



**Minutes of meeting**

**LOCAL COMMITTEE (Surrey Heath)**

**Date:** Thursday 15 July 2010

**Time:** 6.30 PM

**Place:** Deepcut Village Centre

**Members present:**

**Surrey County Council [3]**

Cllr Bill Chapman (Camberley East)

Cllr David Ivison (Heatherside & Parkside)

Cllr Lavinia Sealy (Chobham, Bisley & West End)

**Surrey Heath Borough Council [6]**

Cllr Richard Brooks (Town)

Cllr Vivienne Chapman (St Pauls)

Cllr Colin Dougan (St Michaels)

Cllr Paul Ilnicki (Heatherside)

Cllr Wynne Price (Bisley)

Cllr David Whitcroft (Mytchett and Deepcut)

All references to items refer to the Agenda for the meeting.

The meeting was preceded by an Open Public Question Time. The notes are in Annex A.

**Part 1. In Public - Part A (voting by county members on decision items).**

**25/10 APOLOGIES FOR ABSENCE [Item1]**

Apologies were received from Chris Pitt, Denis Fuller and Stuart MacLeod.

**26/10 MINUTES OF THE LAST MEETING – 18 February 2010 [Item 2]**

The minutes of the last meeting of the Local Committee (Surrey Heath) held on 18 February 2010 were agreed and signed.

**27/10 DECLARATIONS OF INTEREST [Item 3]**

None were received.

**28/10 PETITIONS [Item 4]**

None were received.

**29/10 WRITTEN PUBLIC QUESTIONS [Item 5]**

None were received. The Chairman made a correction to this item and noted that local businesses as well as local government electors could ask a written public question as set out in agenda item 7.

**30/10 WRITTEN MEMBERS QUESTIONS [Item 6]**

One written Member question was received. A copy of this is set out in Annex B. In a supplementary Mrs Sealy stated that she would like to find out if anything could be done to help with the Japanese Knotweed.

**Executive Items for Decision**

**31/10 LOCAL COMMITTEE PUBLIC ENGAGEMENT PROTOCOL, SURREY HEATH PARKING TASK GROUP AND MEMBER REPRESENTATION ON EXTERNAL BODIES [Item 7]**

Carolyn Rowe introduced the report. The Chairman noted that in relation to questions and petitions, the local protocol covers business as well as members of the public and this should be noted under recommendation (i). It was agreed that e-petitions should be formally noted and that the Local Committee would follow the County Council standard on these.

Mrs Sealy proposed, and it was agreed by Members, that the deadline for notification of petitions should be shortened to 7 days, which would bring it in line with the deadline for written questions.

**RESOLVED**

The Local Committee (Surrey Heath) agreed:

**(i)** the arrangements set out in this report for handling questions from the public and business, petitions and rights of ways matters and, specifically:

- a. that the committee will offer an opportunity for public and business engagement and informal questions for half an hour before each formal Local Committee meeting commences (subject to annual review);

Written Public Questions

- b. that the number of public and business questions which may be asked at any one meeting will usually be limited six, but the Chairman may use his/her discretion to take more.

## Petitions

- c. that in exceptional circumstances the Chairman may use his/her discretion to accept petitions with fewer signatures in cases where it would not be appropriate to get 100 signatures, for example where a proposed scheme affects fewer than 100 properties;  
that written notice of a petition must be given to the Local Partnerships Team at least 7 days before the meeting;  
to note that e-petitions can now be submitted and the Local Committee will follow the County Council standard for number of signatures.

## Rights of Way

- d. that the Committee notes the County Council's standing orders concerning public participation on Rights of Way applications, attached at Annex 1 of the report;

## Surrey Heath Parking Task Group:

- (ii) the terms of reference for the Surrey Heath Parking Task Group, appointed Bill Chapman and Denis Fuller as the county council Members to the group, and requested that the borough council nominate two representatives.

- (iii) To note the following Member representatives:

1. The Surrey Heath Partnership (combined Local Strategic Partnership and Community Safety Partnership) – Bill Chapman
2. The Single Issues Group – Youth Council – Denis Fuller

### **32/10 ALLOCATING LOCAL COMMITTEE FUNDING: MEMBERS ALLOCATIONS 2010/11 [Item 8]**

Carolyn Rowe introduced the report. It was confirmed that if an application related to a wider area than an individual Members division then it may be taken from the pooled budget.

