

**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held at  
Surrey Heath House, Camberley on 17  
April 2013**

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+ Cllr Bruce Mansell (Mayor)  
+ Cllr Beverley Harding (Deputy Mayor)

+ Cllr David Allen	+ Cllr Paul Ilnicki
+ Cllr Rodney Bates	+ Cllr Lexie Kemp
+ Cllr Richard Brooks	+ Cllr David Mansfield
+ Cllr Keith Bush	+ Cllr John May
+ Cllr Glyn Carpenter	- Cllr Margaret Moher
+ Cllr Bill Chapman	+ Cllr Charlotte Morley
+ Cllr Mrs Vivienne Chapman	+ Cllr Adrian Page
+ Cllr Ian Cullen	+ Cllr Bob Paton
+ Cllr Paul Deach	+ Cllr Ken Pedder
+ Cllr Tim Dodds	+ Cllr Chris Pitt
+ Cllr Colin Dougan	- Cllr Joanne Potter
+ Cllr Craig Fennell	+ Cllr Wynne Price
+ Cllr Surinder Gandhum	+ Cllr Audrey Roxburgh
+ Cllr Liane Gibson	+ Cllr Ian Sams
+ Cllr Moira Gibson	+ Cllr Pat Tedder
+ Cllr Alastair Graham	+ Cllr Judi Trow
+ Cllr David Hamilton	+ Cllr Valerie White
+ Cllr Edward Hawkins	+ Cllr Alan Whittart
+ Cllr Josephine Hawkins	+ Cllr John Winterton

+ Present  
- Apologies for absence presented

**Part I**  
**(public)**

**85/C Minutes**

It was moved by the Mayor, seconded by the Deputy Mayor, and

**RESOLVED that the minutes of the Council meeting held on 28 February 2013 be approved as a correct record.**

**86/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Margaret Moher and Joanne Potter.

**87/C Mayor's Announcements**

The Mayor reported that March had been a very busy month and he had attended a number of events including:

- Epsom and Ewell Civic Reception
- A visit from the Brownies in the Mayor's Parlour
- Carers – U3A Dementia Course
- Lions Charter Night when he received a cheque for his Charity

- Prize Giving for Mini Rugby at Watchetts
- High Sheriff Youth Awards
- Windlesham Parish Council AGM
- University Officer Training Camp at Gibraltar Barracks
- St Lawrence Old Folks Club, Chobham
- Civic Reception at the Royal Logistic Corps Officers' Mess
- Woking Borough Council Civic Day where he visited McLaren's.

#### **88/C Leader's Announcements**

The Leader informed the meeting she had attended meetings of South East Councils, and with the Leader of Surrey County Council, where the future of Local Enterprise Partnerships had been discussed. There were currently 3 LEPs in Surrey and Hampshire and it was being questioned as to whether these LEPs were actually using the processes in the best interests of the community. There appeared to be a growing need for larger LEPs in order to attract funding for big infrastructure projects.

The Leader referred to the need for a discussion on the Airport Strategy, particularly in relation to Heathrow and Gatwick, the outcome of which would effect on the economy in the South East and the UK as a whole.

The Leader paid tribute to the life and work of Baroness Thatcher whose funeral, with military honours, had taken place that day.

#### **89/C Executive, Committees and other Bodies**

a) Executive – 12 March and 2 April 2013

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

**Resolved that the minutes of the meetings of the Executive held on 12 March and 2 April 2013 be received and the recommendations therein be adopted as set out below:**

**103/E Application to the Allotment for Public Sand and Gravel Fund - Play Area Equipment at Southcote Park and Frimley Green Recreation Ground**

**Resolved that**

- (i) £8,000 be made available from the Allotments for Public Sand and Gravel Fund for the purchase of Equality Act compliant play equipment for Southcote Park;**
- (ii) £8,000 be made available from the Allotments for Public Sand and Gravel Fund for Equality Act compliant play equipment for Frimley Green Recreation Ground; and**
- (iii) the implementation of the above schemes be delegated to the Executive Head for Business.**

