Annual presentation of the Howard Jones (Policing) award

The Mayor presented the annual award to Police Constable Matt Cefai of Kingston Police who had been nominated to receive this award by the Borough Commander, on whose behalf, Chief Inspector Penny Mills read the citation.

Young Council of the Year Award

The Mayor presented a national trophy to two members of staff from Strategic Business, Grace Abel and Izzy Saunders, who had won the national Young Local Authority of the Year Award for the Royal Borough.

Prayers

The Mayor’s Assistant Chaplain, Deacon Peter Sebastian of St Raphael’s RC Church, opened the meeting with prayers.
103. Apologies

Apologies for absence were submitted on behalf of Councillors Sushila Abraham, Patricia Bamford, Andy Johnson-Creek, Gaj Wallooppillai and Yogan Yoganathan.

104. Declarations of Interest

There were no declarations of interest.

105. Minutes

Resolved that the minutes of the Budget Council meeting on 28 February 2017 be confirmed as a correct record.

106. Mayor's Announcements

The Mayor advised that there were a few tickets remaining for the Mayor’s Ball to be held on Friday 5 May 2017 at Raven’s Ait, Portsmouth Road, Surbiton, in aid of the Mayor’s Charity.

107. Presentation on the Future Council by Catherine Staite

Professor Catherine Staite gave a presentation to the Council on work which had been commissioned from INLOGOV during 2016 to review how the role of Members (and officers) in the Council will need to change in the future in the context of its ambition to be an enabling Council. The work had included:

- a review of internal documentation on the local context and current governance model, followed by a brief review of academic and policy literature, relevant to the RBK context.
- interviews with a small number of selected elected Members across the political spectrum in the Borough: ten in all, together with three officers.
- a summary of the themes from the first two stages of the work to reflect back to the Council how it is now and to help define a future work programme.

The next phase of the project will seek to engage Members and officers in work to address the challenges of becoming an enabling Council including how the Council can develop its narrative, and how it will work with communities and collaborate with partners in the future; and how the skills and behaviours of both officers and Members need to develop and change to ensure effective and mutually supportive political and managerial leadership.

Having heard the presentation from Professor Staite, the Council RESOLVED that a second phase of work be commissioned from INLOGOV to address the various issues that have been highlighted in phase 1 of the project and that the Chief Executive be authorised, in consultation with the Leader of the Council and Leader of the Opposition, to do what is required to progress this work.

Voting:

In favour of the Motion: 30 Members of the Council (The Mayor, Councillor Geoff Austin, the Deputy Mayor, Councillor Rowena Bass, and Councillors Roy Arora, Paul Bedforth, Jack Cheetham, Mary Clark, Linsey Cottington, Andrea Craig, David
Cunningham, Tom Davies, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Sheila Griffin, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Cathy Roberts, Hugh Scantlebury, Ken Smith and Margaret Thompson)

Against the Motion: Councillor Clive Chase

Abstaining: 12 Members of the Council (Councillors John Ayles, Bill Brisbane, Hilary Gander, Liz Green, Shiraz Mirza, Rebekah Moll, Rachel Reid, Lorraine Rolfe, Malcolm Self, Thay Thayalan, Jon Tolley, and Diane White.)

108. Petitions

Councillor Ken Smith presented a petition (with 519 signatories) which requested:

'We the undersigned support our Ward councillors’ request that the Council use every means possible to secure the long term use of the old BBC Sports Ground as a sports playing fields, ensure that the ground maintains its Metropolitan Open Land status and that any future proposed use of the land for housing is vigorously resisted.'

As the petition had received over 500 signatures, the Mayor indicated that it would be eligible to be debated at a future meeting of full Council.

109. Community Call-in: Cocks Crescent Supplementary Planning Document

(1) At its meeting on 23 November 2016 the Growth Committee had considered a report on the Cocks Crescent Supplementary Planning Document (SPD). The SPD had been prepared in-line with the 2016 London Plan and the Council’s existing Development Plan which includes the 2012 Core Strategy to guide the redevelopment of Cocks Crescent site in New Malden and would carry material weight for consideration as part of decision making in Development Management. The goal of the SPD is to achieve comprehensive regeneration of the site and deliver maximum community benefit and it had been developed with significant community input, to set out a shared vision for the future redevelopment of the site. (In particular, the New Malden Future Group had played a pivotal role in supporting engagement and helping shape the SPD to reflect local aspirations.)

(2) After hearing representations and deliberations, the Growth Committee had resolved that:

a. the Committee notes the consultation responses received and the consequential modifications made to the SPD;

b. the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Regeneration, is given delegated authority to make factual amendments to the Cocks Crescent Supplementary Planning Document;

c. the Cocks Crescent Supplementary Planning Document, as set out in Annex 1 of the report to the Committee, is adopted;
d. in advance of a planning application on Council owned land, a comprehensive masterplan will be produced in consultation with local residents; and

e. the wording within the SPD that guarantees the delivery of a new sport and wellbeing hub will be agreed in consultation with both the Portfolio Holder for Regeneration and Opposition Spokesperson for Regeneration prior to its publication.

(3) On 19 December a community call in, supported by 713 signatories, was received which gave the following reasons for the decisions above to be called in for review at full Council:

“(1) A significant number of residents opposed the ‘height and scale’ section of the Cocks Crescent SPD – 33% of whom strongly opposed! Opposition was far stronger than support (45% vs 33%).
(2) Despite this, the Council has not amended the Height and Scale in any way, indicating a sham consultation with the Council ignoring its residents.
(3) Opposing the ten-storey tower blocks in the ‘height guide’ which are far too high and out of keeping with the local area in Cocks Crescent and Blagdon Road.
(4) Increased pressure on infrastructure has not been taken into account within the Cocks Crescent SPD – putting stress on schools, doctors and other vital services in New Malden town centre.
(5) No guarantees on the precise location of planned 10-storey tower blocks within Cocks Crescent and Blagdon Road area.
(6) No guarantees on housing density in the Cocks Crescent and Blagdon Road area.
(7) No guarantees for the safety of Blagdon Road open green space in its current form.
(8) No strategy to mitigate against increased traffic and congestion in the local area, with very little parking for new residential units.
(9) No guarantees on routes for site access – during years of building work and beyond.
(10) No guarantees on impacts of increased pollution and the result on air quality.
(11) Beverley Ward Councillors ignoring their residents who are in firm opposition to the height, scale and density of future residential development in Cocks Crescent.”

(4) The options available to the Council in responding to a Call-in are to: reaffirm the decision of the Committee; modify the decision of the Committee; or overturn the decision of the Committee; or refer the decision back to the Committee for further consideration; or refer the decision of the Committee to a Task and Finish Group for further consideration.

(5) The Council’s procedures relating to Community Call-ins provide opportunity for a representative of the signatories to the call in to address the Council meeting on the subject. Accordingly, the Council heard representations from James Giles who explained the Call-in objections to the Cocks Crescent SPD. Comments received from the New Malden Future Group (residents who had
contributed to and are in support of the SPD) had been circulated to Members in the late material.