Members discussed the criteria for the allocations. It was noted allocations were made using the environmental, social and economic well being power which is a very wide power. There is currently a countywide review of Members Allocations being undertaken and County Councillor views have been sought outside this meeting.

Mrs Sealy was concerned that the committee should not support funds for trips or events unless there was a good reason, for example, the people benefiting are disadvantaged.

## RESOLVED

The Local Committee (Surrey Heath) agreed –

- (1) To pool £2,250 from each Member's revenue allocation into a central revenue fund for 2010/11 and to pool the £30,000 capital allocation.
- (2) A maximum level of funding per project for revenue allocations of £3,000, and that capital projects over £3,000 may be considered by the Local Committee.
- (3) That when considering bids the presumption is that the Local Committee will not fund 100% of schemes, and that it is not in favour of funding organisations which are already receiving Surrey County Council funding.
- (4) To delegate the power to approve bids of up to £1,000 to the Area Director, with the following criteria being met:
  - a. The decision being required before the next formal meeting
  - b. The bid has the sponsorship of the local Member and the agreement of the majority of the county local committee Members
  - c. Funding comes from the individual member's pot; if from the pooled pot, each Member can have no more than two bids in between each meeting.
- (5) The allocations detailed in paragraphs 11-13.

- (6) To note the allocations agreed under delegated powers as set out in paragraph 14 of the report.

### **33/10 COMMUNITY SAFETY REPORT [Item 9]**

Carolyn Rowe introduced the report and introduced Jacqui Walker, the Community Safety Officer at Surrey Heath Borough Council and the Neighbourhood Inspector James Norbury who were co-authors of the report to the meeting.

In response to a question from Mrs Sealy regarding A&E data which looks at admissions linked to alcohol, Jacqui Walker confirmed that there are very few incidents from Surrey Heath, but that the data will give an insight into the types of injuries and locations of alcohol related admissions.

Insp Norbury confirmed that there has not been an increase in crime since the licensing hours have changed, and all crime types are on the decline. It is however harder in terms of Police resourcing.

The Street Angels were launched in January 2010 on a Friday night and have been very successful. They are looking to launch on Saturday nights from January 2011.

Mytchett is piloting a Street Watch scheme, which is a scheme that empowers local people to walk the streets and talk to people to break down barriers and take fear away. This will be rolled out across the borough subject to successful evaluation.

Bill Chapman raised an issue regarding the absence of a footpath/cycleway along the A331 from the A30 to Sainsburys. In response it was noted that the community safety strategy is based on a strategic assessment of need, and that it does not go down to this level of detail, but this sort of issue would be considered when looking at KSI (killed and seriously injured) figures.

Members thanked the officers for the report.

### **RESOLVED**

The Local Committee (Surrey Heath) agreed to:

- (i) delegate responsibility for expenditure of the County Council's local community safety funding in Surrey Heath of £2,500 to the Area Director (note a further £12,000 is to be provided to the CSP conditional on domestic abuse outreach being provided);
- (ii) endorse the importance of the contribution of all services towards community safety and progress made.

### Items for Information Only

### **34/10 REPORT ON SURREY COUNTY COUNCIL TRADING STANDARDS SERVICE [Item 10]**

Steve Playle introduced the report.

Members welcomed the report. In response to a question from Mr Ivison regarding No Cold Calling areas, it was noted that the Service is exploring options to develop a super sticker for residents. This could make it a criminal offence for cold callers to call at houses displaying these stickers.

This report was for information only.

**35/10 SURREY FIRE AND RESCUE ANNUAL REPORT [Item 11]**

Alan Clark introduced the report.

Mrs Sealy congratulated the service on the successful YES scheme. Mrs Sealy asked whether the Safe Drive Stay Alive events had started to have an impact on the KSI figures. Mr Clark said that it was early days, but agreed to check the figures and get back to Members outside the meeting.

Cllr Whitcroft passed on a comment from a local resident regarding how well the service had dealt with the recent wildfires.

This report was for information only.

**36/10 MEMBERS' ALLOCATION OUTTURN REPORT 2009/10 [Item 12]**

Carolyn Rowe introduced the report.

This report was for information only.

**37/10 UPDATE ON LOCAL ISSUES [Item 13]**

This report was for information only.

**Part B – In Public (voting by county and borough members on decision items).**

**38/10 APOLOGIES FOR ABSENCE [Item 14]**

As in 25/10 – no further apologies were received.

