

THE DISTRICT COUNCIL OF TANDRIDGE

Minutes of a meeting of the Council held in the Council Chamber, Council Offices, Station Road East, Oxted on the 18th July 2019 at 7.30 p.m.

PRESENT: Councillors Pursehouse (Chairman), Morrow (Vice Chairman), Allen, Black, Blackwell, Blake-Thomas, Bloore, Bourne, Caulcott, Connolly, Cooley, D.Cooper, M.Cooper, Davies, Dennis, Duck, Elias, Farr, Fitzgerald, Gray, Harwood, Jecks, Jones, Langton, Lee, Lockwood, Mansfield, Mills, Milton, Parker, Sayer, Stamp, Steeds, Swann, Vickers, C. White, N. White and Wren.

APOLOGIES FOR ABSENCE: Councillors Botten, Orrick, Ridge and Rujbally.

69. MINUTES OF THE PREVIOUS COUNCIL MEETING

The minutes of the Annual Council meeting held on the 21st May 2019 were confirmed and signed by the chairman.

70. CHAIRMAN'S ANNOUNCEMENTS

Member workshops

The chairman drew members attention to the two sessions taking place for members during the following week:

- a standing orders workshop on Monday 22nd July at 6.30pm; and
- a public litter bins and WC refurbishment workshop to help inform procurements on Tuesday 23rd July at 6.30pm.

Civic functions

The chairman gave notice of three civic functions that would be held to raise money for his chosen charities for the year, namely Blanchman's Farm and Lingfield Local Nature Reserves:

- an afternoon tea event at Blanchman's Farm on Saturday 3rd August
- lunch at the Lingfield Community Centre on Saturday 28th September, followed by a tour of the Nature Reserve; and
- a sponsored walk between the reserves on Sunday 6th October.

He also announced that he would also be hosting a fundraising Halloween Dinner at Woldingham Golf Club on the evening of Friday, 1st November.

71. QUESTIONS SUBMITTED UNDER STANDING ORDER NO. 29 (2)

Councillors Sayer, Davies and Farr read out questions submitted under Standing Order 29(2). Responses were read out by Councillors Elias and Jecks as per **Appendix A**.

72. REPORTS OF COMMITTEES

RESOLVED- that, subject to the amendments indicated below, the reports of the following meetings be received and the recommendations therein adopted:

Planning Committee (21st May and 30th May 2019)

Strategy & Resources Committee (21st May and 13th June 2019)

Upon moving the reception and adoption of the report, Councillor Elias moved that Minute 29 (Strategy & Resources Committee Delivery Plan 2018/2019 – end of year report) be amended by the insertion of additional wording in the final paragraph of the preamble as follows:

Arising from a discussion about the on-street parking in Oxted, during the course of which a letter from the LoveOxted Business Improvement District explaining the difficulties currently being experienced by businesses was read out, Councillor Botten, seconded by Councillor Lee, moved that the free parking in Ellice Road be extended to two hours as an emergency measure from 30th June 2019 to 30th June 2021. This was in light of concerns about the effectiveness of the current on-street parking enforcement service and the loss of several on-street parking bays due to the construction works at the former gasholder site.

Councillor Sayer moved that the minutes be rejected in their entirety because they were not deemed to be a true reflection of the discussion on the night. This was seconded by Councillor Lockwood. Upon being put to the vote, the motion was lost.

Upon being put to the vote, the report was received, subject to the above amendment to Minute 29 proposed by Councillor Elias.

Community Services Committee (21st May and 18th June 2019)

Housing Committee (21st May and 20th June 2019)

Planning Policy Committee (21st May and 25th June 2019)

Planning Committee (27th June 2019)

Upon moving the reception and adoption of the report, Councillor Black proposed the following amendments:

Minute 64 TA/2019/82 - Sandiford House, 40 Stanstead Road, Caterham)

The wording of the first reason for refusal being amended by replacing the word 'affects' with to 'reflect', i.e.:

*"The proposal by reason of the terraced layout design and form of the development fails to respect and ~~affects~~ **reflect** the character of the site and surrounding area contrary to Policy CSP 18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014.*

Addition of Minute 68:

"68. PLANNING APPEAL DECISIONS SINCE 30TH MAY 2019

Information was presented regarding the outcome of five appeals against planning decisions since the 30th May 2019. Two of the appeals concerned had been allowed, resulting in full awards of costs against the Council."

Upon being put to the vote, the report was received, subject to the above amendments.

Rising: 9.06 p.m.

APPENDIX 'A'

APPENDIX 'A'

Council – 18th July 2019 – Questions under Standing Order 29(2)**Questions from Councillor Sayer:**