(6) Councillor Liz Green commented that, as there were many residents attending the Council meeting who had strong views both for and against the SPD, it would be helpful to understand their views and she proposed that Standing Orders be waived to allow additional members of the public to speak. On being put to the vote, this was agreed. There was a brief adjournment from 8.45pm-8.50pm for speakers to be organised. The Council then heard representations from six members of the public, alternating between those who supported the Call in and those who supported the SPD (David Campanale, Zbig Blonski, Ruth Hildreth, Val Martin-Jennings, Paula and Grace, and Seb Amos). Councillor David Cunningham, Chair of the Growth Committee, responded to the issues which had been raised.

(7) The Leader of the Opposition, Councillor Liz Green proposed, and Councillor Margaret Thompson seconded, a motion that the Supplementary Planning Document should be referred to a Task and Finish Group for further consideration, in particular with a view to reducing the density and height recommended in the guide for developments on the site. On being put to the vote, this Motion was defeated as follows:

Voting:
For: 18 members of the Council (Councillors John Ayles, Bill Brisbane, Clive Chase, Mary Clark, Andrea Craig, Tom Davies, Hilary Gander, Liz Green, Sheila Griffin, Shiraz Mirza, Rebekah Moll, Rachel Reid, Lorraine Rolfe, Malcolm Self, Thay Thayalan, Margaret Thompson, Jon Tolley, and Diane White)
Against: 23 members of the Council (the Deputy Mayor, Rowena Bass, Roy Arora, Paul Bedforth, Jack Cheetham, Linsey Cottington, David Cunningham, Kevin Davis, Andrew Day, David Fraser, Ian George, David Glasspool, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Cathy Roberts, Hugh Scantlebury, and Ken Smith)
Abstaining: the Mayor

(8) After further debate, the Leader of the Council, Councillor Kevin Davis, proposed and Councillor David Cunningham seconded that the decisions of the Growth Committee held on 23 November 2016 (in relation to adopting the Cocks Crescent Supplementary Planning Document) be reaffirmed and a mechanism be set up to progress and engage members of the public in the development of this SPD. On being put to the vote, the outcome was as follows:

Voting:
For: 25 members of the Council (the Deputy Mayor, Rowena Bass, Roy Arora, Paul Bedforth, Jack Cheetham, Linsey Cottington, Andrea Craig, David Cunningham, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Cathy Roberts, Hugh Scantlebury, and Ken Smith)
Against: 13 members of the Council (Councillors John Ayles, Tom Davies, Hilary Gander, Liz Green, Sheila Griffin, Shiraz Mirza, Rebekah Moll, Lorraine Rolfe, Malcolm Self, Thay Thayalan, Margaret Thompson, Jon Tolley, and Diane White)

Abstaining: 3 members of the Council (The Mayor, Councillor Geoff Austin, and Councillors Bill Brisbane and Rachel Reid)

Accordingly the Leader of the Council’s motion was declared carried and it was therefore RESOLVED that the decisions of the Growth Committee held on 23 November 2016 (in relation to adopting the Cocks Crescent Supplementary Planning Document) be reaffirmed and a mechanism be set up to progress and engage members of the public in the development of this SPD.

110. Community Call-in: 20mph speed limits in Surbiton

(1) Surbiton Neighbourhood Committee undertook a public consultation in September 2016 on a proposal to introduce a 20mph speed limit in all residential roads across Surbiton Neighbourhood (excluding Ewell Road, Upper Brighton Road, Portsmouth Road and Hook Road). At its meeting on 7 December 2016 the Neighbourhood Committee considered the findings of the consultation, one of which was that a majority (57%) of the 1,125 respondents to the consultation supported the proposal (with 43% opposed and 1% neutral). Consequently the Neighbourhood Committee resolved to support the introduction of this 20mph zone in the Neighbourhood. The view of the Neighbourhood Committee was reported to the Residents Committee at its meeting on 8 December 2016, as the Residents Committee had the responsibility to determine traffic management schemes which affect a wider area than single roads. The Residents Committee noted that of the 1,125 respondents to the consultation, 828 were Surbiton residents, which corresponded to 4.5% of the total number (18,300) of Surbiton addresses; 4.5% was considered a low response rate to the consultation. The Committee also noted that while the majority response in Berrylands Ward and St Marks Ward was in favour, the majority response in Alexandra Ward and Surbiton Hill Ward was not in favour of the scheme.

(2) After hearing representations and deliberations, the Residents Committee had resolved that:

(1) the Surbiton Neighbourhood Committee comments from 7 December Committee are noted;
(2) the results of the area wide consultation, as set out in Annexes 1 – 10 of the report to the Residents Committee, are noted;
(3) a blanket 20mph speed limit is not implemented in the whole of the Surbiton Neighbourhood area at this time, due to the low response rate received;
(4) the support received for the scheme in St. Mark's and Berrylands Wards be noted; and
(5) the Committee refer consideration of individual 20 mph speed limit schemes for specific roads within in the Surbiton Neighbourhood back
to the Surbiton Neighbourhood Committee subject to consultation and support. Once roads have been suggested by the Surbiton Neighbourhood Committee, then schemes will be submitted for approval to the Residents Committee for a final decision.

(3) On 20 January 2017 a community call in, supported by 194 signatories, was received which stated:

“We, the undersigned, call-in resolution (3) of item 7, Appendix C, 'Introduction of 20mph zone (Surbiton)', of the Residents Committee held on Thursday 8 December 2016, for review at Full Council for the following reasons:

- There was clear public support for an area-wide 20mph speed limit, with 1,125 responses and 57% in favour.
- It is the policy of Kingston Council to introduce a 20mph limit across the whole borough, and the majority of Surbiton Councillors support it.
- Reducing vehicle speeds have been shown to help children and vulnerable adults cross the road safety and encourage more walking and cycling.
- Short sections of 20mph, which Surbiton currently has, can be confusing to the motorist. An area-wide 20mph limit is clearly understood and provides a consistent message to all road users.
- 20mph just outside schools is not the answer. Children, as well as adults with disabilities, are part of our community and have the right to use our streets safely everywhere.
- Acceleration and braking is the greatest cause of car pollution - travelling at a constant lower speed actually reduces pollution.
- 20mph on residential roads doesn't significantly alter journey times, as constantly driving at 30mph is virtually impossible in built-up areas.”

The Council’s procedures relating to Community Call-ins provide opportunity for a representative of the signatories to the call in to address the Council meeting on the subject. Accordingly, the Council heard representations from an organiser of the Call-in, Sharron Sumner, who explained the reasons for the Call in.

