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Elmbridge Borough Council

Minutes of Proceedings at the Meeting of the Council
held on Wednesday, 3 October 2018

Members of the Council:

- * Mrs. S.R. Kapadia (Mayor)
- * Mrs. M.C. Sheldon (Deputy Mayor)

* Ms. R. Ahmed	* V.G. Eldridge	* Mrs. D.M. Mitchell
* D.J. Archer	* Mrs. C. Elmer	* Mrs. R. Mitchell
* M. Axton	* B. Fairbank	* T.G. Oliver
* S. Bax	* M.J. Freeman	* A.R. Palmer
* M.J. Bennison	* C.R. Green	* Mrs. K. Randolph
* Tricia W. Bland	* N. Haig-Brown	* I. Regan
* L.J. Brown	* P.M. Harman	* Mrs. C. Richardson
* J.W. Browne	* N. Houston	* M. Rollings
* A.P. Burley	* M.F. Howard	* C.R. Sadler
* O.T. Chappell	* Mrs. C. James	* S.J. Selleck
* B.J.F. Cheyne	* A. Kelly	* Mrs. T. Shipley
* A. Coomes	* A.H. Kopitko	* Mrs. C. Sood
* Mrs. C.J. Cross	* Rachael I. Lake	* Mrs. J.R. Turner
* A. Davis	* D.J. Lewis	* S.J. Waugh
* G.P. Dearlove	* Mrs. V. Macleod	
* I. Donaldson	* Mrs. M. Marshall	

* Denotes attendance

23/18 Declarations of Interest

There were no declarations of interest.

24/18 Minutes

Resolved that the Minutes of the meeting of the Council held on 18 July 2018, having been printed and circulated, be taken as read and signed as a correct record.

25/18 Mayor's Announcements

The Mayor had continued with a busy schedule of engagements and highlighted some of the key events, which included many school prize-giving ceremonies; armed forces events; fairs & flower shows; and the official opening of the Gymnastics Hall at the Elmbridge Xcel Leisure Centre which had been attended by at least 100 children. All Members were encouraged to take the opportunity to visit the new Gymnastics facility.

The Mayor had recently launched the "Gardener's Under Glass" project at the Molesey Centre, together with Heritage Day Celebrations including those in

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Cobham and Walton-On-Thames. The Mayor took the opportunity to thank the Deputy Mayor who had taken part in the Cobham Heritage Open Day launch of the duck race.

The Mayor was also pleased to advise that the Riparian Challenge had been a great success and this year Councillor Mrs. M. Marshall had been the Mayoral representative. The crew from the Thames Ditton Skiff and Punting Club had been successful in retaining the Riparian Challenge Trophy. Thanks were extended to all those who had taken part and in particular, the rowing crew, the Skiff and Punting Club and the Worshipful Company of Scientific Instrument Makers and the Mayor was delighted to announce that over £1,000 had been raised for her Charity.

The Mayor also took the opportunity to highlight the Prudential Ride London Race that was held on 29 July 2018. The Mayor thanked Councillor A. Coomes; and two officers of the Council, Mr. Brooks and Miss Ellera for taking part in the event and raising over £1000 in aid of her chosen charity Elmbridge Rentstart.

Other engagements had included the Mayor's Civic Day and the Ladies Lunch. The Civic Day was held on 11 September 2017 and Mayors from other the Surrey Boroughs had enjoyed some of Elmbridge's places of interest, with the day commencing at Brooklands Museum and then moving on to Chelsea Football Club Training Ground. The day had concluded at Painshill Park. The Ladies Lunch had also been a great success, attended by over 120 guests and thanks were extended to all for their generosity in raising over £2,000 for her Charity.

In terms of forthcoming engagements, the Mayor took the opportunity to highlight the 'Diwali' themed Charity Ball to be held on 3 November 2018. Tickets were still available to be purchased from the Mayor's Secretary and bookings would close on 15 October 2018.

The Mayor concluded her announcements by highlighting Remembrance Sunday that included commemorating 100 years of Armistice Day. The Mayor would be attending the wreath laying and service at St. James Church in Weybridge on 11 November 2018. The Mayor encouraged all Members to join her for the service. The Mayor also took the opportunity to highlight Elmbridge Rentstart's Carol Service at St. James Church in Weybridge on 29 November 2018. Details of these and other events would be provided in due course by the Mayor's Secretary.

