

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE – 2 DECEMBER 2008

SUBMITTED TO THE COUNCIL MEETING – 16 DECEMBER 2008

(To be read in conjunction with the Agenda for the Meeting)

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|----------------------------------|-------------------------|
| * Cllr Richard Gates (Chairman) | * Cllr Ms Denise Le Gal |
| * Cllr Mike Band (Vice-Chairman) | * Cllr Bryn Morgan |
| * Cllr Mrs Carole Cockburn | * Cllr John Sandy |
| * Cllr Mrs Carole King | Cllr Roger Steel |
| * Cllr Robert Knowles | Cllr Adam Taylor-Smith |

* Present

Cllr Brian Ellis attended to speak on Agenda Item 8 (Minute No 136 refers), Cllr Mrs Diane James attended to speak on Agenda Items 7.3, 8, 10 and 19 (Minute Nos 134.3, 136, 138 and 144 refer) and Cllr Ken Reed attended to speak on Agenda Items 8, 10 and 15 (Minute Nos 136, 138 and 133 refer)

127. MINUTES (Agenda Item 2)

The Minutes of the Meeting held on 3 November 2008 were confirmed and signed.

128. APOLOGIES FOR ABSENCE (Agenda Item 3)

Apologies for absence were received from Cllrs Steel and Taylor-Smith.

129. DECLARATIONS OF INTEREST (Agenda Item 4)

There were no interests raised under this heading.

130. QUESTIONS (Agenda Item 5)

In accordance with Procedure Rule 10, Mr J Hyman asked the following question:-

“Leader,

The Joint Planning Committee that met on 29th October 2008 was presented with a lengthy Officer Update Report which contained an email from the applicant asking that new East Street Transport Assessment plans, i.e. new plans for roads and junctions, be included in the S278 agreement within the Heads of Terms. Members and the public were not given time to read the Update, and the Officers' verbal report mentioned all the issues contained within the Update except for the changed plans. Thus Members unknowingly agreed to accept new roads plans to replace those agreed by that Committee on 3rd October, apparently without sight or knowledge of those plans, and without any public consultation upon them.

- (a) Please can you explain why the meeting was not informed of the changes to the roads plans to which Members were agreeing, and
- (b) Do WBC intend to make those plans available to the public, and if so, when?"

The Portfolio Holder for Planning replied as follows:-

"Dear Mr Hyman, thank you for your question. I think you refer to the revised highway plans which were referred to in the email submitted by Scott Brownrigg on the day of the meeting. However the Committee did not amend these plans in the S278 agreement which remains as in the Officers' report. The S278 agreement is an agreement between the applicant and SCC under Highways legislation, and the Scott Brownrigg email referred to the current state of their negotiations with SCC."

PART I - RECOMMENDATIONS TO THE COUNCIL

131. **PARKING STRATEGY** (Agenda Item 12; Appendix J)

- 131.1 The revised and updated Parking Strategy at Annexe 1 (that replaces the current strategy written in 2000) outlines Waverley's approach to the provision, control and management of parking in the Borough. It explains what is planned for the next three years, why it is being actioned and the benefits to be gained. It supports the Council's Corporate Plan priorities as well as national, regional and local transport policies.
- 131.2 Waverley manages 37 off-street car parks (around 4,100 parking spaces). Of these, 28 car parks operate on a 'Pay and Display' basis (around 3,700 spaces). The other 400 spaces are made up of contract spaces (eg. Station Road, Godalming) and free spaces, mostly in small village car parks. Surrey County Council has responsibility for traffic and highway matters including on-street parking and Waverley acts as its agent to enforce on-street waiting restrictions.
- 131.3 The Environment and Leisure Overview and Scrutiny Committee considered the proposed Strategy at its meeting on 11 November 2008. The Committee made the following observations to the Executive for consideration, several of which have been included in the draft strategy:
 - The Committee welcomed the strategy but there were specific concerns regarding the detail of the report, specifically the wording used for statistics.
 - The Committee thought the proposals in the strategy were commendable but hoped that they were realistic and achievable.
 - Councillors applauded proposals for lower car park charges for low-emission vehicles.
 - Councillors questioned why there were 400 car parking spaces free of charge in the Borough.
 - Members felt that car parks were suitable sites for recycling facilities, but asked that the number of car parking spaces used for this should be minimal.

