

# LOWER SUNBURY RESIDENTS ASSOCIATION 2008 AUTUMN NEWSLETTER



[www.losra.org](http://www.losra.org)

## Local Government Ombudsman says Spelthorne is guilty of maladministration, but Council refuse to accept the ruling

Following a long and protracted investigation, the Local Government Ombudsman has upheld a complaint of maladministration made by a Lower Sunbury resident; and recommended financial compensation to reflect the injustice caused.

The Council has refused to accept the finding of maladministration and its denial is a huge disappointment to LOSRA who have been intimately involved with this complaint from the outset. Residents have a right to expect that a publicly funded local service which has the power to affect the lives of so many, should have sufficient maturity and humility to use this opportunity to examine its systems and to improve its services. Instead of using this as an occasion for self-reflection and self-critical soul searching, it seems that the Council will once again circle its wagons in an unyielding and unedifying defence of its position.

### Some errors admitted

Spelthorne's Head of Corporate Governance, Michael Graham, who denies maladministration, has nevertheless accepted that there has been fault, and apologised for the following errors:

- the planning officer's report did not justify the recommendation to approve the application.....
- the report did not adequately set out the reasons for the Council's decision that the complainant would not suffer a significant loss of light or outlook as a result of the development.
- the report misrepresented the fact that the complainant's garden has no rear amenity.....

- the Council did not adequately respond to the complainant's request for an explanation of the standard upon which the officer's professional opinion was based.

- the Council has not always adhered to its published response times in dealing with complaints.

### LGO highlights other issues

In addition the LGO has asked the Council to address the following issues:

- ensure that planning officers' reports properly address policy issues;
- where this might be significant, that developers be asked to show sunlight/daylight impact of proposed development on adjoining properties;
- there should be guidance about boundary distances for chalet style bungalows;
- planning officers should make an appropriate note of their site visits and not rely solely upon photographs taken of the site, and
- where there are concerns about the accuracy of plans, applicants should be asked for the dimensions to be provided.

### Administrative fault

The LGO investigating officer concludes by saying "*I am satisfied that there has been administrative fault by the Council which has caused an injustice to the complainant.....; that the Council considers issuing guidance on potential perceived conflicts of interest for planning officers; and that the Council shows evidence that the above procedural matters are being addressed.*"

Despite all this, the Head of Corporate Governance does not accept

the charge of maladministration (defined to include: bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude, arbitrariness and so on) and appealed directly to the LGO himself. The appeal failed, with the LGO inviting the Council to settle the complaint in the way recommended by the Investigating Officer. As we go to print, it has been learnt that the Council is refusing to accept the LGO's verdict.

### Audit Committee Chairman

Perhaps the Council should listen to the words of its own Audit Committee Chairman in an email circulated on 15th July 2008: "*In my opinion there are holes in our operational systems....*" "*we have lived in the past at SBC (Spelthorne Borough Council) for too long....*" "*I have seen no evidence to convince me that any of our systems are documented and this usually means that each new member of staff will try to work as he/she did at his/her last job.*"

### LOSRA pressure

Following the Benwell Centre debacle, it nevertheless seems that Spelthorne is still in denial about the errors it has made and the flaws in the way it deals with the Borough's residents. It seems that residents are having to make complaints to the Local Government Ombudsman on an increasingly regular basis, and this cannot be a good reflection on the quality of governance in the Borough.

LOSRA will be pressing the Chief Executive to deal with these issues effectively as soon as possible in order to restore some confidence in local government in Spelthorne.

## Planning application for 72 The Avenue refused, but residents express “disgust” at conduct of Committee Chairman

Readers of our web site and/or a targeted newsletter in July, will be familiar with the application to demolish No.72 The Avenue and replace it with two 6 bedroom houses. We can now report that it was refused on a unanimous vote at Planning Committee on 15th October. A total of 79 letters of objection were received and the sheer weight of opposition will have greatly influenced the outcome.