**39/10 DECLARATIONS OF INTEREST [Item 15]**

In accordance with Standing Order 61 Paul Ilnicki and Wynne Price declared a personal interest in relation to agenda item 21 on the annual review of on street parking in Surrey Heath, and Colin Dougan declared a personal interest in item 22 on the Camberley Controlled Parking Zone review.

**40/10 PETITIONS [Item 16]**

None were received.

**41/10 WRITTEN PUBLIC QUESTIONS [Item 17]**

None were received. The Chairman made a correction to this item and noted that local businesses as well as local government electors could ask a written public question as set out in agenda item 7.

**42/10 WRITTEN MEMBER QUESTIONS [Item 18]**

One written member question was received. A copy of this is set out in Annex C. Mrs Sealy welcomed the answer given to the same question raised in the open public question session and confirmed that she would like democratic input as to where banners are put up in communities.

Non-Executive Items For Decision**43/10 ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG HIGH VIEW ROAD, LIGHTWATER – CP523 [Item 19]**

A revised Item 19 was tabled at the meeting.

Officers did not receive notice from any member of the public who was eligible to speak on this item.

Dan Williams introduced the report. It was explained that this had come back to committee for decision again because there was a flaw in the recommendation made on 15 October 2009. It was therefore recommended that the resolution made on 15 October 2009 was not valid and members were asked to agree that the route should be known as footpath no. 188 (Windlesham).

Mr Chapman, Cllr Brooks, Cllr Dougan and Mrs Sealy asked about private rights residents may have along High View Road, Mr Williams explained that some residents would have private rights written into their deeds, but not all. Individual residents may also have acquired their own prescriptive rights. Private rights are not recorded by the County Council, but by the Land Registry. Residents would need to apply to the Land Registry in order to obtain a prescriptive right, but should take legal advice first. As with public rights they would need to have been using the route for 20 years. Prescriptive rights are not within the gift of the local committee. It is the role of Rights of Way to investigate public rights not private rights.

Mrs Sealy raised the issue of what would happen when residents wanted to sell a property and whether the change of status would have an implication on the value of the house. Mr Williams was not aware of any evidence that this would be the case.

In response to Cllr Dougan it was confirmed that residents passing over Curley Hill Road in a vehicle would normally be doing so with a private right. These rights would not be affected by any change in status to a public footpath.

The road is currently a private road with no recorded status. Mr Chapman confirmed that until recommendation (i) was taken the decision to make the road a restricted byway as agreed on 15 October 2010 would remain. It would not become a restricted byway until a legal order is made. This has not yet been done.

Mr Ivison said the committee would be doing a disservice to residents if a decision was made which could prejudice right of access to their house.

Mrs Sealy raised the issue of access to the car park at the end of the road. Mr Williams explained that if Windlesham Parish Council has a private right, then they would be able to make the invitation to others to use this right more explicit which would enable people to legally use the road to the car park. It was further noted that people making deliveries along this road would be doing so at the invitation of residents so would be covered under any private rights. Mrs Sealy was concerned about people who may go along the road without an invitation, for example Councillors canvassing during elections.

Members noted that the decision made by the committee at this meeting was a first step. As set out in paragraph 9.1 of the report there would be further opportunities for objections to be made.

Cllr Brooks was concerned that local peoples views had not been sought. Mr Chapman clarified that a meeting with residents had taken place.

Mr Chapman felt that following officer advice the committee should agree the recommendation and that members' concerns were covered by paragraph 2.2 of the report which stated that the public rights would not be affected by a change in status to a public footpath. Consultation had already taken place and further consultation would be undertaken as part of the ongoing process. Cllr Whitcroft stated that he felt comfortable with the recommendation given the wording of paragraph 2.2 of the report.

Mrs Sealy noted that the process relies on other people to try and overturn the decision of the committee.

Some members were still concerned that the officer recommendation would not give a satisfactory solution for residents and took a named vote of 5 against the recommendation (Cllrs Price, Sealy, Ivison, Brooks, Ilnicki) and 4 for the recommendation (Cllrs Dougan, Whitcroft, Viv Chapman and Bill Chapman).

The committee did not agree to the recommendations. Therefore the decision made on 15 October 2009 (minute 58/09) remains and an order will be made for a restricted byway. If objections made within the 6 week period cannot be overcome then the matter will be referred to the Secretary of State.