- The Committee asked that careful consideration be given to the impact of charging for on-street parking on the vitality of Town Centres. Members noted that Sutton, a London Borough, had suspended car parking charges until Christmas to help support local businesses and recognised that issues of land ownership could affect income and the impact on our car parking changes on traffic levels.
- Councillors asked officers to consider the length of stay for on-street parking, as well as management of these by traffic wardens to ensure that the spaces were not abused.
- Councillors supported on-street parking in towns as it could slow traffic speeds and make the environment safer for shoppers
- A further comment was raised in relation to the lack of control over vendors' vehicles at Cranleigh Market. Officers were asked to ensure that this was managed to ensure public car parking spaces were not encroached into.

131.4 The Executive accordingly

RECOMMENDS that

36. the revised Parking Strategy for Waverley be adopted.

Background Papers (SDCS)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

132. REVIEW OF AREA PLANNING COMMITTEES (Agenda Item 13; Appendix K)

132.1 The Council resolved to implement a new structure for the determination of planning applications from 1 January 2008, creating four Area Planning Committees and retaining a Joint Planning Committee. It was requested that a review of the system be carried out in September 2008 with a view to making recommendations on any further improvements to the Council.

132.2 As the first nine months of the new structure had been relatively problem-free, the Executive, after taking into account the general support from the Environment and Leisure Overview and Scrutiny Committee, agreed that there was no compelling case for making changes to the structure or levels of membership of the four Area Planning Committees but that a further review should be undertaken, with a report to the Executive, within the next two years.

132.3 The Executive also agreed that a further series of training courses for members on planning issues should be developed for rolling-out within the next few months and that the start time of the second Committee meeting should be amended to 7.30 p.m., or at the conclusion of the first meeting, if later.

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132.4 Members will be aware that the performance in determining planning applications to target deadlines is currently poor. The underlying reasons for this have been largely addressed through the restructuring of the planning service. There is no evidence that the introduction of Area Committees will hold back the drive to increase the speed of decision making. It is considered that some minor refinements of the scheme of delegation will ensure that applications are not unnecessarily brought to Committee. This will allow Members to focus on applications where there is significant local concern or raise issues of policy interpretation. These are proposed in Annexe 2.

132.5 The Executive

RECOMMENDS that

37. the minor changes to the Scheme of Delegation, as set out in Annexe 2, be approved.

Background Papers (CSP)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

133. DUNSFOLD PARK APPEAL: REQUEST FOR SUPPLEMENTARY ESTIMATE (Agenda Item 15; Appendix M)

[This report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, viz:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).]

133.1 In April 2008, the Council received a planning application for development of a new settlement upon the Dunsfold Park site near Cranleigh (WA/2008/0788). The application was partly in outline (for all new built village-related development) and partly in full for the change of use of existing buildings, including for continued aviation use for helicopter flights, air ambulance and outdoor sports and recreation.

133.2 On 17th September 2008, the Joint Planning Committee refused planning permission for the application. An appeal has been lodged against the Council's refusal. The appeal will be determined by way of Public Inquiry on a date proposed by the Planning Inspectorate of 10th March 2009.

133.3 Whilst the Planning Service budget includes sums for both consultants and legal expenses, it would not cover the cost of an Inquiry of this size. It is therefore necessary to seek additional funding to support the inquiry. The Executive wanted to ensure that the Council's position is robustly defended with appropriate advocacy and planning expertise. Options for advocates are set out in [Exempt] Annexe 3.

