.W.	Kuun C.D.G.	Spencer Mrs C.L.
Chouhan K.	Leighton Mrs V.J.	Strong C.V.
Colison-Crawford R.B.	McShane D.L.	Thomson H.A.
Collis M.J.	Napper Mrs I.	Trussler G.F.
Crabb T.W.	Nichols Mrs C.E.	Weston Mrs P.
Davis C.A.	Nichols L.E.	

Mr Murray Litvak

Councillor A.P. Hirst, The Mayor, in the Chair

392/07 DEATH OF HONORARY ALDERMAN P.C. WILLIAMSON

At the commencement of the meeting the Mayor announced with regret the death of the former Councillor and Honorary Alderman, Peter C. Williamson.

The Mayor recalled that as a former Member and Chairman of the Sunbury Urban District Council, Mr Williamson was pre-eminent in the formation of the Borough of Spelthorne, following the merger of Staines and Sunbury Urban District Councils. He was the first elected Leader of the newly formed Authority in 1974 and served consecutively in that capacity until 1987.

Members and Officers stood in silence as a token of respect.

393/07 APOLOGIES

Apologies for absence were received from Councillor Mrs M.W. Rough.

394/07 MINUTES

The minutes of the meetings held on 18 and 23 October 2007 were approved as a correct record, subject to the substitution of the word "for" for the word "in" in the first line of the paragraph and by the addition of the words "which is within the Sunbury Common Ward" after the words, "in Escot Road, Sunbury" in the last line of the paragraph of Minute 328/07, resolution 1, page 143 of the minutes of the meeting

held on 18 October 2007. The amended Resolution in Minute 328/07 reads as follows:

“To create a new Polling Place for the Laleham and Shepperton Green Ward, and within that Place to establish a polling station to serve electors in International Way, Windmill Close, Lincoln Way and Cedar Way, Sunbury to be located on the Tesco store site in Escot Road, Sunbury which is within the Sunbury Common Ward.”

395/07 ANNOUNCEMENTS FROM THE MAYOR

Magna Carta School, Staines – Presentation of a Calendar of Staines

The Mayor introduced staff and pupil representatives from Magna Carta School, who presented a calendar of Staines to the Council. They were accompanied by Brian Perry of Proctor and Gamble, who had provided sponsorship for the production of the calendar. The calendars could be purchased for £3.50 each from the School Office and all proceeds raised were in aid of the Shooting Star Hospice.

Great Tree Race

The Mayor expressed his thanks to Members and Officers for supporting the inaugural Great Tree Race, held on 24 November in Laleham Park, which had been a great success and an excellent kick-off to the Tree Council’s ‘National Tree Week.’

He gave special thanks to Jill Stephens of Civic Pride for organising the Great Tree Race, which it was hoped would become an annual event.

Gardeners’ Question Time

The Mayor announced that a Gardeners’ Question time would be taking place at Stanwell Village Hall on 29 February 2008.

Mayor’s Ball

The Mayor reminded Members that tickets were available from the Mayor’s Secretary for the Charity Ball being held on 29 March, 2008 at Kempton Park Racecourse.

396/07 ANNOUNCEMENTS FROM THE LEADER

The Leader announced that Surrey County Playing Fields Association had agreed to appoint former Councillor Gerry Ceaser as the Council representative for Spelthorne.

397/07 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Mayor reported that under Standing Order 13 one question had been received from a member of the public. In the absence of Mr Jonathan Webster, the Head of Corporate Governance read out his question. A response was given by the Leader of the Council, Councillor J.D. Packman who confirmed that a copy would be sent to Mr Webster.

(1) Question from Jonathan Webster

“Will the Leader of the Council take into consideration the serious threats to the surrounding homes posed by the potential development of the Environment Agency’s site at Fordbridge Road, Sunbury, because of its unique situation in the flood plain and surrounded by Plotlands and Green Belt and the serious widespread

local concerns in Lower Sunbury and recommend an urgent enquiry at this stage with a view to the removal of this site from the Local Development Plan?"

