

Review Board

Thursday 4 December 2008 7.30pm

**Council Chamber
Civic Offices, Addlestone**

Members of the Review Board

Councillors P B Tuley (Chairman), H W Meares (Vice Chairman), D A Cotty, A J Davis, P A Francis, Mrs L M Gillham, R N Jones, A M Moore and A P Tollett

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Review Board so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr J Gurmin, Committee Section, Administration and Leisure Department, Committee Section, Runnymede Civic Centre, Station Road, Addlestone (Tel Direct Line: 01932 425624). (Email: john.gurmin@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the Review Board held on 9 October 2008 (attached at Appendix 'A') as a correct record.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

Members may wish to note Part 2 of the Code of Conduct for Members (pages 314 to 316) which sets out the definitions of personal and prejudicial interests.

Members' attention is drawn to Paragraphs 11 and 12 of the Code of Conduct which relate to prejudicial interests arising in relation to overview and scrutiny committees. These paragraphs read as follows:-

"Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

Unless you have obtained a dispensation from your authority's standards committee
 - (b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise”.

6. SUSTAINABLE COMMUNITIES ACT 2007 (DAL)

1. Purpose of Report

To brief the Committee on the content and implications of the Sustainable Communities Act 2007, and to allow the Board to make recommendations to Council should it so wish.

2. Background Information

2.1 The Sustainable Communities Act 2007 began life as a private Members' Bill but achieved a broad measure of support. Its broad intention is to allow local communities, through their local authorities, to promote changes in legislation for the benefit of the economic, social or environmental wellbeing of their area.

2.2 This report is presented to the Board at the request of Councillor Mrs E Gill.

3. The Provisions of the Act

3.1 Under Section 2 of the Act, the Secretary of State for Communities and Local Government must invite local authorities to make proposals which they consider would contribute to promoting the 'sustainability' of local communities. In the Act, references to promoting the sustainability of local communities are references to encouraging the improvement of the economic, social or environmental wellbeing of the local authority's area, or part of it.

3.2 Before inviting proposals, the Secretary of State had to appoint a 'Selector' to consider proposals and assist her in drawing up a short list. The Secretary of State appointed the Local Government Association for this purpose.

3.3 At Appendix 'B' is the schedule to the Act, listing the matters to which local authorities must have regard in putting forward proposals. These include the provision of local services, the use of local goods and materials, the local jobs market, local sustainable energy measures, traffic, and various other matters of relevance to the local economy, jobs, housing and recycling.

3.4 The Act also requires the Secretary of State to make arrangements for the production of 'local spending reports'. These are reports on expenditure by defined public bodies, in a defined area over a defined period. The purpose is to assist in promoting the sustainability of local communities and is presumably intended to provide background information for proposals, or other changes in practice.

3.5 In addition, the Community Strategy which each local authority is required to develop in consultation with representatives of the local community, under Section 4 of the Local Government Act 2000, is henceforward to be known as the Sustainable Community Strategy. Members will already have observed this change in nomenclature in the Sustainable Community Strategy recently recommended by the Corporate Management Committee for approval by full Council.

4. Proposals

4.1 The procedure for making proposals is governed by the Sustainable Communities Regulations 2008, which came into force on 3 November. In addition to having regard to the guidance issued by the Secretary of State (see below), the authority must establish a panel adequately representing local persons, consult that panel about a proposal, and try to reach agreement with it. However if the authority takes reasonable steps to do this, but no

representatives of the panel become involved, that does not invalidate proposals put forward by the local authority.