**105/E Leisure Commuted Sums Investment**

**Resolved that, in accordance with the terms of the original commuted sum agreements, £184,420 of ring-fenced commuted sums be**

transferred to the General Fund to finance the capital improvements, as detailed in the Executive agenda report, at the following sites:

- (i) Upland Road Playground, Camberley
- (ii) Camberley Park and Obelisk, Camberley
- (iii) Connaught Park, Bagshot
- (iv) Clearsprings, Lightwater
- (v) Wellington Park, Camberley
- (vi) Deanside and Diamond Ridge Woods, Camberley

**110/E Planning Infrastructure Contributions for Southcote Park Play Area**

**Resolved that the Corporate Capital Programme be amended in the sum of £38,000 in respect of the play area at Southcote Park, subject to funding of £22,765.01 from Planning Infrastructure Contributions and £8,000 from the Public Allotment for Sand and Gravel, and £8,000 from the Frimley Fuel Allotments.**

- (b) Planning Applications Committee – 13 & 18 March and 8 April 2013

The Chairman informed the meeting that the Committee at its next meeting would be asked to agree a correction to the minutes of the meeting held on 18 March to reflect that Councillor Pat Tedder had stated that, as a Member of Chobham Parish Council, she had taken part in the debate and vote on Application 2012/0048 when it had come before that Council.

It was moved by Councillor Edward Hawkins, seconded by Councillor Glyn Carpenter, and

**Resolved that the minutes of the meetings of the Planning Applications Committee held on 13 & 18 March and 8 April 2013 be received.**

- (c) External Partnerships Scrutiny Committee – 5 March 2013

It was moved by Councillor Josephine Hawkins, seconded by Councillor Paul Deach and

**Resolved that the minutes of the meeting of External Partnerships Select Committee held on 5 March 2013 be received.**

- (d) Licensing Committee – 6 March 2013

It was moved by Councillor Bill Chapman, seconded by Councillor Ian Sams and

**Resolved that the minutes of the meeting of Licensing Committee held on 6 March 2013 be received and the recommendation therein be adopted as set out below:**

**012/L Scheme of Delegation of Functions to Officers – Licensing Functions**

**Resolved that Chapter 12 of the Scheme of Delegation of Functions to Officers be amended as attached at Annex A to the minutes of the Licensing Committee held on 6 March 2013.**

- (e) Joint Staff Consultative Group – 21 March 2013

It was moved by Councillor Ken Pedder, seconded by Councillor Josephine Hawkins, and

**Resolved that the notes of the meeting of the Joint Staff Consultative Group held on 21 March 2013 be received.**

- (f) Performance and Audit Scrutiny Committee (Audit meeting) – 27 March 2013

It was moved by Councillor John May, seconded by Councillor Wynne Price, and

**Resolved that the minutes of the meeting of the Performance and Audit Scrutiny Committee (Audit meeting) held on 27 March 2013 be received.**

- (g) Performance and Audit Scrutiny Committee (Scrutiny meeting) – 27 March 2013

It was moved by Councillor John May, seconded by Councillor Wynne Price, and

**Resolved that the minutes of the meeting of the Performance and Audit Scrutiny Committee (Scrutiny meeting) held on 27 March 2013 be received.**

- (h) Community Services Scrutiny Committee – 4 April 2013

It was moved by Councillor Audrey Roxburgh, seconded by Councillor Wynne Price, and

**Resolved that the minutes of the meeting of the Community Services Scrutiny Committee held on 4 April 2013 be received.**

## **90/C Governance Working Group**

As requested by the Council at its meeting on 28 February 2013, the Working Group had reconsidered specific elements of the Social Media Protocol for Councillors relating to the use of media devices by members of the decision making bodies at meetings of the Planning Applications Committee, Licensing Sub Committees, and the Full Council when considering major planning applications.