(4) The options available to the Council in responding to a Call-in were to:

- reaffirm the decision of the Committee or
- modify the decision of the Committee or
- overturn the decision of the Committee or
- refer the decision back to the Committee for further consideration or
- refer the decision of the Committee to a Task and Finish Group for further consideration

(5) Councillor Diane White proposed, and Councillor Hilary Gander seconded, a Motion that the Council overturn the decision of the Residents Committee and allow the 20mph speed limit to be implemented in Surbiton’s residential and town centre roads. On being put to the vote, this Motion was defeated as follows:
Voting:

For: 16 members of the Council (Councillors John Ayles, Bill Brisbane, Clive Chase, Mary Clark, Tom Davies, Hilary Gander, Liz Green, Shiraz Mirza, Rebekah Moll, Rachel Reid, Lorraine Rolfe, Malcolm Self, Thay Thayalan, Margaret Thompson, Jon Tolley, and Diane White)

Against: 24 members of the Council (the Deputy Mayor, Rowena Bass, and Councillors Roy Arora, Paul Bedforth, Jack Cheetham, Linsey Cottington, Andrea Craig, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Sheila Griffin, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Cathy Roberts, Hugh Scantlebury, and Ken Smith)

Abstaining: the Mayor and Councillor Julie Pickering

After further debate, a proposal by the Leader of the Council, Councillor Kevin Davis, which was seconded by Councillor Phil Doyle, was put to the vote and it was RESOLVED that the decision of the Residents Committee on 8 December 2016 (that a blanket 20mph speed limit not be implemented in Surbiton Neighbourhood) be reaffirmed and the Residents Committee be requested to undertake a boroughwide 20mph speed limit policy review.

Voting:

For: 28 members of the Council (the Deputy Mayor, Rowena Bass, Roy Arora, Paul Bedforth, Bill Brisbane, Jack Cheetham, Mary Clark, Linsey Cottington, Andrea Craig, Tom Davies, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Sheila Griffin, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Cathy Roberts, Hugh Scantlebury, and Ken Smith)

Against: 7 members of the Council (Councillors Liz Green, Shiraz Mirza, Rebekah Moll, Rachel Reid, Lorraine Rolfe, Jon Tolley, and Diane White)

Abstaining: 6 members of the Council (Councillors John Ayles, Clive Chase, Hilary Gander, Malcolm Self, Margaret Thompson and Thay Thayalan)

111. **Motion: 'Speaking with One United Voice on the Need for More Funding for All Kingston's Mainstream Schools'**

The Motion was proposed by the Leader of the Labour Group, Councillor Linsey Cottington, and seconded by Councillor Sheila Griffin, as follows:

“This Council notes:

• The Government is planning to introduce a National Funding Formula (NFF) to calculate and distribute the amount of core revenue funding that every mainstream primary and secondary school will receive. This includes academies and free schools but not sixth forms.

• The government will unilaterally decide on the national factors it will use to determine each school’s funding allocation which hands the
Government almost complete control of the purse strings on our local education provision.

- These actions remove local democratic control and accountability from Kingston Council, with its long history of understanding and responding to the needs of each and every school.
- We are not expected to know what the NFF will be until this summer but we do know that the Government is planning a soft implementation for 2018/19 and a hard implementation for 2019/20.
- While the overall schools budget is protected in real terms until 2019/20 it does not provide for funding per pupil to increase in line with inflation. The Audit Commission reported in December 2016 that mainstream schools would need to find £3 billion in cost savings to cover increased cost pressures such as pay rises, increased pension and national insurance contributions and inflation.
- The DfE published illustrative figures for 2018/19 based on 2016/17 pupil data to give an idea of how the NFF might work and based on this information a number of our local schools would benefit and but the majority of our primary schools will lose core funding. This is divisive and unfair. The Council has a responsibility to provide an excellent quality of education for every child and young person in our borough.
- Its recent decision to reduce the schools ‘per pupil’ funding by nearly £28 to support the High Needs Block is not lost money and will be redistributed for the children who need that support. The Council has also identified savings of £400k with planned growth of £720k for 2017/18.
- More Government money is needed to support our local mainstream schools. The Government has plans to spend £2 billion on buying sites for free schools and £320 million on new grammar schools while our existing schools continue to struggle with unwanted staff redundancies, backlogs of poor repairs, reducing educational options for our children and young people and poor recruitment prospects.

This Council therefore resolves to:

- continue working with our two MPs, Chairs of Governors, head teachers and parent representatives in speaking with a united voice to ensure that all parents of school age children and young people, and the general public, are well informed about the unprecedented situation in education funding and the diminishing of local accountability, and

- continue lobbying the Government with our above partners in any way possible, despite the formal consultation period having closed, to ensure that more money is put into our local schools - but not at the expense of other schools and school services, either locally or nationally. We are united in our determination that all our schools have a secure future in which they are able to continue to develop well-rounded citizens leading to productive and satisfying lives.”

(2) The Leader of the Council, Councillor Kevin Davis, seconded by Councillor Andrea Craig, proposed amendments to the Motion which are set out in Annex 1 to these Minutes. The Leader of the Opposition, Councillor Liz Green, indicated support for these amendments with the exception of the
Leader’s point no.(6) ie that the following paragraph from the Motion be deleted:

“More Government money is needed to support our local mainstream schools. The Government has plans to spend £2 billion on buying sites for free schools and £320 million on new grammar schools while our existing schools continue to struggle with unwanted staff redundancies, backlogs of poor repairs, reducing educational options for our children and young people and poor recruitment prospects.”

(3) Councillor Davis consequently moved his amendment (at Annex 1) but with the exception of point (6) and, on being put to the vote, this was agreed as follows:

Voting:

For: 32 members of the Council: (the Deputy Mayor, Rowena Bass, and Councillors Roy Arora, Paul Bedforth, Jack Cheetham, Andrea Craig, Tom Davies, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Liz Green, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Shiraz Mirza, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Rachel Reid, Cathy Roberts, Lorraine Rolfe, Hugh Scantlebury, Malcolm Self, Ken Smith, Thay Thayalan, Margaret Thompson, and Diane White

Against: 2 members of the Council (Councillors Linsey Cottington and Sheila Griffin)

Abstaining: 6 members of the Council (The Mayor, Councillor Geoff Austin, and Councillors John Ayles, Mary Clark, Hilary Gander, Rebekah Moll and Jon Tolley)

(4) The Leader of the Opposition, Councillor Liz Green, proposed that the deleted paragraph from the original Motion be included within the amended Motion. On being put to the vote, this amendment was rejected, the outcome being as follows:

Voting:

For: 14 members of the Council: Councillors Bill Brisbane, Linsey Cottington, Tom Davies, Hilary Gander, Liz Green, Shiraz Mirza, Rebekah Moll, Rachel Reid, Lorraine Rolfe, Malcolm Self, Thay Thayalan, Margaret Thompson, Jon Tolley, and Diane White)