- 4.2 After the closing date for receipt of proposals, the Selector must prepare a written report listing proposals recommended for inclusion on the short list, and giving its reasons for selecting those proposals and for rejecting others.
- 4.3 The Secretary of State then decides which of the short list of proposals are to be implemented, after final consultation with the Selector. She must then publish her decision and the reasons for it, together with an action plan setting out what she intends to do in order to implement the proposals. She must report to Parliament on progress within a year of the publication of the action plan, and at least yearly thereafter, until it is fully implemented.
- 4.4 The Secretary of State published the first invitation to local authorities to submit proposals under the Act on 14 October 2008, eight days before the deadline. Proposals are to be submitted to the Local Government Association (the Selector) by 31 July 2009.
- 4.5 The Government has issued some indication of its likely approach to decisions on short listed proposals:
 - The purpose of proposals is to identify issues on which central Government can act to assist Councils and communities to promote the sustainability of local communities and the Government will consider favourably proposals which meet this test. It follows from this that proposals are more likely to succeed if they are specific about the action required to central Government and also are not already within the powers of local authorities (including powers for the promotion of wellbeing in Section 2 of the Local Government Act 2000);
 - There are established processes for settling the levels and distribution of public sector resources. The Government does not regard the Act as a route for agreeing additional public expenditure, either at national or local level, and so a particularly strong case will need to be made in support of any proposals that require this;
 - As with all public policies, the Government will assess proposals taking into account their broad cost benefit, including in relation to areas or groups that may be wider for those putting forward the proposal, together with the impact of specific groups. This will include the likely costs of making arrangements which are specific to a particular area or group, against the economies of scale which arise from more uniform approaches. Proposals which these test are more likely to succeed;
 - The Government will also take into account its existing policy positions for which it is publicly accountable.
- 4.6 The Act specifically makes it clear that proposals may include a request for transfer of functions from one person or body to another, provided that the authority has consulted both the person or body currently exercising the functions, and the person or body to whom it is proposed that the functions be transferred.
5. Guidance on the submission of Proposals
- 5.1 The Government summarises the 'main messages' of the Regulations and Guidance including the following:
 - The panel of local persons is intended to include persons from underrepresented groups, ie those groups who in the Council's opinion are underrepresented in civic and political activity in their area.
 - There are no limitations on which groups should be included in panels, how the panels should be constituted, or how many panels a local authority may choose to establish or recognise. The Guidance does however set out reasonable steps to identify and include representatives from underrepresented groups on new or existing panels.

- The Guidance states that local persons are those people likely to be affected by or interested in a particular proposal. They do not have to be a resident, and could be someone who works or studies in the area, visitors, service users, local third sector groups, businesses, parish Councils, or anyone else likely to be affected by or interested in the proposal.

6. Resource Implications

- 6.1 The Act does not compel the Council to undertake any action or expenditure.
- 6.2 If the Council is interested in putting forward proposals, adequate staff time will be required to develop the ideas, consider their justification and workability, and to put a case forward to the Selector. As well as such specialist work and advice, the advisory panels (see especially 4.1 and 5.1 above) will need recruitment, administration, and liaison. Both Members and Officers will be involved as well as the members of the panels. Accordingly a serious bid for powers will be a significant undertaking that may divert work from other activities.
- 6.3 As noted above, a very strong argument will be needed to persuade Government of the case for using the Act to promote additional public expenditure (and by implication raise additional income). (It should be noted that this guidance was written before recent Government initiatives aimed at stimulating the economy; however it remains to be seen whether the Government would endorse any such measures at a purely local level, outside of special situations).

7. Reaction to the Sustainable Communities Act

- 7.1 A number of bodies interested in community engagement have warmly welcomed the Act on the basis that it provides a real opportunity for local authorities to put forward area specific proposals based on genuine dialogue with representatives of the local community.
- 7.2 There has been some comment to the effect that the Act adds little that is useful to existing powers, that the Government has provided no funding for it, and that local authorities are discouraged from using it in order to increase public spending.

8. Questions for the Council

- 8.1 The Council does not need to 'opt in' to the Act and is free to submit a proposal to the Selector at any time until the deadline. Accordingly the main issues are:
- Whether Members consider that there is sufficient prospect of benefit to the area to justify the setting up of local panels (or using existing local bodies to constitute a panel), and to spend Officer and other resources in investigating and working up proposals;
 - If yes, whether to select particular topic areas set out in the schedule to the Act to concentrate upon, or whether to simply see what emerges from the consultation process.
- 8.2 Although proposals might well emerge over the course of time, Officers are unaware of pressing needs for particular proposals. An immediate exercise might have something of the character of scratching around for ideas. However, the Act should be borne in mind both in the development of Council projects and proposals, and in dialogue with the local community, for example in the Local Strategic Partnership. Given present limitations on resources, it would arguably be better if proposals emerged from genuine initiatives aimed at furthering the objectives of the Sustainable Community Strategy, rather than as freestanding proposals generated primarily by thinking about the Act.

THE REVIEW BOARD IS ASKED -

whether it wishes to propose any further action to generate proposals at this stage, for consideration by an appropriate Committee.

(TO RECOMMEND)

Background Papers

None (all legislation and guidance is published by Government sources).