Grounds for refusal included the proposed development's poor relationship with the adjoining property and loss of amenity. Regrettably, and in the opinion of all those residents present, the Chairman of the Committee used his influence, compounded by a conspicuous apparent lack of local knowledge, to block other substantial objections raised by two of our local councillors.

These other grounds for rejection

included the impact on the outlook of, and from, the Linear Park which adjoins the property in question, and has a very open aspect at this point, and the impact that the development will have on the character of the area, both of which are completely legitimate planning issues and have been used successfully in other cases in Lower Sunbury.

However, Cllr. O'Hara, the Chairman of the Planning Committee, refused to allow discussion of these arguments and rejected them, saying that the TP26 was “just a footpath”. You would have thought that TP26 and the Linear Park has been a sufficiently high profile issue over the years for an experienced Spelthorne Councillor with an involvement in planning to know that TP26 was land earmarked for a by-pass road which is about 30 metres wide at this point. Residents who were there have expressed the opinion that the Chairman appeared deter-

mined to ignore what the Sunbury councillors and residents said, and were appalled by the nature of some of the exchanges.

This a very disappointing but increasingly familiar example of the manner in which the Planning Committee conducts itself. These additional grounds for refusal would have greatly strengthened the residents' case in the event of an appeal by the developers.

It is very unlikely that the Planning Committee will admit to any shortcomings in the way it does business. Whether they like it or not, and despite repeated assurances of a non-partisan approach to their considerations, the ridiculing and overbearing treatment of minority members of the Committee is both obvious and shameful - even to the most disinterested observer.

Local residents have already made a formal complaint to Roberto Tambini, Spelthorne's Chief Executive, about what they have described in their letter as the disgraceful behaviour of the Planning Committee Chairman. Given that local residents have clearly suffered an injustice, we suspect that another complaint to the Local Government Ombudsman is on the cards.

## LOSRA calls for electronic recording of Council meetings and Committees

Prompted once again by events at the recent meeting of Spelthorne's Planning Committee, reported above, LOSRA has once again raised with the Chief Executive the subject of the electronic recording of Council Meetings and Planning Committee deliberations. There is absolutely no reason why this should not be put into effect immediately for these, and indeed all, Committees.

The cost would be minimal. The recording of meetings to an audio file and publishing as an MP3 pod-cast on the Council website would be child's play, and preliminary enquiries indicate that the costs would be minimal. Video streaming which could be viewed on Spelthorne's web site could also be done, and the technology is cheap, proven and readily available.

Many progressive authorities have adopted this as standard practice; and indeed, it was the late Sir Sandy Bruce-Lockheart, Chairman of the Local Government Association who commended electronic recording to the Association's affiliate members.

The knowledge that their statements and actions were being recorded might encourage councillors to behave more appropriately than has been observed in recent months, and would provide incontrovertible evidence in the event of complaints. The restoration of trust in the way the Council does its business is an urgent and absolute imperative, and it must surely be in the interests of the Council for such remedial steps to be taken as a matter of priority.

## Residents up in arms over handling of Thames Street car park charges

Residents who use the car park in Thames Street by the Indian Zest restaurant were horrified on 22<sup>nd</sup> September when a huge ugly notice appeared in the car park, announcing that car park charging was being implemented in two week's time. Residents had not, as Spelthorne had previously promised, been contacted about arrangements for resident parking permits.

Spelthorne's Head of Environmental Services, Dr. Sandy Muirhead, responded promptly to the complaint, explaining that contractors had given Spelthorne very short notice of the sign being installed and confirmed that charging would not be implemented before residents and businesses had been given time to apply for their permits (which will cost £20 and £50 a year respectively, and will be a considerable imposition on a captive market). Even so, the prospect is still a pretty grim one – the proposed charging regime provides for charges to be in force seven days a week from 7a.m. to 7p.m., which is even harsher than in Central London and legendarily anti-car cities like Oxford. It also remains to be seen what effect it has on local businesses.