Against: 25 members of the Council (the Deputy Mayor, Rowena Bass, and Councillors Roy Arora, Paul Bedforth, Jack Cheetham, Andrea Craig, David Cunningham, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Sheila Griffin Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Cathy Roberts, Hugh Scantlebury, and Ken Smith)

Abstaining: 3 members of the Council (the Mayor and Councillors John Ayles and Mary Clark)
The substantive motion, with the addition of the Leader of the Council’s amendment (6) (shown as paragraph (ix) below), was then put to the vote and declared carried, as follows:

RESOLVED that

“This Council notes:

i. The Government is planning to introduce a National Funding Formula (NFF) to calculate and distribute the amount of core revenue funding that every mainstream primary and secondary school will receive. This includes academies and free schools but not sixth forms.

ii. The government will unilaterally decide on the national factors it will use to determine each school’s funding allocation which hands the Government almost complete control of the purse strings on our local education provision.

iii. That this Council has a long history of understanding and responding to the needs of each and every school. That schools and Governors are best placed to take decisions over the running of schools and that over the past twenty years the role of local authorities in education has declined to the point where they have education responsibilities without the necessary power to deliver for Kingston.

iv. We are not expected to know what the NFF will be until this summer but we do know that the Government is planning a soft implementation for 2018/19 and a hard implementation for 2019/20.

v. While the overall schools budget is protected in real terms until 2019/20 it does not provide for funding per pupil to increase in line with inflation. The Audit Commission reported in December 2016 that mainstream schools would need to find £3 billion in cost savings to cover increased cost pressures such as pay rises, increased pension and national insurance contributions and inflation.

vi. The DfE published illustrative figures for 2018/19 based on 2016/17 pupil data to give an idea of how the NFF might work and based on this information a number of our local schools would benefit and but the majority of our primary schools will lose core funding. This Council has a responsibility to support schools to provide an excellent quality of education for every child and young person in our borough.

vii. A major contributor to the local schools funding issues has been the inexorable rise in the requirements of Special Needs pupils and the Education, Health and Care Plans. This has led to significant overspends in the DSG that need to be reduced.

viii. Its recent decision to reduce the schools’ ‘per pupil’ funding by nearly £28 to support the High Needs Block is not lost money and will be redistributed for the children who need that support. The Council has also identified savings of £400k with planned growth of £720k for 2017/18.

ix. More Government money is needed to support our local schools and greater recognition given, in any new funding formula, of the costs of providing education in London.

This Council therefore resolves to:
a. continue working with our two MPs, Chairs of Governors, head teachers and parent representatives in speaking with a united voice to ensure that all parents of school age children and young people, and the general public, are well informed about the unprecedented situation in education funding and the diminishing of local accountability

b. continue lobbying the Government with our above partners in any way possible, despite the formal consultation period having closed, to ensure that more money is put into our local schools - but not at the expense of other schools and school services, either locally or nationally.

c. ask the Government to give consideration to the publication of regulations relating to the future role of Local Authorities in the education system

d. review the current funding mechanisms on the provision of Education, Health and Care plans and its relationship to schools funding.

We are united in our determination that all our schools have a secure future in which they are able to continue to develop well-rounded citizens leading to productive and satisfying lives.”

Voting:

For: 32 members of the Council (the Deputy Mayor, Rowena Bass, and Councillors Roy Arora, Paul Bedforth, Jack Cheetham, Linsey Cottington, Andrea Craig, Tom Davies, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Liz Green, Sheila Griffin, Chris Hayes, Mike Head, Richard Hudson, Eric Humphrey, Maria Netley, Raju Pandya, Priyen Patel, Terry Paton, Julie Pickering, Rachel Reid, Cathy Roberts, Lorraine Rolfe, Hugh Scantlebury, Malcolm Self, Ken Smith, Margaret Thompson, and Diane White)

Against: none

Abstaining: 9 members of the Council (the Mayor, Councillor Geoff Austin, and Councillors John Ayles, Bill Brisbane, Mary Clark, Hilary Gander, Shiraz Mirza, Rebekah Moll, Thay Thayalan, and Jon Tolley)

112. Questions

(1) There were no questions asked in accordance with Standing Order No. 6 (8) (questions to the Leader of the Council of which no notice had been given).

(2) The following questions were asked in accordance with Standing Order 6 (1 and 2) (Council Questions of which notice has been given):

By Councillor Thay Thayalan
To Councillor Kevin Davis, Leader of the Council

Question:

Now Article 50 has been triggered, and Brexit negotiations have begun, I believe there is a significant population of European nationals living and working in the borough, has the Council assessed the possible impact Brexit may have on
Kingston? Since I submitted the question, I have learnt that the current estimation of EU nationals living in the borough is 14,000 and the workday population around 15,000.

Reply:

Although, obviously, Article 50 has been “triggered”, there is actually at the moment no understanding of what the terms are around any exit that we might have from the European Union and as on previous occasions when I’ve been asked this question, it’s not possible to answer the question and we are assured obviously that from the perspective of the EU nationals, they are being prioritised in the negotiations and we will just have to see what comes out of that negotiation but until we have those details, it’s impossible to predict what is the impact.

By Councillor Margaret Thompson
To Councillor Kevin Davis, Leader of the Council

Question:
The first draft of the report into Mr Derek Osbourne’s time on the Council has been published finally. It is marked ‘Confidential’. Will the Leader please agree to publishing it to all councillors and residents, to demonstrate that there was nothing to find, that Mr Osbourne’s illegal activities had nothing to do with his roles on the Council and that there was no way that any elected member or officer could have had any knowledge of his activities? We all condemn them and we all share the same revulsion at them.

Reply:

As I’ve said before when this has been discussed, I’ve been as meticulous as I can be about not involving myself in any of the discussion around the inquiry and it’s rightly being dealt with, because it’s a legal matter, by the Monitoring Officer, who is the person in reality to whom this question should be addressed. I would say that my understanding is that the matter is now reaching a conclusion and the Working Group have a date to meet to discuss the report. The report, as it exists, is confidential and is in draft and I have to admit that I’m rather alarmed that other copies of it seem to be circulating to people who are not on the Working Group because that isn’t what was expected. I am advised also that once they have met with the Independent person (Peter Oldham QC), the Monitoring Officer and the Working Group are the ones to determine what the arrangements will be for concluding this matter and issues around any publication of the report and, frankly, I cannot comment any further because I am trying to distance us as councillors from that process as much as possible. So if you do have questions, I would ask you to address those privately to the Monitoring Officer.

By Councillor Jon Tolley
To Councillor Liz Green, Leader of the Opposition

Question:
How many people in total have been fined for driving through the controversial temporary restriction in Surbiton Crescent and what is the total sum received, in fines, by the Council?

Reply:
I am informed that the number of penalties issued at the moving traffic restrictions on Surbiton Crescent is 38,456 and the total sum collected is £2,080,112, as at 10 February 2017.