In light of the decision not to go with the officer recommendation, Mr Williams asked Members to consider that the public had been legally crossing Z to A on the map in annex A and had therefore acquired public restricted byway rights over Z - A. This would avoid High View Road being a cul de sac at each end. Members did not consider this option at the meeting.

## RESOLVED

The Surrey Heath Local Committee did NOT agree (by a named vote of 5 against (Cllrs Price, Sealy, Ivison, Brooks, Ilnicki) and 4 for (Cllrs Dougan, Whitcroft, Viv Chapman and Bill Chapman)) that:

- i. The resolution made on 15 October 2009 (minute 58/09) regarding the order for a restricted byway along High View Road, Windlesham is not valid, as the recommendation on which it was based was incorrect
- ii. Public footpath rights are recognised over the route A-B-C-D on drawing 3/1/83/H10 (ANNEXE A) and that the application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a BOAT is not approved. The route will be known as Public Footpath no. 188 (Windlesham).
- iii. A legal order should be made and advertised to implement these changes. If objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

## Executive Items For Decision

### **44/10 DEVELOPMENT RELATED IMPROVEMENT SCHEME ON THE LONDON ROAD FOOTWAY OPPOSITE THE MEADOWS GYRATORY AND ALONG BLACKWATER VALLEY ROAD AS FAR AS THE JUNCTION WITH STANHOPE ROAD [Item 20]**

Andrew Milne introduced the report.

RESOLVED:

The Local Committee (Surrey Heath) agreed:

That a Traffic Regulation Order prohibiting motorised vehicle use in that part of the former service road as shown shaded orange on the drawing attached to the report at Appendix C be advertised, and that should no objections be received, the Order be made.

**45/10 ANNUAL REVIEW OF ON STREET PARKING IN SURREY HEATH [Item 21]**

In accordance with Standing Order 61 Paul Ilnicki and Wynne Price declared a personal interest in relation to this item.

Jack Roberts introduced the report.

Members were concerned about agreeing the proposed changes without having the funding available to implement them as it would raise public expectations. It was noted that there was £100k revenue funding which would be agreed at the October meeting, but this would also need to go towards maintenance.

Members were also concerned that they had not had sufficient time to discuss the proposals with other councillors and residents and suggested that the decision be deferred until the October meeting. Cllr Price asked that Mr Roberts speak to Bisley Parish Council regarding the proposals in Bisley.

RESOLVED:

The Local Committee (Surrey Heath) agreed:

- i. the proposed price change for business permits as set out on page 6 of the report.

The Local Committee (Surrey Heath) deferred the remaining recommendations as set out below until the next meeting in October 2010:

- (1) the proposed amendments to on-street parking restrictions in Surrey Heath as described in the report and shown in detail on drawings presented at the committee as Annex A (drawings 01-20).
- (2) to allocate funding as detailed in paragraph 7 of the report in order to proceed with the introduction of the parking amendments.
- (3) that the county council would advertise and make an Order under the relevant parts of the Road Traffic Regulation Act 1984 to impose the waiting and on-street parking restrictions in Surrey Heath as shown on the drawings in Annex A, subject to there being no objections arising.

**46/10 CAMBERLEY CONTROLLED PARKING ZONE REVIEW [Item 22]**

In accordance with Standing Order 61 Colin Dougan declared a personal interest in relation to this item.



Jack Roberts introduced the report. He explained that there was an amendment to paragraph 3.2 of the report and that this also needed to include the removal of a parking bay outside Beckingham House on Portesbery Road.

Members were concerned that the report cost in the region of £10k and there was only £5k remaining to implement the changes recommended. Members were also concerned that they had not had enough time to discuss the proposals with residents.

Regarding the seven parking bays in Southern Road, Cllr Dougan asked whether these could be made residents parking only. Mr Roberts said he was reluctant to make any changes to Southern Road as extensive consultations were carried out by the Local Highways Manager in 2008, and the majority of residents favoured no parking in Southern Road, and for double yellow lines to be provided throughout.

It was confirmed that residents parking permits would be able to be used in any bays that were within the same zone.

It was requested that the other suggestions in the report should be discussed at the Surrey Heath Parking Task Group and that Cllr Dougan should be represented on this group.

With regard to the planters referred to in paragraph 3.4 of the report, Cllr Brooks explained that they had been discussed at the Town Centre Working Group and there was concern that the planters would get damaged, so did not want the plans for this agreed at the present time.

