

MINUTES OF THE COUNCIL MEETING HELD ON 28 APRIL 2011

BOROUGH OF SPELTHORNE

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON
THURSDAY 28 APRIL 2011**

Ayers F.	Crabb T.W.	Nichols Mrs C.E.
Bain Miss M. M.	Davis C.A.	Nichols L.E.
Beardsmore I.J.	Dunn Mrs S.A.	O'Hara E. (The Mayor)
Bell Mrs E.M.	Grant Mrs D.L.	Packman J.D. (Leader)
Bhadye S.	Hirst A.P.	Sider R.W.
Broom P. A.	Hyams N.A.	Smith-Ainsley R.A. (Deputy Leader)
Budd S.E.W. (Deputy Mayor)	Jaffer H.R.	Thomson H.A.
Colison-Crawford R.B.	Leighton Mrs V.J.	Trussler G.F.
	Napper Mrs I.	

Mr. Murray Litvak, Chairman of Standards Committee

Councillor E. O'Hara, The Mayor, in the Chair

113/11 APOLOGIES

Apologies for absence were received from Councillors Chouhan, Flurry, Forsbrey, McShane, Mrs J.M. Pinkerton, Royer, Spencer, Strong; and Miss Sue Faulkner, Vice-Chairman of Standards Committee.

114/11 MINUTES

The minutes of the Council meeting held on 24 February 2011 were approved as a correct record subject to the wording at Minute 64/11 General Questions, in relation to the supplementary question asked by Councillor Mrs C.E. Nichols being amended as follows:

“Under Standing Order 14.2 Councillor Caroline Nichols asked the following supplementary question:

First, I would like to ask that the person responsible for providing the answers is identified in the minutes because I consider the answer to be given in terms which are offensive.

Secondly, the information on waste produced per head is extremely useful and if it could be more widely circulated it would be helpful to educate the public about the issue of waste reduction as there is a lot of focus on recycling rates but not the total amounts of waste produced. Can we do more to engage with the community on waste reduction issues?

The response provided subsequently in writing is set out below:

Under the constitution all questions are directed to me as Leader and answered by me unless I nominate another councillor to do so on my behalf. I don't accept that

the answer is offensive and I would reiterate that I urge all councillors to raise questions with officers outside of Council meetings so that simple issues such as this can be addressed.

I am happy to report that the need to publish more widely the details of waste produced was an issue already under consideration. These details can be published on the web, in future editions of the Bulletin and the electronic newsletter when we are dealing with waste matters.

We also have close links with the community via the schools and with local businesses through the Spelthorne Business Forum, with residents associations and at community events such partnership days. All these methods will be used to help promote awareness of the need to reduce waste overall.

I trust this addresses the councillor's point and I would urge that if she has any further ideas to contribute on getting the message across, we will give them consideration."

115/11 DISCLOSURES OF INTEREST

Councillor Beardsmore declared a personal interest in issues relating to Surrey County Council's Planning Committee of which he was a member. He would abstain from taking part in any discussion on such matters but would remain in the Chamber to listen to the debate.

116/11 ANNOUNCEMENTS FROM THE MAYOR

1) Pat White: Pat has worked for the Council since 1996

Starting at the Greeno Day Centre as a cook and eventually becoming Manager. Pat, like all the day centre staff, has worked tirelessly for the community but Pat also has the reputation for being a life saver.

Four years ago, she saved Lorna's life at the Greeno by performing cardiac resuscitation.

On 5 April 2011 Pat was one of the officers called out to open a rest centre at the Fordbridge Centre at 2.30am. Pat and colleagues worked through the night to support residents whose flats had been destroyed by fire.

The following day 6 April, following little sleep Pat returned to work. Lorna (the lady whose life she had saved) was bringing her a cup of tea when Spelride arrived. The Spelride driver came in and advised Pat that a lady on the bus was not well. When Pat got on the bus, Pat found no pulse or breathing. Pat then performed CPR in the bus, the lady came round, the ambulance arrived and the lady was taken to hospital and is now fit and well.

The ambulance drivers praised Pat and tonight we also want to praise Pat. Not many people save one life let alone two. So Pat we are very proud that you work for Spelthorne and that you are a credit to the Council and the residents of Spelthorne.