Supplementary:
Some big numbers, so to try and put it into context, how do those numbers compare to elsewhere in the borough, what has gone so wrong to make this figure so high and what can be done to fix this?
Reply:
Many people will know that I have actually been doing some research on the Surbiton Crescent and I sent out an email to many the residents who have contacted me about it so I did look at what’s been happening in previous years in other moving traffic violations that we had.

So at 21 weeks, on 10 April: 38,000 and over £2 million – that’s just in 21 weeks at that one location, and I had a look at the website and the numbers have fallen since it was originally there. I’ve added up the numbers (because they’re in two different columns) – they were at 8,000 in the first week of fines – some 8,286 – and they have fallen but they’re still around 1,000 a week at the end of March/ April which is the latest for which the website has information available. So that’s still around £65,000 per week that that one moving traffic violation is bringing in. That works out at £3.3 million per year if it carries on for the whole year at around that 1000 per week mark.

To put it into context, I looked up the 2015/16 (which is the last financial year we have the Outturn Accounts for) and over that whole year across the whole borough, moving traffic violations raised £1.7million in fines. So the whole borough raised less across the whole year than that one junction over 21 weeks and it will be double if it continues over the rest of the year.

You also asked what’s caused this – my view is that the signs are unclear. I don’t actually think that 38,456 motorists are deliberately contravening it, even if they don’t know they’re going to be fined or whatever. I think that the signs are unclear – I think that the fact that the ‘no entry signs’ that you approach from the Kingston end are unlit [and we are told that the ‘no right turns’ signs are unlit, they are in a 30mph they should be lit, but that’s not what’s being enforced, by the way, the ‘no right hand turns’ or the ‘no left turn’] – it’s the ‘no entry sign’ which is also unlit but it’s directly (just by about 3mms probably) inside a 20mph zone, so by law it doesn’t need to be lit, but it would clearly be more obvious if it was lit.

Coming the other way, the sign that you are most drawn to at eye level is the ‘give way to oncoming traffic’ sign and actually ‘give priority to oncoming vehicles’ because people think it’s a traffic calming measure – they don’t realise it’s a ‘no motorised vehicles except for access’ and some people think ‘access’ means they can access the road at the end of it. I think that the signs coming the other way are also unclear. I don’t think that nearly 40,000 people are doing it deliberately.
I am not against bus lane contravention fines or moving traffic violations. If you stop in a box junction and you therefore hold up traffic, I think that you need to be fined because you need not to do that. If you drive in a bus lane or worse, park in a bus lane, you definitely should receive a fine for doing that because you should know, as a motorist, that you shouldn't be doing that. But at this junction, I don't feel that people realise that that's the problem.

You said, 'what do you think should be done about it?' I think that actually the money should be returned because I think that it has been unfairly collected and that these fines are unfair and I also think that what is really bad is that we know now that this money is being used to plug the budget, and before anyone jumps up and says that it's related to traffic and it can't be spent on anything else, we spend from our General Fund on traffic related expenditure and what they're doing is moving some of the General Fund traffic related expenditure, taking that money and using the Surbiton Crescent fines, along with other fines, that come in through parking and other things, and I just think that that's wrong to plug the £4million gap in the Budget.

[The written replies to the Council Questions not answered at the meeting are attached as Annex 2 to these Minutes.]

113. AfC Joint Committee - Admission of a new Member and changes to Governance Arrangements

The Council considered a report which set out proposals of the Achieving for Children Joint Committee to admit the Royal Borough of Windsor and Maidenhead (RBWM) as a full member of the Achieving for Children Community Interest Company (AfC) and the consideration to be paid by RBWM (£750,000) for joining the AfC company. The report also proposed a number of changes to governance arrangements for AfC, including the remit and membership of the Joint Committee.

Late material was circulated with an amendment to paragraphs 30 and 32 of the report as follows:

1. paragraph 30 - delete '...and RBWM Cabinet' to read:
   'Band 1 - decisions that require the consent of RBK's Full Council and LBR's Cabinet'

2. paragraph 32 - delete '...and RBWM' to read
   'Band One - reserved to RBK's Full Council and Cabinet at LBR
   - Permit the registration of any New Member of the Company'

On the recommendation of the AfC Joint Committee, the Council RESOLVED that:

1. the Royal Borough of Windsor and Maidenhead (RBWM) be admitted to the Achieving for Children Community Interest Company (AfC) as a full member with effect from 1 August 2017 and that RBWM pay a joining fee to the two founding Councils, in part to recognise the costs incurred by the Councils in establishing AfC;
2. the proposed changes in governance arrangements for AfC as set out in the report (with the amendments above, as indicated in the late material), primarily relating to Reserved Matters, the AfC Board of Directors and the membership and operation of the AfC Joint Committee, be approved to take effect from 1 August 2017;

3. with effect from 1 August 2017, the existing Joint Committee with the London Borough of Richmond upon Thames, established under Section 101(5) of the Local Government Act 1972, be reconstituted to include also the Royal Borough of Windsor and Maidenhead;

4. the amended Terms of Reference/Procedure Rules for the AfC Joint Committee (as set out at Annex 3 to the Minutes) be adopted to take effect from 1 August 2017;

5. the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition, be authorised to take any outstanding decisions on the details necessary to complete the transaction in line with the views of the Council and subject to legal advice; and

6. the Corporate Solicitor as Monitoring Officer be authorised to finalise all necessary legal documents, including the Inter-Authority Agreement, to effect the views of the Council and the proposals set out in this report.

Voting - unanimous

Appendix D

The report of the Committee was received.

Voting - unanimous

115. Report of the Adults and Children’s Committee - 21 March 2017  
Appendix E

The report of the Committee was received.

Voting - unanimous

Appendix F

The report of the Committee was received (subject to the addition of the attendance of Councillor Hilary Gander), including the following item for the Council’s decision:

116.1 Customer Contact Shared Service with Sutton

At its meeting on 23 March 2017, the Residents Committee authorised officers to implement a Shared Customer Contact Service between the Royal Borough of Kingston upon Thames (RBK) and the London Borough of Sutton (LBS) with a potential implementation date of 1 November 2017. (The shared service proposal was presented to the Strategy and Resources Committee of the London Borough of Sutton on 16 January 2017, where it was approved, subject to a further report on financial and staffing detail being presented to their Members by the end of April 2017.)
A shared service will deliver both site resilience and benefits of scale, as well as allowing sufficient investment in effort and development to define and drive a Customer Access Strategy for each Council. This would underpin each Council’s relationship with its customers and provide valuable insight across end-to-end service delivery within the Councils. It is estimated that RBK will achieve £189k savings in the first year, with LBS avoiding costs of £70k which could potentially rise to £194k. Further savings were estimated at £60k per annum for each Council by year five of operation.

The Customer Contact service will continue to operate under a single head of service and retain a physical presence in both Boroughs. The response to customers will continue to uphold each Council’s individual identity. The potential implementation date for a fully integrated service is 1 November 2017.