**RESOLVED:**

The Local Committee (Surrey Heath) agreed:

- (1) the changes to the CPZ recommended in amended paragraph 3.2 of the report as follows:
  - a. It is therefore recommended that the operational hours of the single yellow lines in the zone are changed to 8am to 10pm Monday to Sunday and that the shared use bays in Grand Avenue and in Gordon Road between its junctions with Park Street and Garfield Road are converted to residents permit holder only bays. It is further recommended that the parking bay outside Beckingham House on Portesbery Road is revoked and a single yellow line put in its place. It should be possible to fund the works necessary to implement these changes (changing the relevant signs) from the developer's contribution.
- (2) the intention of Surrey County Council to advertise and make an Order under the relevant parts of the Road Traffic Regulation Act 1984, to give effect to the proposals contained in amended paragraph 3.2 only of the report
- (3) noted the other suggested changes to the CPZ, and that they would be given further consideration by the Surrey Heath Parking Task Group and considered by the Local Committee subject to funding becoming available

The Local Committee (Surrey Heath) agreed not to take this recommendation at this stage:

- (4) that the Borough Council would be asked to contribute £1,000 towards the changes proposed in the High Street, Camberley.

**Executive Items For Information Only**

**47/10 PROPOSED UPDATED SPEED LIMIT POLICY FOR CONSULTATION WITH LOCAL COMMITTEES [ITEM 23]**

Duncan Knox presented this report and explained that comments made would be appended to the report to Cabinet.

The following comments were made.

The Local Committee (Surrey Heath) welcomed the proposed changes to the speed limit policy, but had the following comments:

1. Members recognised that the role of the portfolio holders would give some consistency across the county. They asked whether it would be possible to set a value on when the portfolio holder would or wouldn't need to endorse the decision and asked for more clarity of process around this.
2. Members considered that site visits would be very sensible
3. Members were concerned that expectations of the public may be raised, and recognised that in the current financial climate the Local Committee would not have sufficient funding to be able to implement changes in speed limits at the current time.

The report was for information.

**48/10 SMALL DISADVANTAGED AREAS FUND [Item 24]**

Carolyn Rowe introduced this item. Members agreed that bids could be received from across the borough and would not limit it to specific areas.

This report was for information only.

**49/10 DEVOLVED LTP AND LOCAL ALLOCATION 2009/10 OUTTURN [Item 25]**

Andrew Milne introduced the report.

This report was for information only.

**50/10 TASKS COMMISSIONED BY THE LOCAL COMMITTEE [Item 26]**

Andrew Milne introduced the report. Regarding the work at Gordons School, it was agreed that the Chairman should write on behalf of the committee to the school, the borough council and the county council to see why the work has not yet been undertaken even though the money has been transferred.

This report was for information only.

**51/10 FORWARD PLAN [Item 27]**

This report was for information only.

The meeting finished at 9.19pm

Item 2

Chairman.

Open Public Question Time notes.  
Surrey County Council's Local Committee (Surrey Heath)  
15 July 2010, Deepcut Village Centre.

The Chairman welcomed members of the Safer Surrey Heath Partnership Panel to the meeting, including Cllr Moira Gibson (Surrey Heath Borough Council), Michael Willis (Surrey Heath Borough Council), Lucy Burchmore (Surrey and Sussex Probation Trust), Alan Clark (Surrey Fire and Rescue), Jacqui Walker (Surrey Heath Borough Council), Inspector James Norbury (Surrey Police), Carolyn Rowe (Surrey County Council) and Hermione Lovell (Surrey NHS), and asked members of the public for questions directed towards community safety in the first instance.

**1. Gordon Whiteman, Heatherside**

Are the open grass fires predictable and preventable?

**Reply from Alan Clark, Area Manager, Surrey Fire and Rescue.**

The service recognises that there will be an increase in the number of this type of fire in the dry weather, and in these conditions any fire has the potential to become serious. There has been a lot of work done by the service, with investment in training and equipment to help deal with these fires. The number of pumps mobilised to a fire is determined by the needs of the incident. A lot of prevention work is also done on the commons to try and prevent these incidents, but there will always be a number that are started either accidentally, eg from a dropped cigarette, or deliberately.

**2. Caroline Hibberd, Heatherside**

When will the plans for the redevelopment of Heatherside rec be available for the public to see?