- 2) **Australian visit:** The Mayor announced that he had been invited to visit the city of Hume in Melbourne, Australia to celebrate the 175th anniversary of the founding of Sunbury, Victoria. He stressed that the cost of the trip would not be funded from the Council's finances. The Leader suggested that Lower Sunbury Residents' Association (LOSRA) and Shepperton Residents' Association should be contacted to see if they wanted to send their best wishes, via the Mayor, to the residents of Sunbury and Shepparton, Victoria.
- 3) **Cricket match:** The Mayor announced that there would be a charity cricket match on 2 May 2011 between Spelthorne, represented by a team from Sunbury Cricket Club and a team of West Indian cricketers from Haringey. Local charities would benefit from the event.

117/11 ANNUAL REVIEW OF THE CONSTITUTION

The Council considered the recommendation from the Cabinet on suggested amendments and improvements to the Constitution.

RESOLVED that

1. The amendments to the Constitution (in section 2 of the report) be agreed with effect from the third day after the local government elections of 2011 (9 May 2011).
2. The Head of Corporate Governance publishes a new, updated version of the Constitution on the Council's website from the same date.

118/11 PLANNING – AMENDMENTS TO THE SCHEME OF DELEGATION

The Council considered the recommendation from the Cabinet on the proposed changes to the scheme of delegation for dealing with planning applications and the impact those changes would have.

RESOLVED that option 2, as set out in paragraph 3.2 of the report of the Deputy Chief Executive, be adopted as the new scheme of delegation for dealing with planning matters, subject to the Head of Corporate Governance giving further consideration to the member call-in procedure.

119/11 FOOD WASTE COLLECTION SERVICE

The Council considered the recommendation from the Cabinet on capital funding for the implementation of a food waste collection service commencing in October 2011.

Councillor L.E. Nichols requested, under Standing Order 21.4, that the abstention from the vote on this matter by the Liberal Democrat party members, as follows, be recorded.

ABSTAIN (7)	Councillors I.J. Beardsmore, Mrs E.M. Bell, R.B. Colison-Crawford, T.W. Crabb, Mrs S.A. Dunn, Mrs C.E. Nichols and L.E. Nichols.
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RESOLVED that the capital funding of £265,000 for the procurement of kitchen caddies, food waste bins and liners be approved.

120/11 THE SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON THE DESIGN OF RESIDENTIAL AND NEW RESIDENTIAL DEVELOPMENT

The Council considered the recommendation from the Cabinet on proposals to ensure that residential extensions and new residential developments are built to a high standard.

Councillor L.E. Nichols requested that his opposition to the definition of 2 and 3 storey buildings in the SPD, be recorded.

RESOLVED that the SPD on the Design of Residential and New Residential Development be adopted as Council policy.

121/11 REPORT FROM THE LEADER OF THE COUNCIL

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

122/11 REPORT FROM THE CHAIRMAN OF THE AUDIT COMMITTEE

Councillor Thomson, a member of the Audit Committee, presented the report, which outlined the matters the Committee had decided since the last Council meeting.

123/11 REPORT FROM THE CHAIRMAN OF THE LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report, which outlined the matters the Committee had decided since the last Council meeting. He thanked the officers for their support to him, together with members of the Committee who had sat on many sub-committee hearings. Councillor L.E. Nichols said that in the four years he had been a member of the Council he had heard nothing but praise for the way in which Councillor Sider handled the Licensing Committee, whose sub-committees met frequently and did not make mistakes or expose the Council to legal concerns. He personally thanked Councillor Sider for what he had done for the Spelthorne community and that he felt sure his colleagues would agree with him.

124/11 REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee, Councillor Ms P.A. Broom, presented her report, which outlined the matters the Committee had decided since the last Council meeting.

125/11 REPORT FROM THE CHAIRMAN OF THE PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor H.A. Thomson, presented his report, which outlined the matters the Committee had decided since the last Council meeting. He expressed his appreciation to members of the Committee and officers for their assistance in dealing with the many planning matters during his time as Chairman.