7. REPORT ON PARKING AT ST PETER'S HOSPITAL, CHERTSEY – TRUST RESPONSE (DAL)

1. Purpose of Report

1.1 **To report the response of the Ashford and St Peter's Hospitals NHS Trust to the Board's report and conclusions arising from the review of car parking provision at St Peter's Hospital, Chertsey.**

1.2 **To formulate comments on the Trust's response for consideration by full Council.**

2. Background Information

2.1 At its meeting on 9 October 2008, the Board reviewed car parking provision at St Peter's Hospital, Chertsey because of public concerns about the adequacy of the provision and the ability of patients, visitors and staff to adequately access the site and its services. The Board agreed that their findings should be reported to the Corporate Management Committee with a recommendation that the Committee add any comments of its own and make a further recommendation to the full Council meeting. The Board's report is contained within the minutes of the meeting held on 9 October 2008, at Appendix 'A', pages 1 to 5.

2.2 At its meeting on 30 October, the Corporate Management Committee noted the Board's report on this matter and the conclusions which the Board had reached and agreed that before the issue was considered by the Council, it would be helpful to seek to obtain the Trust's response to the findings of the Board.

2.3 The Committee accordingly agreed that the Board's report and conclusions be sent to the Ashford and St. Peter's Hospitals NHS Trust and that the Trust be requested to make a response, which would be submitted to the Board. The original report of the Board, the Trust's response and the Board's comments on the Trust's response will then be submitted to a full Council meeting.

3. Report

3.1 The Trust has been asked to respond to the Board's report and conclusions and a response is awaited. Any response received will be circulated separately or reported verbally to the Board.

THE BOARD IS ASKED –

to consider comments on the Trust's response for submission to the full Council.

(TO RECOMMEND)

Background Papers

None

8. PROGRESS REPORT ON ENFORCEMENT OF PLANNING CONTROL (DAL/DTS)

Attached at Appendix 'C' is the progress report on enforcement of planning control as at 12 November 2008.

(FOR INFORMATION)

Background Papers

None

9. BUILDINGS AT CHERTSEY HEALTH CENTRE – PRIMARY CARE TRUST RESPONSE (DAL)

1. Purpose of Report

1.1 **To report the Surrey Primary Care Trust's plans with regard to repairs to, or replacement of, the Chertsey Health Centre buildings in Stepgates, Chertsey.**

1.2 **To consider any further action which might be taken on this issue.**

2. Report

2.1 The Chairman of the Board is of the view that the Chertsey Health Centre building in Stepgates should either be replaced, or that essential repairs to the building need to be carried out as soon as possible, in order for the Centre to function effectively.

2.2 Officers have accordingly asked the Surrey Primary Care Trust (PCT) to inform them of any plans the PCT may have to undertake repairs to the building or to replace it in the future and any constraints that the PCT may be under, in considering such action. A response from the PCT is awaited.

2.3 The present health centre sits on a narrow site fronting Stepgates, with Stepgates County Middle School immediately to the west and residential properties in Meadhurst Road abutting the site to the east. A plan of the site is at Appendix 'D'.

2.4 Outline planning permission (RU. 00/1250) was granted on 21 December 2000 for the erection of a new two-storey health centre to replace the existing building, which has a floor area of 925 square metres. The new building was to be 1,645 square metres in area.

2.5 At that time, the Planning Committee noted that the proposal was to build the new facility on the car park to the rear of the existing building and continue to provide health care facilities from the existing centre. When the new centre was operational, the old centre was to be demolished to provide 84 car parking spaces.

2.6 This was recognised to be a compromise proposal. The construction of the new building on the existing car park meant that the health centre would have no parking facilities for the duration of building works. Similarly, from a planning viewpoint, a building at the rear of the site and car parking at the front was not the best arrangement in townscape terms, which would favour the reverse.

2.7 It was, however, accepted that there were no alternative sites in the immediate neighbourhood where either the health centre could be temporarily sited during construction or moved to, on a permanent basis. Other sites were considered, but none were in a position so central to the community served by the health centre. It was therefore determined that the community need for the facility outweighed the townscape issues in this case and, on that basis, planning permission was granted. However, this planning permission has expired and a fresh application to build a new health centre would be required.

2.8 Any response received from the PCT regarding the request for the information referred to in paragraph 2.2 of this report will be circulated separately or reported verbally to the Board.

OFFICERS' RECOMMENDATION that –

the Board considers any further action which might be taken in the light of the PCT's response.

(TO RESOLVE)

Background Papers

None

10. EXCLUSION OF PRESS AND PUBLIC

If the Review Board is minded to consider the foregoing reports in private session, it is the

OFFICERS' RECOMMENDATION that -

where appropriate, the press and public be excluded from the meeting during the discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)