**Reply from Michael Willis, Chief Executive of Surrey Heath Borough Council.**

The Safer Surrey Heath Partnership has signed off the final designs. The planning application is due to be lodged in the next 10 days at which time the public will be able to have their say. There is usually a period of about 8 weeks until it is heard by committee and a decision will be made. It is possible for there to be a further public display if it is required.

**3. Ian Burnham, Chobham Agricultural and Horticultural Society.**

There is an annual show in Chobham which has been going on for 50 years and has been advertised locally on poster boards and railing. These have started to be removed without consultation – why? Other commercial signs around the village remain.

**Reply from Andrew Milne, Area Manager, Highways.**

Surrey County Council has responsibility for signs placed on the highway to ensure the highway is kept free of hazards. Signs put up without the agreement of Highways are removed. Please talk to the Local Highways Manager regarding the siting of signs and what the suitable locations are. The commercial signs on the highway around the village which are there without permission will also be removed. I am happy to meet with you outside the meeting and discuss the issue further.

**Reply from Mrs Sealy, County Councillor.**

Thank you for the answer. I am delighted you are willing to talk and suggest that you speak to community groups, the County Councillor and the Parish Clerk.

**4. David Lewis, Earl of Chester Drive.**

When will the road be adopted? I have been resident in the road for the past 7 years.

**Reply from Andrew Milne, Area Manager, Highways.**

I have no direct knowledge of this but will take it back and get an answer for you.

**5. Brian Baker, Labour Party.**

The public should know what is happening at the DERA site in Longcross

**Reply from Bill Chapman, County Councillor.**

The development is over the border in Runnymede.

**6. Roy Norman and Kevin Daley, Frimley Green**

Mychett, Frimley Green and Deepcut Society have applied for members allocation funding to help celebrate the 50 year anniversary. To date we have had no response but was given the impression verbally that the application would be put forward. Would like funding towards bringing Futurescope to the borough which will cost £4,000. It is not on the agenda this evening for consideration.

**Reply from Cllr Craig Fennell and Cllr Whitcroft, Surrey Heath Borough Councillors.**

Would be happy to endorse an application to the Surrey Heath community fund.

**Reply from Bill Chapman, County Councillor.**

A bid would need to come through and be endorsed by Cllr Chris Pitt. I understand you have been spoken to regarding the procedure so would suggest you speak directly to Cllr Pitt.

**7. Glynn Carpenter, Bagshot Business Association.**

Would like the village to look best in the county regarding Christmas lights in 2014. Where else can we get funding from?

**Reply from Carolyn Rowe, Area Director.**

Funding may be available via members allocations, but this needs to be spent within 12 months of receipt so could not be applied for yet.

**8. Tim Dodds, Lightwater**

Regarding the parking survey I submitted 12 months ago, I have not yet had a formal response and would like to know whether it was acceptable. It is about the realignment of parking in Lightwater and requires Highways to come back on whether the proposals are do able.

**Reply from Bill Chapman, County Councillor.**

This is referred to under item 26 of the agenda. The County does not buy land to provide parking. This will be referred to SCC Parking Team for further consideration.

**Reply from Lavinia Sealy, County Councillor.**

Would be interested in the response even if the County Council does not have the funding to take forward but endorse the concept. Very positive suggestion.

**9. Valerie White, Bagshot.**

What is the procedure to get signs to the Windlesham field of remembrance?

**Reply from Andrew Milne, Area Manager, Highways.**

To get in touch with the Local Highways Manager who will be able to advise you.

**10. Cyril Pavey, Camberley**

What efforts are Surrey County Council making with regard to improved train services between Camberley, Frimley and Bagshot.

**Reply from Bill Chapman, County Councillor.**

Surrey Heath Borough Council have been in negotiations with South West Trains without much success. Michael Gove has taken this up and I will ask him to contact you about this regarding progress.

**Item 6** – Written Member Question from Mrs Lavinia Sealy.

I asked a question about Japanese Knotweed at Woods Farm, Windlesham Rd, Chobham at the last full council meeting. The reply from the portfolio holder, Dr Lynne Hack stated that the land from which this pernicious weed had spread, was not land owned by the council, but belonged to the parish council. This was denied by the parish clerk (before the council meeting). The clerk suggested this was part of the manorial waste which is so prevalent in Chobham. If this were the case I believe that it would then be for the county council to take the responsibility as this would have been part of the Onslow Estate which was transferred to the cc.