Response by the Leader, Councillor John Packman

"Thank you for your question Mr Webster. Much of the Riverside Works site is now surplus to the requirements of the Environment Agency. Central government guidance requires public bodies to release any surplus land they have and that is what the Environment Agency are doing. The Council has recognised guidance is needed on how this site should be redeveloped. Following its own public consultation on this site, as part of the emerging local development framework, the Council has proposed an alternative use of residential. The principle of residential use has received overwhelming public support. It is important that we use sites suitable for housing for that purpose so the government imposed housing requirements on the Council can be met. The government requirement is already large at 3,000 more houses over the next 20 years and are likely to be increased by a further 10% by the government in the near future.

Flood Risk is categorised in three ways, 1:20, 1:100, 1:1000. The site is not subject to the highest flood risk as it is in the 1:1000 level but there are important issues, which any acceptable scheme will have to take account of including, most importantly, any adverse impact on the adjoining residential uses. We believe the best way of getting the right sort of development on this site, which protects the interests of local people, is to give clear advice, which we believe firmly and strongly we have done and will continue to do. The identification of the site in the LDF, with the advice it has set out, is an important part of getting the right development".

398/07 RESERVES POLICY

The Council considered the recommendation of the Executive to approve and adopt the Reserves Policy.

RESOLVED

1. That the Council approves and adopts the draft Reserves Policy, as reported by the Strategic Director (Support).
2. That the Council seeks to maintain an overall level of reserves of at least £31m.
3. That the Council combines the existing Housing Initiatives and Social Housing and Initiatives Funds into a single fund of approximately £7.6m and the balance on these funds (£600k) is transferred to top up the Business Improvement Reserve to enable to fund the implementation costs necessary to achieve business improvement and service transformation savings.
4. That the Council ceases to credit interest back to its reserves unless there is a policy decision to do so.

**399/07 TRANSFER OF HEALTH AND SAFETY ENFORCEMENT
RESPONSIBILITIES OF SPELTHORNE AND SUNBURY LEISURE
CENTRES TO THE HEALTH AND SAFETY EXECUTIVE [HSE]**

The Council considered the recommendation of the Executive to agree to the transfer of health and safety enforcement responsibilities for Spelthorne and Sunbury Leisure Centres premises from this Council to the Health and Safety Executive (HSE).

RESOLVED

That the Council agrees to transfer the responsibility for Health and Safety enforcement at the Spelthorne and Sunbury Leisure Centres from this Council to the Health and Safety Executive [HSE].

**400/07 LICENSING ACT 2003 – ADOPTION OF STATEMENT OF
LICENSING POLICY 2008 TO 2011**

The Council considered the recommendation of the Executive to approve and adopt the Spelthorne Borough Council Statement of Licensing Policy 2008 to 2011 for implementation with effect from 7 January 2008.

RESOLVED

That the Council approve and adopt the Spelthorne Borough Council Statement of Licensing Policy 2008 to 2011 for implementation with effect from 7 January 2008.

401/07 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor J.D. Packman, presented his report which outlined some of the matters the Executive had dealt with since the last ordinary meeting of the Council. Councillor Packman responded to various questions raised by Members and agreed to provide a substantive reply to Councillor Crabb on a query regarding Car Park Charges, which had not been included on the agenda for this meeting due to a problem with communications between the parties.

402/07 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report which outlined matters the Committee had dealt with since the last ordinary meeting of the Council. Councillor Sider thanked the Members of the Licensing Committee for their support over the year and wished them a Merry Christmas.

403/07 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Chairman of the Performance Management and Review Committee, Councillor F. Ayers presented his report which outlined matters the Committee had dealt with since the last ordinary meeting of the Council. In response to questions which had previously been raised by a Member on the current budget monitoring position for revenue and capital expenditure, he commented that if the member resubmitted more definitive questions, he would ensure all members of the Committee received a copy of the answers.

404/07 PLANNING COMMITTEE

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

405/07 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 ordinary meeting of the Council. Mr. Litvak responded to a question from a Member about the changing role of the Standards Board for England in the future now that the provisions of the Local Government and Public Involvement in Health Act 2007 relating to the ethical framework had been published.