## Focus on local music luminaries in concert at Riverside Arts Centre

There is a very special concert at the Riverside Arts Centre on 21<sup>st</sup> November, when celebrated jazz drummer Tony Kinsey, who is, of course, a Sunbury resident, will see The Quartet Pro Musica led by Patrick Halling perform the world premiere of Tony's composition String Quartet No. 1. The programme also features works by Mozart and Schubert.

Tony Kinsey is one of the leading figures of British post-war modern jazz, and performs regularly with his quartet and big band, as well as composing music for films and TV. This is his first composition for string quartet. Patrick Halling, who lives in Molesey, is an equally legendary figure in music, known not only for his work in the classical arena, but also his involvement in many high profile pop projects. He played violin on The Beatles live TV recording of “All You Need Is Love” and has arranged and played with the likes of Enya and Jethro Tull. It should be a very interesting evening. The box office number is 770325, and full details are on the LOSRA web site.

## **Benwell Centre Price of justice is too high**

The Combined Sunbury Residents' Associations met recently to discuss the options for Judicial Review following the granting of planning permission for the development of the Benwell site by Notting Hill Housing Trust. Initial advice from a planning lawyer was very encouraging, and left the Associations optimistic that a challenge in the courts could succeed on a number of grounds.

Nevertheless, having explored the cost implications, both directly to residents, and indirectly through costs to the Council being met from the public purse, it was decided that the option of Judicial Review should not proceed.

There would have been an initial cost of about £3,000 for counsel's opinion. If, after receiving that opinion, it was decided to proceed, the cost would be in the region of £25,000 - £30,000. Should the action have succeeded, the maximum costs recoverable would be 60% of the total outlay; and the costs to the Council would have to be met by local tax-payers. For these reasons, the decision not to pursue this case was considered to be the most responsible. Meanwhile other options are being investigated.

## **Local Development Framework: LOSRA and GSAG argue our case at 'Examination In Public'**

Readers of the last newsletter (available on website) will remember the article drawing attention to the progress of the Local Development Framework. The Examination in Public, held by a Government-appointed Inspector, commenced on 2nd September and finally concluded on 17th September.

LOSRA attended the hearing to make oral representations: and its written submissions on Green Belt were accepted in evidence. There was also an impressive input from residents who had responded to the appeal posted on the website on 19th June. Mention however, must be made of one of our members in particular; Mr Keith Johnson, who also chairs the Green Street Action Group. He undertook weeks of painstaking and detailed research; and spoke with demonstrable conviction, showing a complete grasp of his subject matter. The Association is greatly indebted to him.

It is expected that the Inspector will have completed her preliminary report for submission to the Council by the end of the year for the checking of factual content. Thereafter, the final report will be published in February or early spring. One of three outcomes is possible: the plan is sound in every respect; parts of the plan are unsound; or, the plan is unsound in every respect. The result will be published on the website as soon as it becomes known.

## **Plans for houseboat construction at yard on Sunbury Lock Island**

We understand as we go to press that there are plans for Wilson's Boatyard on the lock island in the River Thames opposite Flowerpot Green to be used for constructing houseboats. This has previously been carried out in the yards on Platt's Eyot. Apparently no planning permission is needed for this, and the Environment Agency has raised no objections.

Some of the edifices now being built as houseboats are very sizeable, so there might be an impact on the views across the river. However it is at least a traditional river-based activity. LOSRA is trying to get more information, so keep an eye on the web site for updates.

## **LOSRA unveils new web site**

LOSRA has unveiled a new website. When the old site was launched in June 2007, we had no idea that it would become so successful. As the content grew and the hits continued to rise month-on-month, it became increasingly difficult and time-consuming to keep the site up-to-date. A year-and-a-half later, after over 250,000 hits, it was time for a change.