- 133.4 In the past for inquiries of this type the normal practice has been for the necessary planning, landscape and other witnesses to be resourced externally. [Exempt] Annexe 3 lists the areas where consultants would be needed, with an indication of costs. In addition, there would be various internal costs, particularly from staff that would need to support the consultant team.
- 133.5 An alternative and more cost-effective option would be to use Waverley's planning officers as planning witnesses. Officers consider that adequate experience exists but this would divert resources away from existing duties, and this shortfall would need to be replaced by alternative cover estimated over a six-week period to cost around £10,000. External specialist landscaping advice would be required in any scenario. Members should be aware that the Rule 6 document (statement of submissions) is already being prepared by officers.
- 133.6 With the Officers' preferred option of appointing a planning witness from existing staff resources, it is estimated that the total costs could be in the region of £120,000 - £180,000. To take account of contingencies it is recommend that a further £50,000 is authorised in either instance. Members should note that transportation evidence is being provided by Surrey County Council, who will have to bear their own costs.
- 133.7 The Council is obliged to defend its decision to refuse planning permission. To do otherwise would be likely to be considered to be "unreasonable" within the terms of Circular 8/93 and result in the Council having to pay the costs of the appellant in respect of the appeal.
- 133.8 The Council also needs to produce evidence to substantiate each of its reasons for refusal, by reference to the development plan and all other material considerations. If it cannot do so, again costs may be awarded against it. Having said that, officers will seek to engage with the developers, as required in Central Government advice, to seek to agree Statements of Common Ground. These may involve reporting back to Members, if agreement can be reached on some of the reasons for refusal, for example by the submission of further information. These may result in the withdrawal of one or more reasons for refusal and the consequent financial savings associated with this. However, this should not be relied upon.
- 133.9 The Executive

RECOMMENDS that

- 38. a supplementary estimate of £150,000 be approved to meet the costs of the professional and other costs, with a further £50,000 being approved but only spent subject to the agreement of the Chief Executive and Portfolio Holders for Finance and Planning.**

Background Papers (CSP)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

PARTS II AND III - MATTERS OF REPORT

Background Papers

The background papers relating to the following items in Parts II and III are as specified in the agenda for the meeting of the Executive.

Part II – Matters Reported in Detail for the Information of the Council

134. FINANCIAL STRATEGY 2009/2010 - 2012/2013 (Agenda Item 7)

134.1 General Fund Revenue Budget 2009/10 (Agenda Item 7.1; Appendix B)

RESOLVED that

1. the approach taken to the 2009/10 budget process be endorsed; and
2. detailed consideration be given to the General Fund budget for 2009/10, including suggestions from the Star Chamber, at the Executive meeting on 6 January 2009.

134.2 Housing Revenue Account Budget 2009/10 (Agenda Item 7.2; Appendix C)

RESOLVED that

1. the issues raised in the draft subsidy determinations and the fact that the determinations will not be confirmed until late December be noted;
2. the Community Overview and Scrutiny Committee be asked to consider the detailed HRA budget papers for 2009-10 and identify spending priorities within the landlord service; and
3. further consideration be given to the HRA budget for 2009/2010 at the Executive meeting on 6 January 2009.

134.3 Setting of Council Tax Base 2009/2010 (Agenda Item 7.3; Appendix D)

RESOLVED that, pursuant to the foregoing report and in accordance with the Local Authorities (Calculation of Tax Base) (Amendment) Regulations 2003, the council tax base for Waverley and for each of the Town/Parish Council areas for the year 2009/2010 shall be as shown in Annexe 1 to the report.

134.4 Budget Monitoring - October 2008 - Exception Report (Agenda Item 7.4; Appendix E)

RESOLVED that

1. the Corporate Management Team take action to eliminate the remaining potential shortfall as part of the Star Chamber process; and

2. a full budget monitoring report be presented to the January Executive meeting.

Part III – Brief Summaries of Other Matters Dealt With

135. EXECUTIVE FORWARD PROGRAMME (Agenda Item 6; Appendix A)

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted.

136. CAPITAL PROGRAMME 2008/09 - CRANLEIGH ARTS CENTRE (Agenda Item 8; Appendix G)

RESOLVED that

1. having considered the request from the Arts Centre to support a capital expenditure project in 2008/09, the Executive agreed that it did not at this moment meet the criteria for an additional grant; and
2. the Centre be asked to provide a full business plan, including detailed costings, estimates of additional income and any other partnership funds, including future revenue grant savings.

137. BANKING CONTRACT (Agenda Item 9; Appendix F)

RESOLVED that in accordance with the provisions of Contract Procedure Rule Q101a, the Executive approve the extension of the current banking contract to 31 March 2010 to coincide with implementation of the changes to Waverley's cash collection arrangements.