26/18 Leader's Update

The Leader provided an update to Members in respect of traveller encampments, bin collections, Hersham Village Hall and the Local Plan timetable.

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Traveller Encampments

The Leader began by advising that in August the Council had obtained an interim injunction preventing any further traveller encampments on publicly owned spaces. This had proved very effective with only a small number of vehicles entering the Borough and where they had done, they had moved on within a couple of hours. The Injunction was the only one in Surrey and the Council would be seeking to have it extended in the High Court the following month. Irrespective of the injunction, officers had been requested to review all 150 public open space sites with Police colleagues to see if additional security measures were possible.

A workshop had taken place in September 2018 involving all of the Leaders and Chief Executives of the Surrey Districts and Boroughs, together with Surrey County Council and the Police. There had been unanimous agreement to work closely together to deal with what had become a significant issue in the County and in particular to look at establishing a transit site in the County which would in most cases empower the Police to move on encampments. However, it was recognised that this was not a complete solution and there had been a lengthy discussion regarding the Police using their existing powers where those encampments were disruptive to local communities. It was expected that a much clearer protocol would be developed between the Police and the Districts & Boroughs so that residents were clear when the Police could exercise those discretionary powers.

The Leader advised that he and the Chief Executive had also attended a public meeting in Cobham, together with the Chief Constable of Surrey and the Police & Crime Commissioner. This had been a lively meeting but it was helpful to give residents the opportunity to hear what steps the Council had taken as well as providing the opportunity to raise the matter of the perceived lack of action by the Police in pursuing prosecutions for alleged criminal offences. The Chief Constable had been under no illusion as to the strength of feeling of those residents. These feelings were almost certainly shared by all residents of Elmbridge. The Leader confirmed that the Council would continue to work hard to find a long-term solution for the Borough and Members would be updated as the action points from that workshop as they were taken forward.

Bin Collections

The number of reported missed bin collections continued to fall. Out of the 250,000 bins collected each week, in the first week of June there were over 1,200 missed collections reported. The figure had reduced to less than 300 during the last week. The improvement was also reflected in the number of calls to Customer Services about waste and recycling issues which had also dropped steadily since the summer.

The Leader took the opportunity to thank G.P. Dearlove as well as officers for the huge amount of effort they had put into addressing what had become a major problem and while the current performance was much better, they would

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be continuing to press for even better service and much greater consistency and resilience.

Hersham Village Hall

The Leader acknowledged that at the recent 'Your Voice Matters' meeting, held in Hersham, a particular issue raised on the night had been the future of the Hersham Village Hall.

The Leader reiterated that the Council was determined to listen to the views of the residents and that the financial viability of renovating the village hall would be closely looked at, alongside the feasibility study that was being commissioned on the options around the possibility of replacing the existing building. This was part of the recent Cabinet resolution to look at all options including the retention of the existing buildings.

It was important to ensure that money was spent wisely whilst providing excellent community facilities and it was expected to have the feasibility study as soon as possible, together with updated costings for all necessary works to the Village Hall to make it safe. Further consultation with all key residents and stakeholders would also be undertaken at that point. The aim was to continue to see the local community groups thrive and if that could be achieved by modernising the two existing buildings economically and without having to replace them on the existing site with a new community hub then that was what would be done.

Local Plan

The Leader also provided an update in respect of the Local Plan. Members were advised that progress was being made with pulling together a review of suitable sites for potential development as well as those that were not proposed to be developed, but the work was detailed and complicated.

It was expected that the preparatory work would be completed over the next few months and that the new proposed Local Plan would be the subject of public consultation next summer. There was a detailed item on the Cabinet agenda on 27 September 2018, which set out the process to be followed.

It was important to get the Plan right so it was better that the right amount of time be taken to do that rather than rush at it. All Members would be keen to make sure that they were happy with the proposals and that good arguments were in place for protecting the environment that made Elmbridge such a delightful place to live.

27/18 Leader's Question Time

1. Question asked by S.J. Selleck to the Portfolio Holder for Planning Services, J.W. Browne

'Is the Portfolio Holder in agreement with me that the current rules

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applicable to CIL applications meet both the Government's guidelines and this Council's interpretation of those Regulations?'

