

Runnymede Borough Council

REVIEW BOARD

4 December 2008 at 7.30pm

Members of the Board present: Councillors H W V Meares (Vice-Chairman in the Chair), D A Cotty, A J Davis, P A Francis, Mrs E Gill, R N Jones, A M Moore and A P Tollett.

Members of the Board absent: Councillor P B Tuley.

Councillor A D Mills also attended.

368. NOTIFICATION OF CHANGE TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive Officer of its wish that the change listed be made to the membership of the Board. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed to the Board.

Group Requesting Change	Remove from Membership	Appoint Instead
Runnymede Independents	Councillor Mrs L M Gillham	Councillor Mrs E Gill

The Chief Executive Officer had given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

369. MINUTES

The Minutes of the Review Board meeting held on 9 October 2008 were confirmed and signed as a correct record.

370. APOLOGIES FOR ABSENCE

Apologies for absence had been received from the Chairman of the Board, Councillor P B Tuley. Councillor H W V Meares, the Vice-Chairman, accordingly chaired the meeting.

371. DECLARATION OF INTEREST

Councillor A J Davis declared a personal interest in Item 6, Sustainable Communities Act 2007, as he was the Chairman of the North Surrey Campaign for Real Ale (CAMRA), which was one of the bodies sponsoring the Sustainable Communities Act.

372. SUSTAINABLE COMMUNITIES ACT 2007

The Board considered a report on the content and implications of the Sustainable Communities Act 2007, and considered further action which might be taken. This report had been submitted at the request of Councillor Mrs Gill on behalf of the Runnymede Independents Group, with a request having been made by Councillor Mrs Gillham of that Group for the issue to be discussed by the Board.

The Sustainable Communities Act 2007 had originated as a private Members' Bill but had achieved a broad measure of support. Its broad intention was 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.

Under Section 2 of the Act, the Secretary of State for Communities and Local Government had to invite local authorities to make proposals which they considered would contribute to promoting the 'sustainability' of local communities, which was defined as encouraging the improvement of the economic, social or environmental wellbeing of the local authority's area, or part of it. 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 had appointed the Local Government Association (LGA) for this purpose.

The Board noted the schedule to the Act, which listed the matters to which local authorities had to have regard in putting forward proposals. These included 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. The Act also required the Secretary of State to make arrangements for the production of 'local spending reports'. These were reports on expenditure by defined public bodies, in a particular area over a specific period. The purpose was to assist in promoting the sustainability of local communities and was presumably intended to provide background information for proposals, or other changes in practice. In addition, the Community Strategy which each local authority was required to develop in consultation with representatives of the local community, under Section 4 of the Local Government Act 2000, was henceforward to be known as the Sustainable Community Strategy.

The procedure for making proposals was governed by the Sustainable Communities Regulations 2008, which had come into force on 3 November 2008. In addition to having regard to the guidance issued by the Secretary of State, the authority had to establish a panel adequately representing local persons, consult that panel about a proposal, and try to reach agreement with it. However, if the authority took reasonable steps to do this, but no representatives of the panel became involved, that did not invalidate proposals put forward by the local authority. This was a significant provision, as it meant that proposals which had merit would not necessarily be discarded because of a lack of panel input. After the closing date for receipt of proposals, the Selector had to 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. The Secretary of State would then decide which of the short list of proposals were to be implemented, after final consultation with the Selector. She then had to publish her decision and the reasons for it, together with an action plan setting out what she intended to do in order to implement the proposals. She had to report to Parliament on progress within a year of the publication of the action plan, and at least yearly thereafter, until it was fully implemented. The Secretary of State had published the first invitation to local authorities to submit proposals under the Act on 14 October 2008, eight days before the deadline. Proposals were to be submitted to the Local Government Association (the Selector) by 31 July 2009.

