



RUNNYMEDE BOROUGH COUNCIL

REVIEW BOARD

Thursday 7 October 2004, at 7.30 p.m.

in the Council Chamber,
at the Civic Offices, Addlestone

A G E N D A

Members of the Review Board

Councillors J.M. Edwards (Chairman), J. Broadhead (Vice-Chairman), A. Alderson, Ms D.V. Clarke, J.B. Dean, J.E. Haas, R.J. Ray, P.B. Tuley and K.J.T. Walmsley.

Notes:

- i) 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.
- ii) 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 & Leisure Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425624). (E-mail: john.gurmin@runnymede.gov.uk)**
- iii) 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.
- iv) 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. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the Review Board meeting held on 8 July 2004. These Minutes will be included in the October Minute Book which will be issued on 6 October 2004.

3. APOLOGIES FOR ABSENCE

4. 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 Paragraph 11 of the Code of Conduct which reads as follows:-

Overview and Scrutiny

"11.(1) For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee (Review Board) of the authority or a sub-committee of such a committee, regard himself as having a personal interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees,

of which he may also be a Member.

(2) Such a Member must, if so advised by the Chairman of the Review Board, also regard the interest as prejudicial. If the Member involved is the Chairman, he or she must take and follow the advice of the Monitoring Officer.

(3) But sub-paragraph (1) above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action."

5. CALL-IN - PROPOSED POND AT BOURNE MEADOW (DAL)

1. Purpose of Report

1.1 **To consider a request under Standing Order 27.7 of the Council to call-in the Leisure and Environment Committee's decision that no further action be taken in respect of the proposal to create a pond at Bourne Meadow.**

2. Background Information

2.1 The Council's Leisure and Environment Committee has considered a report on proposals to create a pond at Bourne Meadow, Chertsey. The Committee decided that no further action be taken. A request to call in the decision of the Leisure and Environment Committee has been made by Councillors A. Alderson and R.J. Ray. Councillor Alderson will not be at the meeting and the call-in has been affirmed by Councillor Mrs Gillham.

3. Report

3.1 At its meeting on 16 September 2004 the Council's Leisure and Environment Committee considered an Officer report seeking the Committee's endorsement of proposals to create a

pond at Bourne Meadow, Chertsey (at item 9 on that Committee's Agenda). The Officers' recommendation was that the proposal to create a pond at Bourne Meadow be approved, subject to the results of consultation with Ward Members and planning permissions being granted and external funding remaining available. A copy of the report to the Committee is attached at Appendix 'A'.

- 3.2 Having considered the Officer report the Committee decided that no further action be taken. The minute of the Leisure and Environment Committee's discussion of the matter is set out at Appendix 'B' (to follow).

Call-In

- 3.3 A request to call-in the decision of the Leisure and Environment Committee has been made by Councillors Alderson and Ray.
- 3.4 The full text of the call-in letter is set out below:-

Call-In Letter Signed By Councillors Alderson and Ray

"Decision taken by Leisure and Environment Committee on 16th Sept. in respect of Item 9
The above committee decided against officer recommendation not to proceed with the proposed new flood alleviation pond at Bourne Meadow.

We are of the opinion that this decision should be called in to the Review Board as we do not believe that it was taken in accordance with the principles set out in item 12 (Decision Making) of the council's constitution.

Furthermore we cannot see that the financial implications for RBC would have been significant in agreeing the scheme and we are aware that our officers and AIR have put a great deal of effort into taking the scheme forward to its present stage since 2001. Also, a grant has been made available from SITA and the Environment Agency are prepared to provide their services free of charge.

In the circumstances we would like to see this proposal debated fully by the Review Board as soon as possible."

- 3.5 Essentially Councillors Alderson and Ray are of the opinion that the decision should be reviewed as they do not believe it was taken in accordance with the principles set out in Article 12 of the Council's Constitution. Article 12.02 of the Council's Constitution which relates to principles of decision making reads as follows:-

"12.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

PRINCIPLES OF DECISION MAKING

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultations and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes."

4. Legal and Procedural Implications

- 4.1 When a call-in is received the Review Board Chairman must determine how the Board will consider the matter. The Chairman of the Board has decided that it will be dealt with by report, advice and debate. The Chairman of the Leisure and Environment Committee has agreed to attend and take part in the debate.

- 4.2 When it considers the matter, the Review Board may either refer the matter back to the policy committee or sub-committee, or report to the Council, with any comments and recommendations it wishes to make.
- 4.3 The matter will be reconsidered at the next ordinary meeting of the policy committee or sub-committee, or the Council, unless the matter is sufficiently urgent to require a special or extraordinary meeting. The subsequent decision of the policy Committee or sub-committee or the Council upon the matter will not be subject to further call-in.
- 4.4 In this instance, although it is for the Review Board to say, it may be appropriate to report to the Council meeting on 14 October.

OFFICERS' RECOMMENDATION that -

- i) the Review Board considers whether it concurs with the decision of the Leisure and Environment Committee; and**
- ii) if it is content for its report to be submitted to the Council meeting on 14 October.**

(TO RESOLVE)

Background Papers

Call-In letter signed by Councillors Alderson and Ray

6. FINANCIAL FORECAST AND PROGRESS ON NET REVENUE REDUCTION TARGETS (COMT)

1. At its meeting on 30 September 2004, the Corporate Management Committee will be considering the updated financial forecast covering the period up to the 2009/10 financial year and recommending a target budget for 2005/06. The financial forecast is at Appendix 'C' (separately circulated).
2. One of the items on the revised Work Programme agreed at the Board's last meeting is Progress On Net Revenue Reduction Targets. Page 20, Appendix C of the forecast (separately circulated at Appendix 'C' to this Agenda), shows Target Savings Approved In October 2003, and Page 21, Appendix D of the forecast provides details of Further Target Savings Proposed Since October 2003.
3. Officers recommend in the forecast that Committees be asked to indicate the service areas that should be examined in more detail, with a view to achieving the savings which have been identified as required. Officers also recommend in the forecast that Officers bring forward reports to the relevant Committees on the service areas identified by Members for examination in more detail.
4. The Board will be advised of the outcome of the Corporate Management Committee's discussions on 30 September 2004.

(FOR INFORMATION)

Background Papers

None

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

Attached at Appendix 'D' is the progress report on enforcement of Planning Control as at 24 September 2004. This follows the new format requested by the Board.

(FOR INFORMATION)

Background Papers

None

8. 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 reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports 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)