Response given by J.W. Browne

Thank you Madam Mayor and I'd like to thank Councillor Selleck for his question and he'll be pleased to know that I'm not going to give him a one-word answer.

This CIL Regulations are quite complex, stretching over a number of Statutory Instruments, but we are satisfied that our Community Infrastructure Levy is collected and allocated in accordance with the most recent Regulations.

The levy of course, is a tool for local authorities to help deliver infrastructure to support development and off-set its harm.

Colleagues might be interested to know that since we adopted CIL we have allocated £7,331,233 through the strategic spending board and £3,314,444 through the local spending boards.

Colleagues and Madam Mayor, we are all aware that in the current financial environment affecting all local authorities, these sums have assisted many much needed and highly valued infrastructure projects to become reality.

Supplementary Question by S.J. Selleck

I thank the Portfolio Holder for his answer. I'm grateful for his explanation to the residents and reminder to Councillors as to how effective CIL collection is and how to use it for the future. Can the Portfolio Holder confirm that there is no intention by the present Administration to amend the rules applicable to CIL applications?

Response given by J.W. Browne

What I can say to Councillor Selleck is that whilst we will always keep the rules under review, we need to make sure they're fit for purpose and we need to make sure that they will properly allow us to provide the money that is needed for infrastructure projects, but there are no plans in place at the moment.

2. Question asked by Tricia W. Bland to the Portfolio Holder for Environment and Transport, G.P. Dearlove

'The installation of water fountains across the Borough would be an appropriate use of the funding penalties from the Waste Contract by reducing the amount of plastic waste, improving public access to tap water on the go, and prove our determination to become a greener, more sustainable Borough.

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At the June Cabinet meeting, it was resolved that, and I quote “proposals for the installation and maintenance of water fountains be fully costed and a report brought back to Cabinet with recommended locations.”

As it is now four months since that meeting, can the Portfolio Holder please update the Council as to when this report will be brought forward to Cabinet and what does he think his recommendations will be?’

Response given by G.P. Dearlove

Thank you for the question. I have been discussing options with officers to ensure that we are getting value for money and that the scheme is sustainable and future maintenance is not onerous. At the moment, I have no specific recommendations, but it is planned that an item will be presented to the November Cabinet meeting. This report will provide outcomes, costs and recommendations.

3. Question asked by D.J. Lewis to the Portfolio Holder for Environment and Transport, G.P. Dearlove

‘Given the recent publicity about the need to reduce our usage of plastics, would the Cabinet Member for Environment & Transport please advise what actions are being taken by the Council to achieve this objective and to increase the rates of recycling across the Borough, particularly with regard to black plastic objects such as food trays and flower pots?’

Response given by G.P. Dearlove

I thank Councillor Lewis for his question. Since the end of May the priority between Joint Waste Solutions and our officers has been to bring back the roadside collection service to a standard that the residents of Elmbridge expect. This we are achieving. We at Elmbridge are working with other Surrey authorities through the Surrey Waste Partnership to develop a shared strategy to reduce single use plastics that cannot be recycled at the present time. This will enable us to learn from what others are doing and by combining our resources, to have a significant impact on the issue.

The commitments within this strategy are currently being worked on by officers and I will be discussing them with colleagues from across the county at the next Surrey Waste Partnership Members group meeting at the end of October.

In terms of increasing recycling, the Surrey Waste Partnership are running a number of communications campaigns over the rest of the year that focus on our key material streams of food, textiles and recyclables. For information, we also have some 20,000 subscribers now to the garden waste service. These campaigns are supported by Elmbridge Borough Council and also Joint Waste Solutions through local social media and other communications channels. From 8 October, work is also currently

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underway to increase recycling from a number of flatted developments in the Borough, and we will take learnings from that work to make further improvements in the recycling service offering to flats across the Borough. The recycling market for some types of plastics is currently very challenging. The County Council now manage the recycling collected within Elmbridge and we continue to work with them on finding solutions to recycling these difficult to recycle polymers.

Supplementary Question by Mrs. C. Elmer

I recently went on a recycling visit to Grundons with this Council. I was lucky to get on a residents' organised visit at short notice. The last time I went was about 10 years ago. Do you have any plans to offer this to the Council Members because we found it very, very interesting and I saw a lot of improvement over the last 10 years. I just think everyone would find it very useful if they were able to go on such a visit.