126/11 REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE

The Chairman of the Standards Committee, Murray Litvak, presented his report, which outlined the matters the Committee had decided since the last Council meeting. He thanked members of the Council for their support to himself and his Vice-Chairman, Sue Faulkner and the Head of Corporate Governance for his support at meetings.

127/11 MOTIONS

Under Standing Order 16.3, the Council had received Notice of a Motion:

Councillor R.A. Smith-Ainsley proposed and Councillor R.W. Sider seconded the following motion, as amended by and agreed with Councillor L.E. Nichols:

This Council is strongly opposed to the proposals by Surrey County Council to introduce parking charges on the borough's roads and urges all Spelthorne's County Councillors to also oppose the measures on the following grounds:

- The very serious adverse effect that the proposals would have on the economic health of local shops and businesses in Ashford, Shepperton and Sunbury Cross, particularly as this Council is joint funding with the County Council regeneration schemes for those local areas.
- The lack of consultation by Surrey County Council, with either this council or local residents, prior to announcing its proposals.
- The publication of the proposals on the Surrey County Council web site before they were notified to this Council.
- The failure of Surrey County Council to notify Spelthorne Council officers of the proposals despite stating that they had done so.
- The cessation of discussions with this Council to progress alternative means of ensuring that on-street enforcement could be carried out more efficiently.

Councillor L.E. Nichols requested, under Standing Order 21.4, that the voting on the recommendation be recorded.

The voting was as follows:

FOR (26)	Councillors F. Ayers, Miss M.M. Bain, I.J. Beardsmore, Mrs E.M. Bell, S. Bhadye, Ms P.A. Broom, S.E.W. Budd, R.B. Colison-Crawford, T.W. Crabb, C.A. Davis, Mrs S.A. Dunn, Mrs D.L. Grant, A.P. Hirst, Ms N.A. Hyams, H.R. Jaffer, Mrs V.J. Leighton, Mrs I. Napper, Mrs C.E. Nichols and L.E. Nichols, E. O'Hara, J.D. Packman, R.W. Sider, R.A. Smith-Ainsley, H.A. Thomson and G.F. Trussler
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The Motion was carried.

128/11 WARD ISSUES

Two ward issues had been submitted under Standing Order 14. The Mayor, Councillor E. O'Hara, had reported at the beginning of the meeting that questions together with the answers would not be read out but had been circulated. However under Standing Order 14.5 supplementary questions would be permitted but that in the interest of fairness gave a direction that the answers would be provided in writing in order to ensure that a properly considered response was provided.

Question from Councillor L.E. Nichols:

“Could the Leader please explain why it is appropriate for the Council to spend thousands of pounds on three industry experts who promote gasification of waste for a scrutiny meeting on the so-called "Eco Park"? In this context, why did the Leader prevent councillors from using their Neighbourhood Grants to enable local residents to get an independent view on the legality of the proposals?”

The response circulated at the meeting is set out below:

“To promote debate at the Overview and Scrutiny Committee experts in the field of waste management and transport were identified to assist in explaining the technologies involved in the proposed EcoPark. The air quality and waste management experts who were present at the Committee meeting are highly regarded in their fields and have been involved in looking at such schemes across the country from both sides. The money spent on their consultancy time was well spent given the scale of the development and the number of implications for the Borough.

The application to use Neighbourhood Grant was turned down because it did not meet the criteria for the grant scheme.

Incidentally - I did not prevent the use of Neighbourhood Grants; the rules state that the Chief Executive has the final say over the appropriate use of funds and this is why the refusal was outlined by Mr Tambini in a letter sent to Cllr Mrs Nichols with full reasons on 17 February 2011, though having said that I fully support his reasons.”

Question from Councillor Mrs C.E. Nichols:

“Residents in my ward have noticed that this year as in previous years the cutting of verges is not synchronised with the cutting of recreation spaces, leaving a tatty appearance. For the last four years councillors across the Borough have asked whether grass cutting could be co-ordinated but despite repeated promises of action this seems not to have happened in my ward at least.

This month I have had to chase the first cut of Hawke Park. The neglect of this green space is surprising given the Leader's expressed support for the development of Hawke Park as an enhanced amenity.