The Government had issued some indication of its likely approach to decisions on short listed proposals. Proposals were more likely to succeed if they were specific about the action required to central Government and also were not already within the powers of local authorities (including powers for the promotion of wellbeing in Section 2 of the Local Government Act 2000). The Government did not regard the Act as a route for agreeing additional public expenditure, either at national or local level, and so a particularly strong case would need to be made in support of any proposals that required this. The guidance, however, had been written before recent Government initiatives aimed at stimulating the economy. It remained to be seen whether the Government would endorse any such measures at a purely local level, apart from in exceptional circumstances. As with all public policies, the Government would assess proposals taking into account their broad cost benefit, including in relation to areas or groups. Proposals of an area or group nature were more likely to succeed and the Government would also take into account its existing policy positions for which it was publicly accountable.

The Act specifically made it clear that proposals might include a request for transfer of functions from one person or body to another, provided that the authority had consulted both the person or body currently exercising the functions, and the person or body to whom it was proposed that the functions be transferred. In the case of level crossing downtimes in the borough, it would not be feasible for the Council to take on the functions of Network Rail. It might be possible to use the Act, (subject to further research on this), to change the focus of Network Rail away from purely concentrating on safety to having to achieve less barrier downtime at level crossings in the borough, because of the adverse impact that this was having on the local community. One of the ways of achieving less downtime would be to construct bridges or tunnels, but currently Network Rail was indicating that this was not feasible.

The Guidance stated that the panel of local persons was intended to include persons from "underrepresented" groups, which were defined as those groups who, in the Council's opinion, were underrepresented in civic and political activity in their area. The Guidance did set out reasonable steps to identify and include representatives from underrepresented groups on new or existing panels. The Board considered that it might not be an easy task to engage people who were currently not involved in civic activities, as if such people were interested in participating in public life, they

would have become involved already. There were no limitations on which groups should be included in panels, how the panels should be constituted, or how many panels a local authority might choose to establish or recognise. The Guidance stated that local persons were those people likely to be affected by or interested in a particular proposal. They did not have to be a resident, and could be someone who worked or studied in the area, visitors, service users, local third sector groups (i.e. charitable or voluntary associations), businesses, parish Councils, or anyone else likely to be affected by or interested in the proposal. Panels would be constituted in accordance with Regulations which had not yet been published. The Act did not compel the Council to undertake any action or expenditure.

If the Council was interested in putting forward proposals, adequate staff time would be required to develop the ideas, consider their justification and workability, and to put a case forward to the Selector. In addition to such specialist work and advice, the advisory panels would need recruitment, administration, and liaison. Both Members and Officers would be involved as well as the members of the panels. Accordingly, a serious bid for powers would be a significant undertaking that might divert work from other activities, at a time when the Council was having to reduce its expenditure.

A number of bodies interested in community engagement (eg CAMRA), had warmly welcomed the Act on the basis that it provided a real opportunity for local authorities to put forward area specific proposals based on genuine dialogue with representatives of the local community. There had also been some comment from other organisations to the effect that the Act added little that was useful to existing powers, that the Government had provided no funding for it, and that local authorities were discouraged from using it in order to increase public spending. The Council did not need to 'opt in' to the Act if it did not wish to do so, and was free to submit a proposal to the Selector (i.e. the LGA) at any time until the deadline of 31 July 2009.

The Board considered whether there was 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. The Board considered that there was some potential for the Act to be used to further the aims of the Runnymede community and a number of local authorities acting collectively. Further work was, however, needed to identify topics which might be progressed.

A Board Member reported that a number of Councils had resolved to use the Sustainable Communities Act, including Woking Borough Council. It was suggested that Councils working together could force change. For example, it was understood that in Lewes, Sussex, the Secretary of State had intervened to require a bridge to be constructed over the A27, as a result of joint action taken by Councils to try and reduce level crossing delays. The problems with delays at level crossings because of barrier downtime were not unique to Runnymede.

The Board agreed that an informal Member Working Group be set up to discuss possible issues which could be put forward under the Act. The Group would include Councillor Davis, who had a particular interest in the Act, and Councillor Mrs Gillham would also be invited to be involved as she had asked for the item to be discussed by the Board. The Working Group would have a membership of other Members who were interested in promoting such issues. The Working Group would report to the Review Board and would receive Officer support as necessary. The Board agreed that it was important that if a proposal were put forward it should benefit the whole community and not just the limited purposes of a particular interest group.