406/07 MOTIONS

Under Standing Order 16, Councillor C.V. Strong proposed and Councillor L. E. Nichols seconded the following motion:

"This Council notes that Parliament has created the Identity Card (ID) legislation. This will have an effect upon all residents of the Borough of Spelthorne.

This Council further notes:

- 1) That the proposed scheme will impose costs on the Council itself in terms of ensuring compatibility of operations.
- 2) That the ID card and database proposals will fundamentally alter the relationship between the state and the individual.
- 3) That in 2005 the then Home Secretary when asked whether ID cards would have prevented the London terrorist atrocities said, "I doubt it would have made a difference".
- 4) That the government's own Information Commissioner stated that, "The measures in the Bill go well beyond establishing a secure, reliable and trustworthy ID card. The measures in relation to the National Identity Register and data trail of identity checks on individuals risk an unnecessary and disproportionate intrusion into an individual's privacy."

This Council resolves to:

- a) Take no part in any pilot scheme or feasibility work in relation to the introduction of national identity cards, based upon current Government proposals for such a scheme, unless specifically required to by law.
- b) Make it a policy of the Council to ensure that national identity cards will not be required to access Council services or benefits unless specifically required to do so by law.
- c) Take no part in the national database unless required to do so by law and protect our residents data to the best of our ability.

d) Oppose the introduction of national identity cards and instructs the Chief Executive to write to the Home Secretary to inform her of Council policy.”

Under Standing Order 18.6 (iii), Councillor Ms P.A. Broom proposed and Councillor C.A. Davis seconded the following amendment:

“This Council notes with concern Her Majesty’s Government’s failure to properly consider criticisms of, or vary, the terms of the Identity Card Act 2006; that this scheme is fundamentally flawed in conception and this will have an irrevocably damaging effect upon all whom it impacts, including all residents of the Borough of Spelthorne and further consideration should be given to consultation with residents.

Further:

- 1). The scheme will impose wholly disproportionate costs on this Council and other bodies in terms of operational costs and associated implementation costs.
- 2). The ID card and database will fundamentally change the relationship between the individual and the state.
- 3). ID cards won’t prevent terrorist attacks.
- 4). ID cards won’t prevent illegal immigration.
- 5). ID cards won’t prevent identity fraud.
- 6). ID cards won’t prevent human trafficking.
- 7) This Council resolves to:
 - (a.) Take no part in any pilot scheme or feasibility work in relation to the national Identity Card Scheme unless specifically so required to by law.
 - (b.) Make it a policy of the Council to ensure national identity cards shall not be required to obtain council benefits or services unless specifically required to by law.
 - (c.) To take no part in the national database unless required by law.

The amendment was carried.

RESOLVED that the Council

- (a.) Take no part in any pilot scheme or feasibility work in relation to the national Identity Card Scheme unless specifically so required to by law.
- (b.) Make it a policy of the Council to ensure national identity cards shall not be required to obtain council benefits or services unless specifically required to by law.
- (c.) Take no part in the national database unless required by law.

407/07 QUESTION ON WARD ISSUES

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

"Please would the Portfolio Holder update us on the Benwell extra-care housing and day centre proposal which was put on public view at St Paul's Catholic College on 13th November. How has feedback from the Public been incorporated into the process and what changes, if any, are expected before plans are formally submitted to the Planning committee? May we also have an update on the development timetable?"

The Portfolio Holder for Adult and Elderly Services, Councillor Mrs V. Leighton, responded as follows:

The information and comments received from the Benwell pre-planning session on November 13 2007 have been collected and sent to Nottingham and their architects. Nottingham and their architects are considering whether some of the suggestions can be included.

It must be remembered however, that Nottingham have been selected due to their experience. They already provide extracare in London, including their model at Elgin Court, which also has a day/community centre.

In terms of a timetable, I understand that it is likely that the plans will be submitted by the middle of January 2008 for formal planning consideration, with likely completion of the project in Spring 2009.

Councillor Mrs Nichols then exercised her right under Standing Order 14.2 to ask a supplementary question on whether the Portfolio Holder considered that the proposal for a housing density of 200 per hectare at this site was an acceptable standard for this particular group of people to be living under.