Response given by G.P. Dearlove

Yes, I think it's an excellent idea. Its something I brought in, as you have said, about 10 years ago, and we had 2 or 3 groups there. I myself, want to go to the new centre at Charlton Lane and I think that after I have visited that, I will come back and maybe suggest groups of 8 or 10, but I know when we went to Grundons, 8 was about the limit because of Health and Safety requirements. I will come back to you on that, thank you.

Supplementary Question by I. Donaldson

Having been heavily involved in recycling plants, one of the countries I was involved in was using plastics mingled with tar macadam, which was proving very successful and I'm thinking that would be a very good way out of getting rid of our plastics and sorting out our roads. I just wondered if the Portfolio Holder thinks this is a good idea?

Response given by G.P. Dearlove

The item that was raised earlier by Councillor Lewis was specifically about black plastics. Black plastics are made up of so many mixtures and there is no end product user at the moment. As I was trying to say from my previous dialogue, we are looking with Surrey to see if there is an end user. At the moment there isn't. Until we get to that point I'm afraid I can't mix the plastic in the tarmac.

4. Question asked by S. Bax to the Leader of the Council, T.G. Oliver

'The Administration and our officers are to be congratulated on their success at obtaining a High Court injunction to protect our parks and open spaces. However, this is in stark contrast to the situation at Hurst Park in my ward where we currently have five large dilapidated boats moored without permission on Environment Agency land. They are operating as

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commercial businesses, renting poor quality rooms to unsuspecting visitors in some cases, and causing much distress and nuisance to our residents. What can the Council do to assist the EA in removing this blight on area?’

Response given by T.G. Oliver

Thank you madam Mayor and I thank Councillor Bax for his question. As you already probably know, the River has a complex range of land owners, and the law of trespass only allows the owners of the land that the boats are moored on to act against an unauthorised mooring. Amongst others the land owners within the Borough include Elmbridge Borough Council, the Environment Agency and Network Rail, but our ownership is only in a minority of cases.

Where moorings do occur on Elmbridge land, for example Cigarette Island, we have acted against the boat owners. Indeed, in June we obtained an Injunction against one boat owner and required him not to moor any vessel owned or controlled by him. The riverbank was then cleared. Officers continue to encourage other land owners to take the same action. The Environment Agency undertakes regular boat registration checks including unauthorised moored boats. All boats are required to have valid registration including boat safety certification and insurance. If boats are found not to comply, then the Environment Agency will seek to enforce and will prosecute. Unfortunately, this Council has no jurisdiction in relation to environmental or health and safety matters.

We continue to work with colleagues and neighbouring Authorities to seek a long-term solution to this problem. We are looking at the possibility of joint Injunctions against specific persistent boat owners and also Public Space Protection Orders (PSPO) with other neighbouring Councils, along the length of the River Thames, but this is not necessarily an easy option and is not without challenge or risk because, in relation to an Injunction, there is a need to identify the nuisance operators who are constantly moving locations, and, for a PSPO, there is a need to collate sufficient evidence of nuisance and harm to apply for a proportionate and appropriate remedy. All those issues and options are being actively investigated and there is a regular liaison with the Environment Agency.

Supplementary Question by S. Bax

I looked online where some of the boats are being advertised and some of the reviews from people that have stayed on them are quite eye-opening, and some would be amusing if the situation wasn't so serious. I welcome what I've heard about closer working and I would ask the Leader if he would agree with me that if it's found that further powers are needed by Councils or by the Environment Agency, that Elmbridge will play a part in lobbying the Government to secure those powers because it's a situation that really needs to be addressed.

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Response given by T.G. Oliver

Indeed, I am happy to confirm.

Supplementary Question by M. Axton

Like Councillor Bax, I also get a lot of enquiries from residents who are bothered by these boats and I think the Leader's answer really highlighted the main problem here, that the legal provisions are inadequate. The people who own these boats are fully aware of the law and they do exploit it. Often, on the very day of a court hearing, which has taken a long time to get there, they move the boat to another section of land. So it really is the legal provisions that are inadequate and because of this I wrote to our local MP, Mr. Dominic Raab asking if there is anything he can do and he has actually written to his Cabinet colleagues. Were you aware of that, and if not, I hope that's of use to you.