As it was mindful of the Council's financial position, the Board agreed that there should be no expenditure other than Officer time required to assist the Working Group and to prepare reports on issues related to the Act at this stage as set out below, while the various possibilities were being explored.

The Board resolved that Officers should report on whether the Act could be used either to promote objectives related to reducing level crossing downtime, and/or to promote an issue on which a number of local authorities had a common aim or purpose. Officers would also report on actions which had already been undertaken under the Act by other local authorities, including neighbouring authorities, such as Woking Borough Council.

RESOLVED that -

- i) **a Member Working Group meet to discuss proposals which might be promoted through the Act, with Officer support, as necessary, and the Working Group report to a future Board meeting;**
- ii) **Officers report further to the Board on:-**
 - a) **whether the Act can be used to put pressure on Network Rail to reduce level crossing barrier down times in Egham and Addlestone, or if some other form of legislation can be used to further this aim;**
 - b) **the possibility of collective action under the Act by a number of local authorities; and**
 - c) **action taken under the Act by other local authorities nationally and by neighbouring boroughs including Woking Borough Council; and**
- iii) **Officers report to a future Board meeting on the estimated expenditure which would result if a decision is subsequently made to put forward a proposal under the Act.**

373. ST PETER'S HOSPITAL, CHERTSEY – TRUST RESPONSE ON PARKING

The Board considered 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.

At its meeting on 9 October 2008, the Board had 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 had 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 noted its report on this matter as set out at Appendix 'A'.

At its meeting on 30 October 2008, the Corporate Management Committee had 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 Ashford and St Peter's Hospitals NHS Trust's response to the findings of the Board.

The Committee had accordingly agreed that the Board's report and conclusions be sent to the 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 would then be submitted to a full Council meeting. The Trust's response was noted by the Board as set out at Appendix 'B'. This had been received on the afternoon of the Board's meeting, after a number of requests.

The Trust referred in their response to paragraphs 6 and 23 of the Board's report in particular. The Board was pleased to note that the Trust was now actively targeting the patient car parks to prevent staff from parking in the Visitor/Patient designated areas. Although it was helpful that one of the designated car parks had been given over to patient use, this only provided an additional 26 spaces. Staff parking to the rear of the hospital being designated as shared between staff and visitors after 2.30pm, and the Trust's signage review, were welcomed. The Board wished, however, to see more measures to restrict staff parking, particularly during the peak period of congestion in the afternoon, at the time of outpatient appointments. The Board had been surprised to hear from Trust representatives at its 9 October meeting that car parking income which the Trust obtained was not ring fenced in any way or prioritised towards improving parking before being treated as general resources for the hospital.

The Council had not registered as valid a planning application which the Trust had submitted for temporary parking, as the Trust had not supplied up to date information. The Council would wish to see a more comprehensive approach provided by a master plan.

The Board could see no evidence of a real commitment to a Park-and-Ride scheme from the Trust's response and although the Trust's car parking policy was being revised they had provided no details of its contents. There did appear to be a recognition by the Trust that they had to formulate a master plan – St Peter's Hospital was the only major site in the Green Belt within the borough that had not produced one. The Trust seemed to be only seeking a temporary solution to their parking difficulties. They had decided that their original application for decked car parking had been sited in the wrong place, despite having spent large sums in bringing the proposal forward. If the Trust could make progress on a master plan, that would provide a more long term solution to parking on the site. An indicative plan was all that was required and a high level of detail would not be expected. The Board considered that a timescale should be put on the production of a master plan and recommended accordingly that the Trust should advise them of progress in six months time.