This new site will make it much easier for us to update and maintain, and comes with lots of improvements, which we hope will make your experience more enjoyable. We have added a search function to help you locate information more easily, improved the accessibility of the site so that you are able to change the size of the text to suit you; and have included lots of extra functions, for example, the ability to email articles to anyone you think might be interested.

If you have not given us your e-mail address so you can receive our regular e-mail bulletins, please visit [www.losra.org](http://www.losra.org) to register.

## **Community Speedwatch**

The Community Speedwatch group has been very active of late and their visibility has had an impact on traffic speed in The Avenue and Green Street when they have been operating. The registration numbers of speeding cars are noted, and serial offenders receive warnings from the police. More volunteers will enable them to be even more effective, so if you are interested, please contact Ian Robinson on 783774.

## **Come to the Area Forum at St Paul's School on Tuesday 11th November**

The next Area Forum takes place at St. Paul's Catholic College on Tuesday 11<sup>th</sup> November at 7p.m. There will be a presentation on Spelthorne's Sustainable Development Strategy and Biodiversity Action Plan, and another presentation to be selected by the Chairman from a range of options – we do not know at this stage what this subject will be.

There will be an opportunity to put questions on any local topic to the representatives of Spelthorne Borough Council, Surrey County Council and Surrey Police who will be there. If you have a particularly complex question, it should be e-mailed to Julie Bone at [areaforums@spelthorne.gov.uk](mailto:areaforums@spelthorne.gov.uk) within 3 working days of the Forum and they will try to provide a written answer at the meeting.

Borough councillors will also be available to meet residents on a one-to-one basis between 6.30 and 7pm. Appointments can be booked in advance by contacting Julie Bone by e-mail or by telephone on 01784446421.

## **Spelthorne Council and MP alarmed at Tory Party opposition to Heathrow third runway proposal**

It was interesting to see Spelthorne Council's and our MP David Wilshire's alarm and disappointment at the national Conservative Party's announcement that it would not build a third runway at Heathrow Airport. Spelthorne and Mr Wilshire, of course, broke ranks earlier this year with the long-standing membership of 2M. the alliance of councils opposed to Heathrow expansion, ignoring the powerful environmental arguments against development, and citing economic necessity. How they will deal with this situation as time goes on will be equally interesting.

LOSRA, as we have always made clear, opposes further development on environmental grounds, as it will have a huge negative impact on the quality of life in the whole of North West Surrey. We appreciate that many people in Sunbury depend on the airport for their livelihoods, but we still take the view that the consultation on the issue failed to ask the right questions, and that the majority of people in Spelthorne oppose the third runway. Arguments that the jobs of people who currently work at Heathrow would be under threat unless the runway is built are alarmist and unsupported by the evidence. You can record your view in our website poll at [www.losra.org](http://www.losra.org).

# FRIENDS OF SUNBURY PARK

## Please help with litter pick on Sun. 2nd Nov. at 10a.m.

The Friends of Sunbury Park are organising another Litter Pick in the Park in conjunction with Civic Pride. It will take place on Sunday 2nd November between 10 a.m. and 12 noon. We would appreciate as many volunteers as possible to help - the more people we have, the more thorough we are able to be..

Please meet in the Green Street car park at 10 a.m.. Gloves, picking implements and plastic sacks will be provided. As before, FoSP will receive £2.00 for every full sack of litter collected. We look forward to seeing you there.

## Carols in The Meadow Tuesday 16th December at 6pm

This year's Carols in the Meadow, run under the auspices of The Friends of Sunbury Park, and which has become a fixture in the local calendar, will take place in Orchard Meadow Thames Street on Tuesday 16<sup>th</sup> December at 6p.m..

This is always a terrific evening of community carol singing, with upwards of 300 people there, so we look forward to seeing you all there.