Response given by T.G. Oliver

No, Councillor Axton, I wasn't aware that you had written to Mr. Dominic Raab MP, but I have had lots of correspondence with local residents over the summer and I'm aware that there is joint working, which is absolutely key to this. Anything anybody can do to increase the powers of this authority or to assist in requiring others to take those steps, so much the better.

Supplementary Question by I. Donaldson

This week I had the opportunity of cycling our stretch of the riverbank and of the slum boats, or whatever you like to call them, not one of them was licensed, because I was checking them, there was litter and there was filth and now they don't bother moving the boats if they get an Injunction, they just hole the boats and leave them there sinking. They are polluting our river and since we take water now from our river and we use it for drinking, somehow, we must be able to, wouldn't you think Leader, we could put something together about them polluting the water.

Response given by T.G. Oliver

That is an issue for the Environment Agency, if there's water pollution but I think we've made the point. I hope the answer that I gave to the original question does reassure Members that we are doing absolutely everything that we can. It's an issue and I hope that at some point we can get a long-term solution.

Supplementary Question by C.R. Sadler

The issue of these boats extends right along the Thames and certainly in Walton Central we have people living on both sides of the river. My question is, you mentioned the Environment Agency doing these checks,

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can we ask them to report to us on a regular basis as to how many of these checks they have done, say once a quarter, because, like Councillor Donaldson, I'm not convinced that they are done regularly and I think that if they were to be done regularly, and if we were to be given the chance to understand how much work they are putting in to it, then that might go some way to improving the local residents' concerns.

Response given by T.G. Oliver

I think that's a very good idea. I'm looking at Councillor Nigel Haig-Brown because I think that would be a very suitable subject for the Overview and Scrutiny Committee to have a look at.

28/18 Urgency Decisions

Members noted that there had been no executive or non-executive decisions taken as a matter of urgency since the last meeting of the Council.

29/18 Reports of Cabinet/Committees and Sub-Committee etc.

Resolved that, subject to the amendments noted below, the reports of the Cabinet and the following Committees at the meetings held on the dates shown, be received and the recommendations contained therein be approved:

Overview and Scrutiny Committee	12 July 2018
Individual Cabinet Member Decision Making – Planning Services	23 July 2018
Local Spending Board – Hinchley Wood and Weston Green, Long Ditton and Thames Ditton	24 July 2018
Audit and Standards Committee	25 July 2018
Special Meeting of the Planning Committee	30 July 2018
Planning Committee	4 September 2018
Individual Cabinet Member Decision Making – Planning Services	5 September 2018

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Cabinet

19 September 2018

Minute No. 24/18 – Property Projects

C.R. Green, seconded by S.J. Selleck, moved the following amendment:

‘That recommendation (d) be amended to read ‘with regard to the Hersham Village Hall, all options be considered including modernisation and renovation of the hall.’

By affirmation of the meeting, the Mayor declared the amendment to be carried.

30/18 Notice of Motion

Members of the Council considered a Notice of Motion which was moved by G.P. Dearlove and seconded by T.G. Oliver.

The Notice of Motion was in the following terms:

‘For several years now, the Council has supported the Small Business Saturday initiative as part of its commitment to supporting the local economy and our fantastic independent businesses. This year the event falls on Saturday 1 December, and I'd ask the Council to show its support for Elmbridge High Street Shops and Businesses, by agreeing to provide free parking for the day in our main and local car parks in our towns and villages. As in previous years I will also be agreeing three additional free parking events for the week preceding Christmas. Therefore, I propose that free parking is provided in our local and main car parks on Saturday 1 December, to support the Small Business Saturday initiative in Elmbridge.’

By affirmation of the meeting, the Notice of Motion was carried.

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The meeting commenced at 7.00 pm and concluded at 7.47 pm

Mrs. S.R. Kapadia
Mayor

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Democratic Services Officer

Ms. B. Greenstein Head of Democratic Services

Other Officers in attendance

R. Moran	- Chief Executive
Mrs. S. Selvanathan	- Strategic Director and Deputy Chief Executive
R. Lee	- Strategic Director
Mrs. C. Herbert	- Law Practice Manager
Mrs. P. Phillips	- Committee and Member Services Officer
Ms. F. Ainsworth	- Management Accountant