THE REVIEW BOARD RECOMMENDS that –

- i) the Council welcomes:-**
 - a) the recognition by the Trust that patient and visitor parking should be prioritised;**
 - b) the fact that the Trust's car parking policy is being revised;**
 - c) the fact that the Trust is pursuing a masterplan; and**
 - d) the fact that additional parking is being provided, albeit on a temporary basis;**
- ii) the Council urges that:-**
 - a) the master plan be completed by the Trust as soon as possible, discussed with Runnymede Officers and be submitted formally as a planning application;**
 - b) the Trust advise the Council's Review Board of progress on the masterplan in six months time;**
 - c) the Trust agree and implement the revised parking policy as soon as possible; and**
 - d) the Trust investigate and implement increased parking provision as soon as possible, subject to the details provided in the masterplan;**
- iii) the Council advises the Trust that:-**
 - a) both Borough and County Council Officers would be pleased to provide advice on experience elsewhere of formulating and implementing parking policies; and**
 - b) Runnymede Officers would welcome early consultation over the masterplan and proposals for additional car parking.**

374. ENFORCEMENT OF PLANNING CONTROL – PROGRESS REPORT

The Board considered the progress report on enforcement of planning control as at 12 November 2008. Some enforcement cases had been sent to legal Officers at the London Borough of Camden for prosecutions to be undertaken. This was an interim measure and, while Camden was still dealing with some legal enforcement matters, the Council was now employing two legal locums who were dealing with the prosecution aspects of most of the cases.

The Board noted that Officer time and resources had been taken up by an urgent, unexpected development at a site on the corner of Bridge Lane and Trumps Green Road in Virginia Water, which

had meant that other matters had not been able to be progressed. A landowner had been felling trees in an area of woodland, including engineering works, and stop notices and an injunction had been served. The owner would be required to take steps to bring the land back to its previous condition. The owner now intended to apply for planning permission.

On particular cases within the report, the Board noted the following:-

i) Clockhouse Lane East, Thorpe

This was another unexpected matter which had occurred recently, which had required immediate action.

Enforcement and stop notices prohibiting caravans and vehicular access were in force on this site. Unauthorised access had been created by the removal of bollards in the road and through earth bund. Caravans had been moved into the area. The Council had applied for an injunction which had been rejected by the Court. The landowner had taken private possession proceedings which had succeeded in removing some of the caravans. The site was continuing to be monitored by Officers.

ii) Greenacres, Hardwick Lane, Chertsey

Injunction proceedings against the siting of mobile homes and caravans had been authorised. Occupier circumstances, as required under human rights legislation, were being assessed prior to proceedings. Officers had worked effectively in conjunction with the police, who had recently made a number of arrests at the site. Joint working with the Police was also a feature of another case (see viii, Padd Farm, Hurst Lane, Egham below).

iii) Thorpe Waterski, Thorpe Road, Chertsey

Prosecution in respect of various non-compliances was now listed to take place on 23 January 2009.

iv) 40 Crockford Park Road, Addlestone

Despite opposition from the Council, a request from the owner for an adjournment of this Inquiry had been granted, on the grounds that works were now under way to secure compliance. Further prosecution for non-compliance within the timescale required was now being sought by the Council.

v) Rosefield, Hurst Lane, Egham

The owner had been found guilty of using a building for independent residential occupation and had been fined £1,000 with £335 costs. Compliance had now been achieved but the site would continue to be monitored so that this inappropriate use did not re-occur.

vi) Land Adjacent to Stroude Road and Clockhouse Lane West, Egham

Prosecution had been passed to the London Borough of Camden in respect of a number of planning breaches on these premises. This was a site with multiple contraventions in which the position was continually changing. Some of the Notices issued had been complied with, but prosecution was being undertaken in respect of those areas of non-compliance and the site was being monitored for further breaches.

vii) Capital House, Woodham Park Road, Woodham

Planning permission for a waste transfer station had been refused by Surrey County Council (SCC) and had been allowed on appeal. SCC had lodged a further appeal in the High Court but had lost with costs awarded against them. SCC were awaiting a full transcript of the High Court decision before deciding on their next course of action. A further appeal to the Court of Appeal was unlikely, however, as the Court of Appeal would not look at the merits of the case and would only examine whether the Inspector had been "misdirected", i.e. had not dealt with the case correctly in law.