The Working Group had re-iterated its view that members of the decision making body should not use media devices to engage in social media during the meeting. The Group noted, however, that media devices were increasingly used for accessing agenda paperwork and for note taking. As a result the Working Group had recommended that the Social Media protocol should be amended to provide that, at meetings of the Planning Applications Committee, Licensing Sub Committee, or the Full Council when considering major planning applications, media devices could be used by members of the decision making body for accessing meeting paperwork and making notes only. The Working Group further suggested that the same provisions should apply during the consideration of exempt items at all committee meetings.

The Council noted that a review of the Social Media Protocol for Councillors would be undertaken and reported to the Governance Working Group in six months' time.

The Working Group had reviewed the Site Visit Protocol at Part 5, Section F of the Constitution which provided that, where the Planning Applications Committee had deferred an application because it considered that a site visit was necessary in order

for it to determine the application, only those members who had attended that site visit would be able to vote in relation to that application at the next meeting. The Group recommended that the wording be clarified to state that the requirement for a Member to have attended the Site Visit in order to be eligible to vote on the item only be applicable in circumstances where the Committee had commenced consideration of that planning application.

The Working Group had endorsed the proposed revisions to Chapter 12 – Licensing of the Scheme of Delegation of Functions to Officers as recommended by the Licensing Committee at its meeting on 6 March 2013.

The Working Group also recommended that the Scrutiny Committee Procedure Rules at Part 4 of the Constitution be amended to reflect the provisions contained in that Article 6 in relation to the setting of their work programmes.

**Resolved that**

- (i) **paragraphs 13 and 14 of the Social Media Protocol for Councillors, a document which supports the Constitution, be substituted with the following:**

**Use of Media Devices during Council Meetings**

13. **With the exception of meetings of the Planning Applications Committee, the Licensing Sub Committee or the Full Council when considering major planning applications, Members may use media devices for any purpose.**
14. **At meetings of the Planning Applications Committee, Licensing Sub Committee or the Full Council when considering major planning applications, the decision making Members may only use media devices to access meeting papers and for note taking. Other Members in attendance at these meetings may use media devices for any purpose.**
15. **At all meetings, during the consideration of exempt items, Members may only use media devices to access meeting papers and for note taking.**
- (ii) **the Site Visit Protocol at Part 5, Section F of the Constitution be amended as follows:**
10. **Where the Planning Applications Committee has commenced the consideration of an item but decides to defer an application because it considers that a site visit is necessary in order for it to determine the application, only those members who have attended that site visit will be able to vote in relation to that application at the next meeting; and**

- (iii) **Paragraph 6.1 of the Scrutiny Committee Procedure Rules at Part 4 of the Constitution be amended as follows:**

**6. WORK PROGRAMME**

- 6.1 The scrutiny committees will be responsible for setting their own work programmes, subject to any directions by the Council and/or inclusion of matters referred by the Leader/Executive/Portfolio Holders recommending their own work programme to the Leader/Executive and Council. This will normally be drawn up for consideration at the last meeting of the previous municipal year.**

**91/C Members' Attendance at Council, Executive and the Standing Committees**

The Council noted a report on Members' attendance at Council, Executive and the Standing Committees in the 2012/13 municipal year.

**92/C Portfolio Holder – Question Time**

Councillor Liane Gibson, Corporate Portfolio Holder, updated the Council in relation to areas of work being undertaken in the areas covered by her Portfolio. Councillor Gibson answered a question in relation to her role as the Children's Champion and gave a detailed update in relation to the Contact Centre.

**93/C Exclusion of Press and Public**

In accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the ground that it involved the likely disclosure of exempt information as defined in the paragraphs of Part 3 of Schedule 12A of the Act as set out below:

<u>Minute</u>	<u>Paragraph</u>
94/C	3
95/C	3

**94/C Executive, Committees and Other Bodies – Exempt**

The Council received the exempt minutes of the Executive held on 2 April 2013 and the Planning Applications Committee held on 8 April 2013.