1. The minutes of the Strategy & Resources Committee of 13 June 2019 with regard to 2 hour free parking in Oxted are untrue. They wholly misreport the concerns that resulted in 2 hour free parking being brought in. The true concerns were made very clear by OLRG Councillors Wren and Sayer and can be heard in the webcast of the meeting. Those concerns are the Council's decision in April 2017 to reduce free parking to one hour in Ellice Road car park which has damaged Oxted business and the Council's failure to make any proper provision for shopper parking while the gasholder redevelopment is taking place. This has meant that St William construction vehicles can park in the main Ellice Road car park without restriction and that OLRG has had to bring forward emergency, last minute measures to arrange parking elsewhere so that shoppers can still access Ellice Road. We are aware that the minutes are not meant to be a verbatim record of what is said. However, there is a duty to ensure that they are an accurate summary, which these are clearly not. Why are these Council minutes so misleading?
2. I have listened to the entirety of the webcast and no reasonable person could come to the conclusion that the concerns set out in the minutes are a fair reflection of the concerns set out in the meeting. Why have officers distorted the truth?
3. Were these minutes written by the presiding officer on the night whose duty it was to take the minutes?
4. Were they amended by any other officer?
5. Which other officer has the authority to amend minutes taken on the night?
6. This is the latest in a line of misleading minutes of Council meetings. Why does the Council not minute meetings truthfully?
7. Why does the Council go to such lengths to misreport what was said and what is the benefit to the Council of so doing?
8. Why are officers not behaving impartially with regard to minutes? Is the failure to behave impartially, which results in distortion of the minutes, not a disciplinary offence?

Response from Councillor Elias:

"Thank you for your question. I am afraid I do not accept that the minutes of the meeting to which you refer are misleading although I would accept that with hindsight, it would have been appropriate to refer to the fact that the letter from the Oxted BID was read out to the Committee. I will move an amendment in those terms when we get to the minutes of the Strategy and Resources Committee later in this meeting.

As to the process for producing minutes, a draft is prepared by the committee clerk attending on the night and it is common for that person to circulate the draft to key officers present on the night for comment. The draft minutes then appear either in the Council book or on the agenda for the next meeting, depending on the timing of those meetings. It is the role of members at that meeting to agree or otherwise the accuracy of those minutes.

In answer to your questions 6 to 8, I entirely refute your suggestions that meetings are not minuted truthfully, that the Council deliberately misreports debate or that officers are not impartial and professional, and on that basis, do not propose to answer questions which are predicated on assertions, the accuracy of which I do not accept.

Questions from Councillor Davies

1. Regarding agenda item 6 report to the Strategy & Resources Committee of 13th June 2019, was the report, attributed to Steve Davies, as published, fully in accordance with his full understanding of what it contained ... **OR** did it contain content that he was not aware of and or not in agreement with? Please explain the precise procedure for the production of the report and the actual persons involved in the process and their role.

Response from Councillor Elias:

"It is a little difficult for me to answer your question about what was in someone else's mind when a report was produced but I can say that Mr Davies was fully aware of the content of the report produced in his name.

You asked about the process for producing a report which is that the report author will produce a first draft and then invite input from other key officers; who they are will vary depending on the nature of the subject matter but will always include finance and legal officers. The report will be signed off by the member of the corporate management team responsible for the item and then sent to the democratic services team. Copies are then sent to the chair and vice chair of the meeting for clearance for publication.

2. Regarding the production of minutes of a council or committee meeting, please explain the precise procedure for the production of the minutes and, in the case of the example below, the actual persons involved in the process?

Example re minute 29 of the Strategy & Resources Committee minutes:

- A) The issues stated by OLRG Councillors to reflect the statements made by business owners included:

- 1 a petition for 2 hours free parking was presented to TDC in August 2017 by the businesses of Oxted because they had great concern over the effect of reducing from 4 hours free parking to one or 1 ½ hours. It was rejected by the administration.
- 2 since then, several businesses have closed, citing parking arrangements as a contributory factor.
- 3 the Oxted BID letter was read out which explained:
 - 3.1 that the businesses had seen customer behaviour change to a drop in 'purchase and leave' pattern which has detrimentally affected trade and
 - 3.2 the lack of a proper enforcement caused blocking of street bays.
- 4 the influence of parking by the contractor (St William) was stated.

- B) Councillor Botten then mentioned just points 3.2 and 4. These were the only points recorded in the minutes they were attributed to him alone which clearly demonstrates a political bias in the minutes of the meeting and, unfortunately, the need to look at the webcast for an impartial record.

Response from Councillor Elias

I have explained the process for the production of minutes in my answer to Councillor Sayer's question a moment ago.

Question from Councillor Farr

Given the longstanding undertaking that 1000 of the planned houses at South Godstone are to be affordable and that 1360 houses, according to the GVA Community Viability Assessment, are to be affordable tenures, what is the significance in Document Reference TED01: Tandridge District Council – Response to ID2 – May 2019 of the statement:

"Should it be demonstrated that the required level of affordable housing cannot be met on-site for legitimate reasons, a commuted sum will be required to ensure that the provision of affordable units is not lost. In cases where applicants suggest that the provision of affordable housing would render a site unviable, robust viability assessments which justify this must be presented to the Council at the earliest stage."

And is this not just another way of the council taking money instead of having integrated affordable housing and does it not then obviously mean that new affordable houses will be dispersed throughout the district, as has been the previous practice?

Response from Councillor Jecks:

"Emerging policy TLP12: Affordable Housing Requirement, sets out the Council's approach to how affordable housing will be required through the development process and is intended to ensure that much needed affordable homes can be secured. The specific wording referred to by Councillor Farr was included in the Regulation 19 iteration of the Local Plan and is consistent with national policy, specifically NPPF (2012) Para 50 and NPPF (2019) para 62. The wording of the policy also echoes that of the current policy CSP4 of the Core Strategy.

The levels of affordable housing provision set out in the Local Plan, have been tested through the plan-making viability assessment and are justified. The level of provision should not need to be challenged at the application stage, however, this does happen and should an applicant seek to argue that affordable homes cannot be justified on viability grounds, the applicant will need to robustly demonstrate this."