Resolved that the powers of the Council exercised by Officers within scope of the Shared Customer Contact Centre be delegated to the London Borough of Sutton with effect from the date of implementation of the new service.

Voting - unanimous


The report of the Committee was received.

Voting - unanimous

118. Report of the Kingston Town Neighbourhood Committee - 9 March 2017  Appendix H

The report of the Committee was received.

Voting - unanimous


The report of the Committee was received.

Voting - unanimous

120. Report of the Maldens and Coombe Neighbourhood Committee - 15 March 2017  Appendix J

The report of the Committee was received.

Voting - unanimous
121. Report of the Surbiton Neighbourhood Committee - 15 March 2017

The report of the Committee was received.

Voting - unanimous

122. Neighbourhood Committees - Traffic Management Functions

The Council considered the division of traffic management responsibilities between Neighbourhood Committees (which have delegated powers to approve traffic management schemes affecting non priority, i.e. non ‘A’ and ‘B’ classified, routes in single roads and at the junction of two roads) and the Residents Committee (which determines proposals which affect a wider area, or concern ‘A’ and ‘B’ roads).

In order to streamline the decision making process, Council was recommended to amend the constitutional arrangements to allow for Neighbourhood Committees to approve traffic management proposals in respect of all roads other than A classified roads (and other than the strategic routes managed by Transport for London) provided that they relate to works on not more than two roads, or three at a junction.

At the meeting, the Council agreed an amendment to the latter proposal (as shown in the resolution below) to increase (from up to three) to up to four the number of roads at a junction for which Neighbourhood Committees can consider traffic management schemes.

Neighbourhood Committees will assume responsibility for B roads and schemes with wider geographical coverage than is currently the case. The changes are intended to reduce the number of relatively minor schemes being referred to the Residents Committee, thereby enabling it to focus more fully on its strategic functions, and to ensure that consideration of the most localised schemes is fully informed by the local knowledge of the relevant Neighbourhood Members. The Residents Committee will continue to determine schemes which affect ‘A’ roads or three or more roads of other classification types, and which affect junctions of five or more roads, though Neighbourhood Committees will be consulted and have the opportunity to comment where relevant.

Resolved that

Part 3A of the Constitution be amended to provide that:

a) Neighbourhood Committees be responsible for the approval of traffic management schemes on all roads other than ‘A’ roads and strategic routes managed by Transport for London where the proposals concern no more than two roads, or a junction of up to four roads, within a single Neighbourhood, and for the recommendation of schemes with wider coverage to the Residents Committee for approval; and

b) Where traffic management scheme proposals cross Neighbourhood boundaries, the approval of each relevant Neighbourhood Committee be required. In circumstances where it is not possible to reach agreement on the outcome, the matter shall be referred to the Residents Committee for determination.

Voting - unanimous
123. **Election of the Mayor for the Municipal Year 2017-18**

At the Council meeting on 20 March 2001 it was agreed that, other than in an Election Year, the Mayor should be elected at the Ordinary Council meeting immediately preceding the Annual Meeting.

One nomination was submitted - from the Conservative Group - in the name of Councillor Julie Pickering.

There being no other nominations, the Mayor duly declared Councillor Julie Pickering elected as Mayor of the Royal Borough for the Municipal Year 2017/18.

[The formal installation of Councillor Pickering as Mayor will take place at the Annual Meeting on 16 May.]

124. **Appointment of non-elected member to Health and Wellbeing Board**

**Resolved** that Dr Mark Potter be appointed to the Health and Wellbeing Board (replacing Dr Emma Whicher) as a non-voting advisory member representing the South West London & St George’s Mental Health Trust.

Voting - unanimous

125. **Urgent Items authorised by the Mayor**

There were no urgent items.

Signed: ..............................................................Date: ........................

The Mayor
Ref. Minute item 111 (2) Initial Amendments from the Conservative Group for the Schools Funding Motion

Under “This Council notes:"

1. Delete bullet point 3 and replace with: “That this Council has a long history of understanding and responding to the needs of each and every school. That schools and Governors are best placed to take decisions over the running of schools and that over the past twenty years the role of local authorities in education has declined to the point where they have education responsibilities without the necessary power to deliver for Kingston.”

2. Bullet point 6, delete “This is divisive and unfair.”

3. Bullet point 6, amend final sentence to read “This Council has a responsibility to support schools to provide an excellent quality of education for every child and young person in our Borough.”

4. Insert new bullet point between bullet point 6 and 7 that reads: “A major contributor to the local schools funding issues has been the inexorable rise in the requirements of Special Needs pupils and the Education, Health and Care plans. This has led to significant overspends in the DSG that need to be reduced.”

5. Bullet point 8 (now 9) delete the words “mainstream schools” from the end of the first sentence and insert the word “education system”. Delete all the remainder of this bullet point from “The Government has plans to spend…”

6. Delete the final bullet point and replace with: “More Government money is needed to support our local schools and greater recognition given, in any new funding formula, of the costs of providing education in London.”

Under “The Council therefore resolves to:"

Add additional bullet points saying:

- “Ask Government to give consideration to the publication of regulations relating to the future role of Local Authorities in the education system,
- Review the current funding mechanisms on the provision of Education, Health and Care plans and its relationship to schools funding.”
Written Replies to Council Questions

By Councillor Hilary Gander
To Councillor Phil Doyle

Question:
How many instances of fly tipping have been reported in each of the past four financial years 2012/13, 2013/14, 2014/15, 2015/16 and how are you using the increase in powers to local authorities to take action against fly tippers?

Reply:
The number of reported fly tips in the past four financial years are:

- 2012/13 - 126
- 2013/14 - 339
- 2014/15 - 956
- 2015/16 - 1263

Fly tips are extremely varied in their nature, ranging from small dumps of domestic waste, to poor practice in trade waste disposal by businesses, up to large scale dumps of waste by unscrupulous operators.

The way that the Council has gathered and reported information on fly-tipping, submitted quarterly to Defra, has changed in the last few years. The best data available at the time has always been used, but at different points this has led to under- and over-reporting of the numbers.

Prior to 2014, officers were unable to run reports on the number of fly tips reported to the Council. Instead, data collected by Veolia was used, but this only recorded large fly tips that required special clearance. It excluded, for example, black bags placed out at the wrong time from flats above shops that are collected routinely by the daily street cleansing services.

From 2014, officers were able to run reports from the Council’s CRM system instead, capturing all fly tips that were reported to RBK. That change explains the sudden increase in numbers in 2014/15. However, there is a likelihood that these numbers are artificially high; it’s not possible to distinguish easily between reports about fly tips on private land and public highway, and it is very difficult to identify and correct multiple reports of the same incident.

In 2015 the way that fly tips could be reported online changed, allowing reports to be made much more easily, which may have had a further impact.

More recently, officers in the Waste and IT teams have worked together to introduce a new reporting procedure on the new CRM system, which began operating in March this year.