**95/C Review of Exempt Items**

The Council reviewed the minutes which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

**RESOLVED that**

- (i) Minute 114/E - Princess Royal Barracks Deepcut – Land and Facilities Acquisition - the report and the minute to remain exempt until the negotiations have been completed. The decision to be made public;**
- (ii) Minute 115/E - Leases of Part Ground Floor of the Ian Goodchild Centre, Camberley to Surrey Disabled People Partnership and Surrey County Council - the report and the minute to remain exempt until the leases have been completed. The decision to be made public; and**

- (iii) **Minute 143/PA – Enforcement Notice - the report and the minute to remain exempt.**

Mayor

**CHAPTER 12**

**LICENSING**

	<b>FUNCTION</b>	<b>OFFICER</b>	<b>Non-Executive or Executive Function</b>
<b>Delegations subject to consultation</b>			
1.	<p><b>On behalf of the Council, to submit objections and pursue such objections at a public inquiry if needed to:</b></p> <p><b>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</b></p> <p><b>(b) reviews undertaken of existing licences.</b></p>	<p><b>Executive Head of Community, after consultation with appropriate ward councillors.</b></p>	Non-executive
2.	<p><b>To approve annual increases in the hackney carriage fare scale, having regard to any objections received</b></p>	<p><b>Executive Head of Community, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.</b></p>	Non-executive
3.	<p><b>To consider objections to variations to hackney carriage and private hire licence fees and to determine, subject to no adverse effect on the vehicle licensing budget, amendments to any scale of fees approved by the Council and the new date of implementation.</b></p>	<p><b>Executive Head of Community, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.</b></p>	Non-executive
4.	<p><b>The determination of applications for street collections which may be required to provide funding to meet a major local/national/international disaster.</b></p>	<p><b>Executive Head of Community, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.</b></p>	Non-executive
<b>Delegations not subject to prior consultation</b>			
5.	<p><b>Under the Licensing Act 2003</b></p>	<p><b>Executive Head of Regulatory</b></p>	Non-executive



	<b>FUNCTION</b>	<b>OFFICER</b>	<b>Non-Executive or Executive Function</b>
	<p>(a) to respond to the licensing authority in connection with consultations on applications on behalf of the local planning authority</p> <p>(b) to apply for a review of a premises licence;</p> <p>(c) to apply for a review of a club premises certificate;</p>		
<b>Licensing Act 2003</b>			
6.	<p>Under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations</p> <p>(a) to make relevant representation on behalf of the Council</p> <p>(b) to apply for a review of a premises licence</p> <p>(c) to apply for a review of a club premises certificate</p>	<b>Executive Head of Community</b>	Non-executive
7.	To act as an authorised officer of the Council for the purposes of the Licensing Act 2003, subsequent amendments together with any associated regulations.	<b>Executive Head of Community</b>	Non-executive
8.	<p>Under the Licensing Act 2003</p> <p>(a) where no objection or adverse representation is made to an application, to determine the following applications:</p> <ul style="list-style-type: none"> <li>• for a personal licence</li> <li>• for a premises or club premises licence</li> <li>• for a provision statement</li> <li>• to vary a premises certificate or a club premises certificate</li> <li>• to vary a designated premises supervisor</li> <li>• to transfer a premises licence</li> </ul>	<b>Executive Head of Community</b>	Non-executive