### THE LOSRA COMMITTEE

David Banks	38 Kenton Avenue	789652
Pamela Cabannes	4 Forge Mews	761131
Elleke Carling	3 Croysdale Avenue	882726
Don Cunningham	2 Parkwood Grove	889033
Colleen Cuthbert	8 Maryland Way	783606
Peter Francis	Linden Lodge, Woodlands Drive	770661
Cathie French (Treasurer)	173 French Street	789157
Roger Harding	Sunmead Cottage, Green Street	782744
John Hirsh (Chairman)	21 School Walk	781363
Ian Robinson	33 Kingsmead Avenue	783774
George Rushbrook		788471
Patrick Smith	6 Maryland Way	783683
Matt Thomas	7 Nursery Road	787709
Paul Watts (President)	87 The Avenue	788449
Chris Wills		
David Woods	47 Sunna Gardens	786806

## Sunbury Park identified as key site in Spelthorne Biodiversity Action Plan

Spelthorne Council recently announced the publication of a Biodiversity Action Plan for the Borough, the first of its kind in Surrey. This is a very welcome step, and Spelthorne's officers, in particular the Head of Environmental Services, Sandy Muirhead, and Biodiversity Officer, Cynthia Bendickson, both of whom work closely with and are very supportive of the Friends of Sunbury Park, are to be commended on the work that has gone into this project.

Sunbury Park is one of sites identified in the Plan as an area of special focus, with the objective of improving its biodiversity and integrity as a wildlife habitat. The Plan is available for view or download from the Spelthorne website via this link [http://www.spelthorne.gov.uk/spelthorne\\_bap.pdf](http://www.spelthorne.gov.uk/spelthorne_bap.pdf) There is also a copy posted on the LOSRA website at [http://www.losra.org/docs/Spelthorne\\_BAP.pdf](http://www.losra.org/docs/Spelthorne_BAP.pdf)

## New Sunbury Park management plan

Spelthorne Borough has commissioned a new Management Plan for Sunbury Park, which is now in the process of being developed by the Surrey Wildlife Trust, after consultation with the Friends of Sunbury Park. One key aspect of this will be the management of the habitat to improve bio-diversity, so the Plan will be incorporated into Spelthorne's Biodiversity Action Plan when it is complete.

One action that has already been taken is the re-introduction of hay-making in the Park at the end of the summer in order to avoid the encroachment of rank grasses, and to encourage more wild flowers and herb species to thrive.

In addition, the Friends group took part in a day of bulb planting on Saturday 25th October, when a large number of daffodil bulbs were planted in the Park and Orchard meadow, and bluebell bulbs (the native British variety) planted in the woodland area.

## Join Civic Pride's Great Tree Race

Spelthorne Civic Pride are looking for more volunteers to take part in the Great Tree Race. The Event will be held on Saturday 29th November at the Old Bathing Station on Fordbridge Road near the junction with Loudwater Road. So far 6 teams, each comprising 5 people, have signed up to take part. It is hoped that each team will plant up to 50 hedges. If you would like to join an existing team or to form your own, further information may be obtained by contacting Jill Stevens on 01932 564543.

## Thanks to our newsletter distributors

Many thanks once again to the residents who help us by delivering our newsletters - we, and the Sunbury Embroidery Gallery, whom we assist by delivering their newsletters with ours, greatly appreciate your support. However, we still have some areas where we need distributors, so if you would be willing to help, please contact Cathie French on 789147.

## MEMBERSHIP SUBSCRIPTIONS

If you have not paid your subscription for this year, could you please help us by paying your subscription either by using the secure facility on our web site or dropping your subscription in to one of our two collection points using the tear-off slip below. You can deliver it to either of the following shops : Skinners in Avenue Parade; Twirltour Travel in Green Street. Our thanks to these businesses for their help in providing this service. **As advised in our previous newsletter, the subscription has increased to £5.00 from the beginning of January 2008.**

Please find enclosed my annual subscription of £5.00 for family membership of the Lower Sunbury Residents' Association for the calendar year 2008. (AUT08)

Name:..... Address : .....

..... Tel. no. : ..... E-mail address.....