This should remove the issues around reports of waste on private land and duplication, and will provide a more accurate figure going forward from which to benchmark against.
Officers are confident that the actual number of fly tips in the borough has not increased significantly. There has been no increase in the amount of waste collected by the street cleansing services for example, and in fact Kingston has seen an overall decrease in the amount of waste collected in the borough as a whole.

Action against fly tips is undertaken by the Environmental Enforcement Team, with support from the Waste Team.

The Environmental Enforcement Team employs a range of measures, as outlined below:

- A Rolling Trade Waste Enforcement Programme is operated across the borough. Targeted areas are visited and businesses served with a formal notice requiring the production of waste transfer documentation. This ensures there are appropriate waste management arrangements in place. Businesses who fail to produce the necessary documentation can be served with a Fixed Penalty Notice.

- Verbal and written warnings are issued, where evidence of the source of a fly tip is found. Eleven warning notices have been issued in recent weeks.

- As part of our proportionate enforcement approach, Fixed Penalty Notices can also be issued and in very serious cases prosecutions can be taken by the Environmental Enforcement Team where there is sufficient evidence to meet the burden of proof required by the courts.

The Council’s Waste Team employs two Waste and Street Cleansing Advisors; part of their role is to engage with residents where fly tips have repeatedly been found to be domestic in origin. The advisors advise on appropriate waste management and look to ensure compliance with the borough’s waste and recycling collection service.

By Councillor Patricia Bamford
To Councillor Cathy Roberts, Portfolio Holder for Adults Social Care and Health

Question:

Given the growing shortfall in housing supply, given the difficulties people suffer trying to access a home due to on-going welfare reforms and the rise in local rents, given the attempts our officers make to the challenges of homelessness with significantly reduced resources, due to the ongoing cuts in local government funding, could you give an update on getting Gloucester Road up and running as an in-borough homeless sanctuary?

Reply:

The Council is fully committed to tackling homelessness and is making real progress on growth in Kingston to fulfil our ambition of regeneration. The best possible response to the problems of homelessness is in providing high quality, long-term sustainable homes and communities. To do this we have to make the best use of all the Council’s assets and ensure we are always getting the best value solution that has the maximum impact.
Having undertaken a detailed feasibility study into converting the former care home at 22 Gloucester Road into temporary accommodation, the projected costs have come in nearly four times more than suggested. As a result, it’s right and proper that we consider the options for this site to assess what could offer best value for money and how it can best help meet the council’s priorities into the future. This options appraisal is now in progress.

By Councillor Diane White
To Councillor Phil Doyle, Portfolio Holder for Resident Services

Question:

With evening parking charges due to be introduced at St Phillip’s Car Park, what analysis has been done on the potential impact/increase in street parking in the Surbiton town centre residential roads?

Reply:

The Council's car parks generally provide short stay visitor parking within town and district centres. The parking on street is distinct from this, providing for longer-term, residential parking. Therefore an impact on the street parking is not anticipated, and no analysis was required as part of this proposal.

Consultation was undertaken previously with the residents of roads near St Philip’s Car Park and at that time there was no desire to change the unrestricted parking presently available after 6.30pm. This indicates that there is available parking to meet the needs of local residents.

The attractiveness of this car park for resident parking is limited by the existing 8am start of controls. Therefore residents are not thought to be currently relying on the car park for evening (or overnight) parking.

In addition, it is considered that the level of those seeking to avoid the car park charge by parking on street will be offset by those who prefer to go to a controlled car park where they will more easily find a parking space.

The usage of the car park will be monitored and periodic review of CPZs is part of the work undertaken by the Borough’s traffic engineers.

By Councillor Liz Green
To Councillor Phil Doyle, Portfolio Holder for Residents Services

Question:

Which organisations will be affected by the removal of parking permit charity relief, and how much more will each now have to pay? What discussions have taken place with those affected by this policy decision?
Reply:

The eighteen organisations presently receiving charity discount are largely business permit holders. The Council has collected their data in confidence for the purpose of issuing a permit and cannot disclose the details publicly.

However, the list of organisations has been provided to Councillor Liz Green in writing on the basis of it being treated as exempt information.

Each permit holder will be contacted by the end of April and advised of the change, and will be reminded when they come to renew their permit.

The table below sets out the price change:

<table>
<thead>
<tr>
<th></th>
<th>1st Permit</th>
<th>2nd Permit</th>
<th>3rd Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full</td>
<td>£340</td>
<td>£510</td>
<td>£680</td>
</tr>
<tr>
<td>Charity</td>
<td>£102</td>
<td>£153</td>
<td>£204</td>
</tr>
</tbody>
</table>

Event organisations such as IYAF, Kingston Carnival, etc. have always made requests for an amount of free or subsidised parking on an annual basis and it has been made clear that this might change for future events. They will also be contacted in April.

By Councillor Liz Green
To Councillor Kevin Davis, Leader of the Council

Question:

What is your view on Councillor Priyen Patel who, in your own words, “falls below the standard that voters have a right to expect”?

Reply:

Recall is not an issue for Councillors to lead. It is intended as a mechanism for local people and therefore I have no view on whether ward residents should or should not attempt to recall the Councillor, other than to say that, as Leader of the Conservative Group, I have received no contact from residents concerned about Cllr Patel’s performance. In passing, it is also worth noting that, whilst attendance at meetings is not always an indicator of the amount of work a Councillor does, there are a number of Opposition Members whose attendance has not always been as high as it could be.
Revised Terms of Reference for the AfC Joint Committee to be effective from 1 August 2017

1. Purpose of the Joint Committee

1.1 The London Borough of Richmond upon Thames, the Royal Borough of Kingston upon Thames and the Royal Borough of Windsor and Maidenhead have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as “The Achieving for Children Joint Committee”.

1.2 The Joint Committee will discharge functions on behalf of all three boroughs insofar as they relate to the ownership of jointly owned local authority company “Achieving for Children”.

1.3 The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by either or all of the authorities which will be indemnified appropriately.

1.4 These Terms of Reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over each Borough’s relevant Constitutional provisions. The Joint Committee may vary the Terms of Reference rules as it considers appropriate.

2. Definitions

2.1 Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended)."

3. Functions

3.1 The Joint Committee will discharge on behalf of all three boroughs the functions listed below insofar as they relate to the ownership of local authority company “Achieving for Children”. The Joint Committee will decide on behalf of each Council to:

- Enter into any arrangement, contract or transaction resulting in expenditure either with a capital value greater than £10,000 or revenue value greater than £10 million. Any expenditure of such revenue by the Company being less than £10 million shall be subject to the Company’s own financial regulations and shall be subject to prior approval within the Business Plan and operating revenue budget, which shall be approved by the Members in accordance with the Reserved Matters.