The Council would continue to monitor the position and was considering the possibility of instituting injunctive proceedings for breach of the Section 106 Agreement covering the use of the site.

viii) Padd Farm, Hurst Lane, Egham

Fresh site inspections were to be undertaken and further breaches pursued, in view of further unauthorised development.

Prosecution against breaches of effective Enforcement Notices was being pursued.

An injunction was to be sought in respect of the breach of a Section 106 agreement. An anti-social behaviour order was also being pursued, in conjunction with Surrey Police.

ix) 10 Mayfield Gardens, Staines

The appeal against an enforcement notice in respect of a mobile home in residential use had been dismissed.

x) The Bungalow, Rear of 212 Chertsey Lane, Staines

On the first morning of the Public Inquiry, the appellants had withdrawn their notice of appeal against an enforcement notice prohibiting the use of a detached garage for independent residential use, subject to the notice being varied to remove a coin-operated electricity meter. Full costs had been allowed against the appellants and the Council now waited to see if the appellants would comply with the requirements of the Notice within the period allowed, and reimburse the Council with the appeal costs.

xi) Arcadia, Hamm Court, Weybridge

A witness statement was being prepared for injunctive action for non compliance by the owner with a unilateral undertaking to cease use of, and demolish, an unauthorised building.

xii) Murray Road Nursery, Murray Road, Ottershaw

It had not been necessary to serve enforcement notices for unauthorised uses and development, as the site was now vacant and on the market for lease as a horticultural nursery.

xiii) Land at Aymer Drive, Thorpe

An enforcement notice and a stop notice had been served regarding a prefabricated building. The expiry of the compliance period was awaited and an appeal had been received, but had not yet been registered by the Planning Inspectorate.

375. CHERTSEY HEALTH CENTRE - BUILDINGS – PRIMARY CARE TRUST RESPONSE

The Board noted the Surrey Primary Care Trust (PCT)s plans with regard to repairs to, or replacement of, the Chertsey Health Centre buildings in Stepgates, Chertsey and considered any further action which might be taken. The PCT was responsible for the upkeep of buildings in which doctors' surgeries were located in the borough.

The present health centre was located 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. Outline planning permission (RU. 00/1250) had been granted on 21 December 2000 for the erection of a new two-storey health centre to replace the existing building, which had a floor area of 925 square metres. The new building was to be 1,645 square metres in area. At that time, the Council's Planning Committee had 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. 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. 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 had been considered, but none were in a position so central to the community served by the health centre. It was therefore determined at that time that the community need for the facility outweighed the townscape issues in this case and, on that basis, planning permission had been granted. However, this planning permission had now expired and a fresh application to build a new health centre would be required.

The Chairman of the Board was of the view that the Chertsey Health Centre buildings in Stepgates should either be replaced, or that essential repairs to the buildings needed to be carried out as soon as possible, in order for the Centre to function effectively. Officers had accordingly asked the Surrey Primary Care Trust (PCT) to inform them of any plans the PCT might have to undertake repairs to the buildings or to replace them in the future and any constraints that the PCT might be under, in considering such action. The Board considered that the buildings definitely needed to be improved, as did the premises of a number of doctors' surgeries throughout the borough.

Surrey PCT had responded by stating that they recognised that the Chertsey Health Centre buildings at Stepgates required significant investment. However, it would be a long process to achieve this as a number of governance processes needed to be completed and the PCT had begun this process by instructing an audit of condition. The property audit would inform the plans for the health centre and work could begin on a business case accordingly. The PCT had also recently approved some internal modification to support service improvements.

The Board agreed that Officers should continue to monitor the position, seek further information on progress and invite a Member of the Trust to attend the Board, when further information was available.

RESOLVED that –

- i) the progress of the audit of condition of the buildings at Chertsey Health Centre be monitored and a further report be submitted to the Board, when further information is available; and**
- ii) a member of Surrey PCT be invited to attend a Board meeting to advise on the latest position on replacement and/or refurbishment of the Chertsey Health Centre building, when further information is available.**

Chairman

(The meeting ended at 9.10pm)