This is a serious matter if this weed is left unchecked both for residents, the council and their/its assets, whether land or buildings, roads etc. The ownership of the land and therefore the responsibility for destroying (and paying for the destruction of) the weed is of critical importance. This needs to be resolved as a matter of urgency.

Please could I have a definitive answer as to ownership AND responsibility?

Could the local highway officer for the villages, please let the committee know whether there are other patches of Japanese Knotweed and whether or not these have been treated this year?

**Whilst not in the remit of the local committee, the Chairman has asked an officer who has given the following response:**

**Legislation:** The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. **It is an offence under section 14(2) of the Act to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II. This includes Japanese Knotweed.**

To clarify the original response to Mrs Sealy's Question to County Council, Surrey County Council has a duty to control the spread of Japanese Knotweed where it owns the land, and has a power to control the spread of Japanese Knotweed on other land in Surrey. This is also the case for the Borough Council and the Parish Council, ie they have a duty to control the spread of Japanese Knotweed on land they own, and a power to control the spread of Japanese Knotweed on other land within their area.

The county council is required to maintain a commons register. The records confirm that the ownership section of the Commons Register maintained by Surrey County Council for CL 472 (part of Chobham Common) shows no known owner for this parcel of land. A Commons Commissioners decision on this piece of land, made on 5th July 1977, was that the ownership should be registered under section 9 of the Commons Registration Act 1965.

Section 9 of the Commons Registration Act 1965 states that where "the registration .... of any land as common land has become final but no person is registered ..... as the owner of the land then, ..... any local authority in whose area the land or part of the land is situated may take such steps for the protection of the land against unlawful interference as could be taken by an owner in possession of the land ...."

The Commons Registration Act 1965 provides that the county council, district or parish councils may take steps to deal with unlawful interference and institute proceedings. This is a power but not a duty, so there is no obligation on Surrey County Council or anybody to deal with this.

The ownership section of the Commons Register maintained by Surrey County Council for this particular piece of land states that "the land is subject to protection by the local authority (Chobham Parish Council, in whose area the land is situated) under section 9 of the Commons Registration Act 1965.

(**Local authority** is defined as including a County Council, a district council, or a parish council)

Surrey Highways has a noxious weeds programme and will make arrangements to treat known sites on the highway as part of its planned highways programmes. There has been a confirmed report of Japanese knotweed in the last week on the A319 Chertsey Road, Chobham, which will be added to the noxious weed programme but there are no other known sites on the public highway in the Chobham area.

There is a site on the A319 Bagshot Road near Benner Lane where Japanese knotweed has been identified but this is not on the highway and this has been referred to the appropriate landowner.



**Item 18** – Written Member Question from Mrs Lavinia Sealy.

Local residents have raised the issue with me that the County Council is removing banners and posters within Chobham village which are advertising events in the village. They wish to protest in the strongest possible terms. They feel it is essential, if a village is to be vibrant, for many and varied events to be held which not only help charities but also help to bind the village together. In a village like Chobham, with a high proportion of commuters, many of them would not know of the events without the benefit of the advertising materials which some interfering despots are trying to ban.

On what grounds is the County Council doing this? Please give the criteria and the law which allows the County Council to prevent local people doing these harmless things?

How does the County Council expect communities to be vibrant, self reliant and enterprising (“stronger”) if residents are not allowed to demonstrate and publicise what is happening to the whole community?

**Whilst not in the remit of the local committee, the Chairman has asked an officer who has given the following response:**

Surrey County Council as Highway Authority has a duty to protect the rights of the public using the highway. The Highways Act 1980 provides many powers to assist with managing this. Fly posting, in what ever form, is not tolerated on the highway as there is no control on who, where or how these are erected. The main risks to highway users, from this type of activity, are potential obstruction to visibility, potential injury or harm and potential failure of fixings leading to increased danger or harm to highway users. There is no problem with posters on private land, subject to satisfying any relevant planning criteria and that they do not obstruct highway visibility.

To enable public events to be advertised, the Highway Authority does permit the licensing of banners on the highway. These are approved sites and risk assessed. A site does already exist in Chobham High Street but the Highway Authority does welcome requests for new sites and will risk assess these on request. Sites should not be located at ground level unless it can be demonstrated that the method of fixing is tamper proof.

A future meeting to discuss the issues raised and offer further advice has been suggested to Mrs Sealy.