I recall that the Cabinet Member had suggested a reduced number of cuts in Hawke Park following its transfer from Surrey County Council to Spelthorne.

Is the failure to cut the grass in Hawke Park due to a lack of synchronisation or is it due to a reduced cutting regime under the new contract? How many cuts are scheduled under the new contract and what is the Council doing to get the appearance of Hawke Park to the standard achieved by Surrey two years ago?”

The response circulated at the meeting is set out below:

“Grass cutting of public spaces across the borough is carried out under four different contracts to differing specifications. Lotus carries out work on behalf of Spelthorne Borough Council in its parks and open spaces to an output specification which requires the contractors to keep the grass at or below a maximum specified length.

This Council on behalf of Surrey County Council cuts the grass on highway verges. This is an input specification in which Surrey requires us to carry out at least seven cuts per annum but most years we exceed this and last year did 12 cuts.

Lotus and Pinnacle also operate on behalf of A2D.

It is not possible to synchronise these grass cutting arrangements unless all four contractors are prepared to cut to the same specification. This does not look to be a likely scenario.

The consultation process for Hawke Park raised a number of issues that users of the facility felt should be included within the park such as bins and shrub areas. The feasibility of these requests is currently being costed along with grass cutting to ensure that the needs of users are met within the budget made available to us by the County Council. It is possible that if all requests are met the frequency of cutting for 2011/12 may need to be reduced.

The grass has now been cut and a further two cuts are scheduled to take place within the next four weeks to improve its appearance. A regular plan of grass cutting will then commence in and continue through the summer.”

Under Standing Order 14.2 Councillor Mrs C.E. Nichols asked the following supplementary question:

“Can the Council give a commitment to an ongoing dialogue about the long-term landscaping plans in Hawke Park and that a decision won't be taken without going back to all the local residents for further consultation?”

The response provided subsequently in writing is set out below:

“To date we have worked with the local community to try and ensure the path best meets their needs. In terms of future activity, it is hoped that the local community will be proactive in developing the landscaping proposals and certainly any proposals will be consulted on with local residents.”

129/11 GENERAL QUESTIONS

“Two general questions had been submitted under Standing Order 14. The Mayor, Councillor E. O'Hara, had reported at the beginning of the meeting that questions together with the answers would not be read out but had been circulated. However under Standing Order 14.5 supplementary questions would be permitted but that in the interest of fairness gave a direction that the answers would be provided in writing in order to ensure that a properly considered response was provided.”

Question from Councillor T. W. Crabb:

“It is more than a year since Trevor Roberts Associates submitted their report on the Council's Planning set up, and ten months since the Leader's Monitoring Group began its work on it. As that group has no representation from the minority group, nor does it publish agendas and minutes, will the Leader inform Council of its current

status? I.e. how frequently has it met, when will it complete its work and how will the Council learn of its conclusions?"

The response circulated at the meeting is set out below:

"I am pleased to be able to let Cllr Crabb know that there has been very significant progress in implementing the TRA report on the planning service. A report was considered by Cabinet on 8 June 2010 which updated councillors on the main recommendations and more importantly the key priorities for action. These included:

- Customer care and complaint handling training for staff
- Councillor training
- Establishing quarterly liaison meetings with main residents associations and planning agents
- A customer focused and user friendly website
- Undertaking a comprehensive review of the scheme of delegation to make it clearer (whilst maintaining Councillor call ins)
- Amending the Planning Code to enable greater pre-Committee discussion between councillors and officers

The Leaders Monitoring Group has met on a regular basis (at least bi-monthly) since that time, with a clear focus on managing the delivery of the Action Plans which were developed from the recommendations set out in the TRA report. The Leaders Monitoring Group has challenged officers over deadlines, but has also offered constructive help and guidance.

As a result, I can confirm that all of the key actions I referred to earlier have been successfully delivered. Not only this, I am pleased to announce that two of the Action Plans are now 100% complete, and over 90% of the 232 separate recommendations have been completed.

The intention is that the remaining actions will be delivered by the end of June 2011, with the exception of ongoing councillor training and a bi-annual customer satisfaction survey at the end of this year (to coincide with the survey conducted as part of the TRA report two years ago).