	<b>FUNCTION</b>	<b>OFFICER</b>	<b>Non-Executive or Executive Function</b>
	<ul style="list-style-type: none"> <li>• for an interim authority (to enable someone to act as a designated premises supervisor when this post is unexpectedly vacated);</li> </ul> <p>(b) where no objection or adverse representation is made to an application, to acknowledge Temporary Event Notices;</p> <p>(c) in all cases, to determine the following:</p> <ul style="list-style-type: none"> <li>• a request to be removed as a designated premises supervisor</li> <li>• whether a representation is irrelevant, frivolous, vexatious</li> </ul> <p>(d) to keep a register under Section 8.</p>		
9.	To authorise proceedings in relation to any infringements of the Licensing Act 2003, subsequent amendments and any associated regulations.	<b>Executive Head of Community</b>	Non-executive
10.	To grant or refuse applications for minor variations of a premises licence or club premises certificate	<b>Executive Head of Community</b>	Non-executive
<b>Hackney Carriages and Private Hire</b>			
11.	To grant or refuse applications for private hire and hackney carriage vehicle licences where the Council's standard requirements are not met.	<b>Executive Head of Community</b>	Non-executive
12.	To issue, revoke, suspend or refuse hackney carriage vehicle and drivers' licences and private hire vehicle, driver and operators' licences and the determination of applications for exemption certificates in respect of the display of private hire vehicle plates.	<b>Executive Head of Community</b>	Non-executive
13.	To prepare draft proposals, advertise and consult in relation to <ul style="list-style-type: none"> <li>• the Hackney Carriage Fare scale</li> <li>• Hackney Carriage and Private Hire licence fees</li> </ul>	<b>Executive Head of Community</b>	Non-executive

	<b>FUNCTION</b>	<b>OFFICER</b>	<b>Non-Executive or Executive Function</b>
14.	To prepare proposals for new, removed or extensions to existing Hackney Carriage taxi stands, advertise and consult in accordance with statutory requirements	<b>Executive Head of Community</b>	Non-executive
15.	To authorise proceedings for offences under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Section 167 Criminal Justice and Public Order Act 1994 and the Council's Hackney Carriage Byelaws.	<b>Executive Head of Community</b>	Non-executive
16.	To act as an authorised officer of the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.	<b>Executive Head of Community</b>	Non-executive
17.	To approve the design of advertisements for placement on and in hackney carriage and private hire vehicles.	<b>Executive Head of Community</b>	Non-executive
<b>House to House and Street Collections</b>			
18.	To determine applications for house to house collections and street collections in accordance with the Council's policy.	<b>Executive Head of Community</b>	Non-executive
19.	To authorise proceedings for offences under all relevant legislation, regulations and orders relating to street collections and house to house collections.	<b>Executive Head of Community</b>	Non-executive
<b>Gambling Act 2005</b>			
20.	To act as an authorised officer of the Council for the purposes of the Gambling Act 2005 together with any subsequent amendments and associated regulations	<b>Executive Head of Community</b>	Non-executive
21.	Under the Gambling Act 2005 (a) to determine applications for the following provided that no representations are received or all representations have been withdrawn: <ul style="list-style-type: none"> <li>• premises licence</li> <li>• variation to a licence</li> </ul>	<b>Executive Head of Community</b>	Non-executive

	<b>FUNCTION</b>	<b>OFFICER</b>	<b>Non-Executive or Executive Function</b>
	<ul style="list-style-type: none"> <li>• provisional statement</li> <li>• small society lotteries</li> </ul> <p>(b) determine applications for registration and register societies as appropriate;</p> <p>(c) consider and revoke where appropriate registrations.</p> <p>(d) to determine applications for the transfer of a licence provided that no representations are received from the Gambling Commission.</p> <p>(e) to determine applications for club gaming/club machine permits provided that no objections are made or all objections have been withdrawn.</p> <p>(f) to determine the following:</p> <ul style="list-style-type: none"> <li>• whether a representation is admissible</li> <li>• applications for other permits</li> <li>• cancellation of licensed premises gaming machine permits</li> <li>• consideration of temporary use notices</li> <li>• whether an application for review is valid.</li> </ul>		
22.	To authorise proceedings in relation to any infringements of the Gambling Act 2005	<b>Executive Head of Community</b>	Non-executive
<b>General</b>			
23.	To offer formal Cautions in respect of offences committed under the provisions of the Licensing Act 2003, the Gambling Act 2005, the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and any regulations or byelaws made thereunder.	<b>Executive Head of Community</b>	Non-executive
24.	To authorise the seeking of injunctions in the High Court under Section 222 Local Government Act 1972, to prevent unauthorised licensable activities taking place in contravention of the Gambling Act 2005, the Licensing Act 2003 or the Control of Pollution Act 1974.	<b>Executive Head of Community</b>	Non-executive