Councillor Leighton replied that a core number of units were needed to make the development a viable proposition and that this density was normal for extra care housing. She added that Notting Hill had been flexible in their proposals in order to deliver a state of the art development where every latest facility had been included for the benefit of residents.

408/07 GENERAL QUESTIONS

Under Standing Order 14 Councillor R.W. Sider asked the following question:

"The implementation of the Alternate Weekly Re-cycling programme was probably the biggest logistical exercise that this Council has ever undertaken. That said, will the Leader of the Council agree with me that a vote of thanks should be accorded to Head of Direct Services, his manager and staff for a task well done, often in the face of adversity, and to the Head of Environment Services and the Head of Office Services, together with all other Council Officers and staff who gave support in this difficult operation? And will the Leader note, that on a recent inspection of the actual refuse collection by the Health and Safety Executive (HSE) lasting some three hours,

the HSE were extremely complimentary in their de-brief on the way the operation was carried out by the refuse operating crews?"

The Leader, Councillor Packman, responded:

"It gives me great pleasure to support all that Councillor Sider has said. The implementation of the Alternate Weekly Re-cycling Collection was a monumental exercise and one for which all the officers and Councillors involved should be commended for their work and dedication.

I would particularly like to compliment Councillor Mrs P. Weston, who led the Waste Management Task Group, for her perseverance when so many difficulties were presented to them. I would also like to express my gratitude to the Task Group for their valuable contribution which ensured that we achieved success."

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

"I understand that the Leader of the Opposition has written to the Leader of the Council and the Chairman of the Improvement and Development Committee.

The suggestion is that the Committee holds a special public meeting away from the Council offices in which BAA management would be invited to be questioned regarding their proposals for expansion at Heathrow.

The results of this meeting would then feed into the Policy decision that the Executive will consider at its meeting in February 2008.

As a Committee member I fully support this initiative. Could the Leader please give an update on likely arrangements?"

The Leader, Councillor Packman, replied as follows:

"I appreciate the opportunity Councillor Bell's question has given me to provide an update on the likely arrangements. The Heathrow expansion consultation is being run by the Department for Transport. The Department are already publicising their proposals through a series of exhibitions at which DfT staff are in attendance to answer questions. These include an exhibition in Stanwell on 19 December, the area potentially most affected by any development.

The DfT are not arranging any public meetings and are not making their staff available to speak at public meetings. BAA regard themselves as consultees rather than promoters and it is doubtful whether they would be willing to attend a public meeting where they may be expected to answer for the DfT.

Members should already be aware that we are holding a Members seminar, which would be similar to the approach we have adopted for previous Heathrow consultations. Therefore, I believe there is ample opportunity, through the public consultation period, for the public to respond, and I would urge all Members to encourage the public within their wards to take an active role in the consultation process, which ends on 27 February 2008."

Under Standing Order 14 Councillor C.V. Strong asked the following question:

"I attended the second LDF pre-examination meeting held on December 4th where I raised serious concerns as to the nature of the Local Development Framework.

Given my serious concerns can I invite the Leader to withdraw the entire LDF?"

The Leader, Councillor Packman responded as follows:

"Councillor Strong will not be in the least surprised to hear the answer is a resounding, no. The submitted LDF documents sets out a clear strategy for the next 20 years to address the many important issues that face our community.

That strategy seeks to assess what the Borough's needs are, where they should be met, when, who should provide for them and how. It sets out a clear locational strategy of protecting the Green Belt and placing new development in the urban area. It aims to do this in a way that avoids unacceptable risks from flooding, poor air quality and excess noise - particularly from Heathrow. It is supported by detailed policies to deliver the strategy and also ensure the quality of new development and sensitive areas are protected.

This comprehensive strategy is the right one, but we all accept that many of the issues it addresses are complex and so is the process the document has to go through. There are some matters, which are dealt with by other plans and cannot be dealt with in the LDF.

Those that are critical of the LDF and there are many deliberate attempts to cloud the issue, need to understand the function of a District Council LDF and the background material on which it is based. This is information that we have published to ensure everyone can read it. That material alone demonstrates the thoroughness and detail we have gone into to produce this plan. It has all been considered and agreed by the LDF Working Party, which as you are aware, is a cross party group.