A report will be going to Cabinet this summer on the improvements delivered, and how the lessons learnt can be used in further improving the planning service in the future."

Question from Councillor L.E. Nichols:

"Why has the Council decided that it is appropriate to allow a carry forward on the Revenue Account for publicity for food waste collection? Does the Council accept that the practice of carry forward should only be applied to Revenue items when an irrevocable commitment to expenditure has already been made? Does the Council accept that allowing Revenue carry forward means that the Budget as presented to the Council was not totally accurate and understates the expected expenditure for 2011/12 by the amount of the carry forward?"

The response circulated at the meeting is set out below:

The recommendation at Scrutiny to propose to the Cabinet Member for Finance and Resources that a carry forward should be agreed was the result of requests by Heads of Service. The report was discussed and debated by the Committee, of which Cllr Nichols is a member and was involved in the discussions.

As yet no requests have been formally agreed by the Cabinet Member as the carry forwards proposed were only to be agreed if there was sufficient underspend on the revenue budget outturn for 2010/11.

Also the level of reserve proposed to be used only equated to £175k, subject to there being sufficient revenue underspend once the 2010-11 figures are shortly confirmed, which was significantly lower than the total value of requests received, and all the requests would need to be prioritised against needs identified in order to assess which areas would benefit. As of today the level of underspend has not been finalised, however, it is likely that the underspend will be less than originally anticipated which will mean that the carry forward requests will need to be prioritised.

The Council, in common with most other councils, has always allowed carry forwards for under spent budgets, as long as there was sufficient underspend on the revenue budget outturn, in order to finance future expenditure identified by services which was unable to be undertaken in the original financial year. This provides some additional flexibility to services in their management of their budgets.

The budget as presented to Council in February fairly represents an accurate picture of the budgetary spend anticipated in February as this was prior to when the proposed implementation of the new food waste scheme was presented and agreed by Cabinet. The corporate publicity budget did contain sufficient budget to allow schemes previously identified to be undertaken so was a true reflection of the expected expenditure at that time."

Under Standing Order 14.2 Councillor L.E. Nichols asked the following supplementary question:

"I have not received a response to the part of my question on whether the Council accepts the practice of carry forward should only be applied when an irrevocable commitment to expenditure has already been made."

The response provided subsequently in writing is set out below:

"The recommendation at Scrutiny to propose to the Cabinet Member for Finance and Resources that a carry forward should be agreed was the result of requests by Heads of Service. The report was discussed and debated by the Committee, of which Cllr Nicholls is a member and was involved in the discussions."

"As yet no requests have been formally agreed by the Cabinet Member as the carry forwards proposed were only to be agreed if there was sufficient underspend on the revenue budget outturn for 2010/11.

The Council does not accept that the practice of carry forward should only be applied to Revenue items when an irrevocable commitment to expenditure has already been made. There is no accounting accrual issue as, all the Council is doing is putting into reserve a proportion of year end underspend which is then available to fund specified underspend in the following financial year. As stated below the use of carry forwards is a common practice among local authorities. The Council does have a formal process, which has been tightened up, for considering requests whereby services have to justify the bid and explain by when the expenditure will be incurred.

The level of reserve proposed to be used only equated to £175k, which was significantly lower than the total value of requests received, and all the requests would need to be prioritised against needs identified in order to assess which areas would benefit. As of today that figure has not been determined, however, it is likely

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The budget as presented to Council in February fairly represents an accurate picture of the budgetary spend anticipated in February as this was prior to when the proposed implementation of the new food waste scheme was presented to and agreed by Cabinet. The corporate publicity budget did contain sufficient budget to allow schemes previously identified to be undertaken so was a true reflection of the expected expenditure at that time.”

130/11 MAYOR’S THANKS

The Mayor stated this was both the last meeting of the current Council before the elections and his last meeting before the Annual Council meeting in May. He was sad to be leaving the Council having met and worked with many wonderful councillors and officers alike over many years. He took the opportunity of thanking councillors for their service to the Borough and asked all retiring Members to stand and receive the acclamation of their colleagues.