- Enter into any arrangement, contract or transaction where the Company is providing services to third parties without following the Trading Opportunity Evaluation Process as produced by the Members. Such arrangements, contracts or transactions shall also be subject to prior approval within the Business Plan, which shall be approved by the Members in accordance with the Reserved Matters.
- Enter into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the Members under the Financial Plan.
- Appoint or remove any auditor of the Company.
- Adopt or amend the Business Plan in respect of each financial year, which for the avoidance of doubt shall include the adoption and amendment of an operating revenue budget for the financial year to which it relates.
- Adopt or amend the Financial Plan.
- Enter into any arrangement, contract or transaction within, ancillary or incidental to the ordinary course of the Company's business or is otherwise than on arm's length terms.
- Deal with any surpluses of the Company.
- Appoint or remove any Company Directors (from the Achieving for Children Board).
- Agree any terms for any Directors (but for the avoidance of doubt this does not include the terms and conditions of employment of Executive Directors as defined in the Articles of Association of the Company).
- Agreeing changes in employment terms and conditions which would be inconsistent with the National Joint Council National Agreement on Pay and Conditions of Service and any changes to the pay and grading structure of the chief executive post of the Company.

3.2 The Joint Committee will be responsible for setting out the expectations and ambitions of the three Council’s as owners of “Achieving for children”.

4. Membership

4.1 There will be nine elected members of the Joint Committee, three appointed from each Borough. Appointments will be made in line with each Authority’s governance arrangements.

4.2 The appointments should include the Leader of each Council and a Member whose portfolio areas include responsibility for Children’s Services.

4.3 Appointments will be made for a maximum period not extending beyond each Member’s remaining term of office as a Councillor.

4.4 As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council’s Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders.

5. Chair

5.1 Each Council will appoint one Member as a Co-Chair each of whom, in rotation, shall preside over meetings of the Joint Committee.

5.2 Meeting venues shall rotate between the Council’s main offices with the Co-Chair from the authority which is hosting the meeting presiding over the meeting. Where the host Co-Chair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.
6. Sub-Committees
6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each of the constituent authorities.

7. Delegation to Officers
7.1 The Joint Committee may delegate specific functions to officers of any of the Boroughs.
7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.
7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Co-Chairs of the Joint Committee before exercising their delegated authority.

8. Administration
8.1 Organisational and clerking support for the Joint Committee will be provided on an annual rotational basis or longer if agreed by all three Councils.

9. Budget
The Joint Committee will not have an allocated budget.

10. Agenda Management
10.1 All prospective items of business for the Joint Committee shall be agreed by the Chief Executives of all three Councils or their representatives, following consultation with the AfC Management Team.
10.2 Where a decision of the Joint Committee does not apply to all three Boroughs, the delegation of functions to the Joint Committee is limited to the Borough to which the decision applies.
10.3 To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key-decisions on behalf of Richmond and Windsor and Maidenhead must be included in the Forward Plan.
Although not legally required for Kingston under the Committee System Governance Arrangements, a Forward Plan has been maintained and notice will be given therein.

11. Meetings
11.1 The Joint Committee will meet as required to fulfil its functions and will determine a programme of meetings before the start of each Municipal Year to be included in the Calendar of Meetings for all three Authorities.
11.2 The quorum for a meeting of the Joint Committee shall be at least two members from each Borough.
11.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.
12. Notice of Meetings
12.1 The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

12.2 At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all Members of the Committee. Five Clear Days does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

13. Public Participation
13.1 Unless considering information classified as “exempt” or “confidential” under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 An agenda item to last no longer than 30 minutes will be included on each agenda to hear public representations and questions. Notification must be given in advance of the meeting indicating the matter to be raised, by 12 noon on the last working day before the meeting.

13.3 Where the number of public representations exceed the time allowed, a written response will be provided or the matter will be deferred to the next meeting of the Joint Committee.

14. Member Participation
14.1 Any member of each Council who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

15. Business to be Transacted
15.1 Standing items for each meeting of the Joint Committee will include the following:

- Public participation
- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Substantive items for consideration

15.2 The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion.

15.3 An item of business may not be considered at a meeting unless:

- a copy of the agenda which included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or (where the meeting is convened at shorter notice) from the time the meeting is convened; or
- by reason of special circumstances, which shall be specified in the minutes, the Co-Chair of the meeting (following consultation with the other Co-Chairs) is of the opinion that the item should be considered at the meeting as a matter of urgency
15.4 “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a later meeting allowing the proper time for inspection of documents by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary Meetings

16.1 Arrangements may be made following consultation with all three Co-Chairs to call an extraordinary meeting of the Joint Committee.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of Meetings

17.1 Meetings of the Joint Committee may, after consultation with all three Co-Chairs, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with all Co-Chairs in the event that it is necessary for the efficient transaction of business.

18. Rules of Debate

18.1 The rules of debate in operation in the authority which is hosting the meeting shall apply.

19. Request for Determination of Business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to the relevant Chief Executive for further consideration by the Council.
- The meeting be adjourned.

20. Urgency Procedure

20.1 Where all Co-Chairs of the Joint Committee are of the view that an urgent decision is required in respect of any matter within the Joint Committee’s Terms of Reference and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may authorise in writing the Chief Executive of Achieving for Children to take such a decision following consultation with the Co-Chairs. Decisions taken in these circumstances shall not be subject to any of the Council procedures.

21. Voting

21.1 Each elected member will be entitled to one vote.

21.2 Where there is an equality of votes and the matter cannot be resolved, the conflict resolution mechanism will be implemented.

21.3 The conflict resolution mechanism states that:
• The matter will be referred back to the Chief Executives of all three Authorities for further consideration.
• After further consideration has taken place, the matter will be placed on the agenda for the next available meeting of the Joint Committee for determination.
• If on this second occasion there is still an equality of votes the Chair can exercise a casting vote to ensure that a decision is made.

22. Minutes

22.1 At the next suitable meeting of the Joint Committee, the Co-Chair presiding will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes.

22.2 Once agreed, the Co-Chair presiding at the meeting will sign the minutes.

23 Exclusion of Public and Press

23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

23.3 If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as he/she thinks is necessary.

23.4 To comply with the Executive Arrangements (Access to Information) Regulations 2012 on Richmond’s and Windsor and Maidenhead’s behalf, all background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

24.1 Decisions of the Joint Committee will be subject to scrutiny and Call-In.

24.2 On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.

24.3 Decisions of the Joint Committee will be subject to the existing “Call-In” arrangements operating in each of the Boroughs as outlined in their respective Constitutions.

24.4 Where a decision is called in, arrangements will be made at the earliest opportunity within the Borough where the Call-In had taken place for it to be heard.

24.5 The body hearing the Call-in would be able to take the following courses of action:
• take no further action (decision takes effect)
• refer back to the decision-maker (Joint Committee) for reconsideration
• refer to the Full Council meeting of the relevant authority (only if deemed to be contrary to the budget and/or policy framework of the relevant authority in line with the delegations to the Joint Committee.)

24.6 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Council concerned have been concluded.