This new LDF has been consulted on extensively with now 4 separate 6 week periods of public consultation and democratically agreed by this Council.

There are, of course, developers who want to build in the Green Belt. These same developers also want the plan withdrawn because it simply does not give them what they want. The proper place to consider all concerns is at the public hearing sessions. This enables all concerns to be scrutinised in a thorough, fair and open way. I suggest, therefore, that this is the proper place for your concerns, Councillor Strong, to be addressed."

Councillor Strong then exercised his right under Standing Order 14.2 to ask a supplementary question requesting the Leader's comments on the fact that at the 1st and 2nd pre-examination meetings, the Inspector raised concerns that dovetailed with his own.

The Leader replied that the Council would move forward with the LDF by addressing the concerns raised by the Government Inspector, which were being considered by Planning Officers at the present time and would be published at the appropriate time.

Under Standing Order 14 Councillor I.J. Beardsmore asked the following question:

"On April the 6th next year the new national planning application form starts. This will be a national framework with room for local authorities to adapt it to local conditions. (If it is reflected in the consultation) will Spelthorne do everything it can to protect our back gardens, and when will the consultation start?"

The Leader, Councillor Packman replied as follows:

"The 1APP national application form does indeed come into effect from 6th April 2008. The effect will be to standardise all application forms across England, whether a developer submits a scheme to Spelthorne or elsewhere.

Along with the form there is a 'national list' of requirements which sets out the type of additional information required for different types of application. For example the need for a design and access statement or a tree survey. Each authority also has the option to consult on and adopt a 'local list' which sets out additional requirements for their own borough. Officers are currently in the process of drawing up a list and will consult with planning agents in the new year. Additional information which the Council will require include flood risk assessments and air quality reports for the relevant type of proposal.

It is not the case that the 1APP national form or the national/local lists can deal with the issue of protecting back gardens as this is a policy issue. The list can only set out what information the Council will require in order to register and consider the different types of applications we receive. This is a Planning Management issue and I have therefore asked officers to prepare a full report which will be placed in the Members' Bulletin"

Councillor Beardsmore then exercised his right under Standing Order 14.2 to ask a supplementary question for a response on when the consultation would start.

The Leader, Councillor Packman, replied that publicity on the national application form would be given at the appropriate time and people would be invited to respond if they so wished.

Under Standing Order 14 Councillor Mrs C.E. Nichols asked the following question:

"A number of Councils have introduced Design Review Panels to assist their Officers and Planning Committees in securing good Housing design from developers when they submit planning applications.

Design Review Panels typically include local architects drawn from a list on a revolving basis.

Would the Council consider the introduction of such a Panel to assist us with the effective implementation of PPS3 and other design-related policies?"

The Chairman of the Planning Committee, Councillor E. O'Hara responded:

"I am aware that a number of Councils have adopted this approach when considering large scale and strategic proposals which could have a significant impact on a particular location. Examples include a mixed town centre development including retail offices, residential and a new town square.

Very careful consideration would need to be given to adopting such an approach, in respect of clear terms of reference, the make up of such a panel and their role in any formal planning process.

We need to be mindful of the targets which the government sets us for determining applications, and if such an option were considered, the implications would need to be fully explored, especially on smaller scale residential schemes.

I have asked officers to undertake some additional work on this to establish whether it merits further consideration and to report back to the Executive in due course. If Councillor Mrs Nichols has any thoughts on the matter, I would be happy to discuss them with her."

409/07 APPOINTMENT OF COUNCIL REPRESENTATIVE TRUSTEES TO LALEHAM CHARITIES

It was proposed by Councillor J.D. Packman and seconded by Councillor R.A. Smith-Ainsley and

RESOLVED

That Ian Allen OBE, Alan Stewart-Darling, Betty Brueton-Smith and Alex Jones be appointed as Council Representative Trustees to serve on the Laleham Charities for a period of 4 years until 13 December 2011.

410/07 SEASON'S GREETINGS

The Mayor, Councillor A.P. Hirst, wished those present at the meeting a Merry Christmas and a happy, prosperous and peaceful New Year.