138. HOUSEHOLD FOOD WASTE COLLECTION - CALL-IN BY THE ENVIRONMENT AND LEISURE OVERVIEW AND SCRUTINY COMMITTEE (Agenda Item 10; Appendix H)

RESOLVED that the observations of the Environment and Leisure Overview and Scrutiny Committee be received and the aspiration of the Executive to introduce a service when resources are available be reaffirmed, and officers be asked to consider in detail the issues raised and investigate ways of promoting take up of Green Johannas or Cones.

139. WAVERLEY'S COMMUNITY ALARM SERVICE REVIEW - CARELINE (Agenda Item 11; Appendix I)

RESOLVED that

1. the two Careline services be combined into a single Careline Service as set out in Option B of the Careline Review;
2. officers take forward the other recommendations as set out in the report including those listed at paragraphs 25 and 26; and

3. officers bring a further report to the Committee in 12 months to review what effect the changes to the Careline service have had and any future developments of the service.

140. LOCAL DEVELOPMENT FRAMEWORK - ANNUAL MONITORING REPORT 2007/2008 (Agenda Item 14; Appendix L)

RESOLVED that

1. the Annual Monitoring Report be noted; and
2. the Head of Planning be authorised, after consultation with the Portfolio Holder for Planning, to agree any necessary drafting amendments to the Housing Trajectory prior to the submission of the Annual Monitoring Report.

141. WAVERLEY TRAINING SERVICES (Agenda Item 16; Appendix N)

RESOLVED that

1. the staff at Waverley Training Services be congratulated on reaching its milestone of celebrating 25 years of service at the Pump House;
2. the staff and learners be congratulated for achieving outcomes above the regional average particularly in getting young people ready for work through the e2e and schools programmes;
3. the WTS Business Plan be endorsed and the proposed broadening of the service offered by WTS and in particular the intention to make the e2e provision available in the eastern, central and southern part of the borough;
4. the changes to the funding regime from 2010 be noted, with responsibility transferring from the Learning and Skills Council to Surrey County Council; and
5. the emphasis on improving relationships with business and focussing on the skills needs of employees be welcomed, particularly at this difficult time of the economic downturn for Waverley's business community.

142. HOUSING OPTIONS SUPPORT OFFICER POST (Agenda Item 17; Appendix O)

RESOLVED that a temporary Housing Options Support Officer post be created, as described in the report, to be advertised and recruited to on a fixed term contract to be funded by Surrey Supporting People.

143. SOCIAL INCLUSION STRATEGY 2008 - PROGRESS AND ACTION PLAN
(Agenda Item 18; Appendix P)

RESOLVED that

1. the action plan and progress made to date, attached at Annexe 1 to the report, be endorsed; and
2. the action plan be referred to the Community Overview and Scrutiny Committee for ongoing monitoring and review.

144. PERFORMANCE MANAGEMENT REPORT, QUARTER 2 (JULY - SEPTEMBER) 2008/09 (Agenda Item 19, Appendix Q)

RESOLVED that the observations of the Overview and Scrutiny Committees on the Quarter 2 2008/09 performance report be noted.

145. SALE OF ROADWAY ADJACENT TO 15 CHATSWORTH AVENUE, HASLEMERE (Agenda Item 20; Appendix R)

[This report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, viz:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).]

RESOLVED that the roadway shown hatched on the plan be sold to the owner of the new bungalow to the rear of 15 Chatsworth Avenue on terms and conditions as set out in the (Exempt) Annexe to the agenda report, any other terms and conditions to be negotiated by the Legal Services Manager.

146. UNDERSHAW (Agenda Item 24)

The Executive received an oral update on the latest position informing that a cheque had been received from the owners in response to the invoices sent.

147. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 22)

At 8.48 p.m. it was

RESOLVED that pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the

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description specified in paragraph 3 of the revised Part I of Schedule 12A to the Act, namely:-

“Information relating to the financial or business affairs of any particular person (including the authority holding that information).

148. OUTSTANDING DEBTS WRITE-OFF FOR DECISION - OVERPAID HOUSING BENEFIT (OVER £5,000) (Agenda Item 23; (Exempt) Appendix S)

RESOLVED that the recommendation set out in (Exempt) Appendix S be approved.

The meeting commenced at 6.45 p.m. and concluded at 8.50 p.m.

Chairman

Comms/exec/2008-09/221