

MINUTES of the MEETING of the  
 WAVERLEY BOROUGH COUNCIL  
 held in the Council Chamber,  
 Council Offices, Godalming on  
21 April 2009

- \* Cllr Len Bate (Mayor)
- \* Cllr Mrs Pat Frost (Deputy Mayor)

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|----------------------------|-----------------------------------|
| Cllr Mrs Jean Arrick       | * Cllr Ms Denise Le Gal           |
| * Cllr Mike Band           | * Cllr Dr Nicky Lee               |
| * Cllr Mrs Gillian Beel    | * Cllr Alan Lovell                |
| * Cllr Maurice Byham       | * Cllr Peter Martin               |
| * Cllr Mrs Elizabeth Cable | * Cllr Tom Martin                 |
| * Cllr Mike Causey         | Cllr Bryn Morgan                  |
| * Cllr Mrs Carole Cockburn | * Cllr Stephen Mulliner           |
| * Cllr Stuart Connolly     | * Cllr David Munro                |
| * Cllr Victor Duckett      | Cllr Stephen O'Grady              |
| * Cllr Jim Edwards         | * Cllr Samuel Pritchard           |
| Cllr Brian Ellis           | * Cllr Ken Reed                   |
| Cllr Mrs Patricia Ellis    | * Cllr Steven Renshaw             |
| * Cllr Mrs Lucinda Fleming | * Cllr Stefan Reynolds            |
| * Cllr Bob Frost           | Cllr Ian Sampson                  |
| * Cllr Richard Gates       | * Cllr John Sandy                 |
| * Cllr Michael Goodridge   | * Cllr Mrs Celia Savage           |
| * Cllr Tony Gordon-Smith   | * Cllr John Savage                |
| Cllr Mrs Jill Hargreaves   | * Cllr Roger Steel                |
| * Cllr Stephen Hill        | Cllr Adam Taylor-Smith            |
| Cllr Nicholas Holder       | Cllr Ms Jane Thomson              |
| * Cllr Julian Hubble       | Cllr Andrew Thorp                 |
| * Cllr Simon Inchbald      | Cllr John Ward                    |
| * Cllr David Inman         | * Cllr Mrs Nerissa Warner-O'Neill |
| * Cllr Peter Isherwood     | * Cllr Keith Webster              |
| * Cllr Mrs Diane James     | * Cllr Ross Welland               |
| * Cllr Mrs Carole King     | * Cllr Mrs Liz Wheatley           |
| * Cllr Robert Knowles      | * Cllr Andrew Wilson              |

VACANCY

- \* Present

At the commencement of the meeting, prayers were led by the Reverend Margaret Jackson. The Mayor also introduced Reverend Dr Anne Gell of St Peter's Church, Wrecclesham who would be the chaplain for the forthcoming Council year.

60. MINUTES

The Minutes of the Meeting of the Council held on 24 February 2009 were confirmed and signed.

61. RESIGNATION OF COUNCILLOR CYRIL BAILY

The Council noted the sad news that Councillor Baily had recently resigned as member for the Alfold, Cranleigh Rural and Ellens Green Ward and the Mayor expressed his thanks for the excellent work undertaken during Cllr Baily's time on the Council, particularly as Chairman of the Audit Committee which was his area of expertise. On behalf of the Council, the Mayor wished Councillor Baily and his family best wishes for the future.

62. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mr and Mrs Ellis, Mrs Hargreaves, Holder, Morgan, O'Grady, Taylor-Smith, Thorp and Ward.

63. DISCLOSURE OF INTERESTS

There were no disclosures of interest raised under this heading.

64. MAYOR'S ANNOUNCEMENTS

The Chief Executive presented the Mayor with a Certificate of Achievement from South East Employers in recognition of the award of the Member Development Charter to Waverley. The award recognised the hard work put into member training and development and recognised the contributions of the three Chairmen of the Member Development Special Interest Group, Cllrs Ms Le Gal, Reed and Mrs Frost. The framed certificate would be displayed in the Members' Room.

The Mayor informed the Council of a number of events that he had attended which included the breakthrough of the Hindhead Tunnel, Cranleigh Mum of the Year Award, and Milford Farmers' Market at which a raffle stall was set up to raise money for the Mayor's Charities.

The Mayor then provided councillors with some dates for their diaries:-

Saturday 25 April - Mayor's Youth Challenge with the Army School of Physical Training at Aldershot.

Saturday 2 May - Spring into Cranleigh Event.

Saturday 9 May - Public Meeting in Tilford to look at ways of helping communities to deal with the current financial crisis.

Tuesday 26 May - Special Council Meeting to discuss rents, leisure tenders and the housing company.

65. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions to the Mayor had been received from members of the public in accordance with Procedure Rule 10:-

i. from Mrs Anne Cooper of Farnham

"On the 31<sup>st</sup> March the Executive agreed an amendment to the second recommendation to the Council on the adoption of the Cultural Strategy. This is to replace the word "consultation" with

“communication” in regard to the purpose of placing the Strategy on the Waverley website. I wonder if this change could be explained for the general public? The public are now being excluded from any consultation on the Cultural Strategy and have also been denied an opportunity to comment on Leisure and Tourism as part of the recent Local Development Framework Consultation, due to the absence of the Cultural Strategy.

Will the Council now redress this anomaly by giving the public an opportunity to comment on Leisure and Tourism within the Local Development Framework Consultation, and how soon can we expect this to be implemented?”

The Portfolio Holder for Leisure responded as follows:-

“Good evening Mrs. Cooper. I proposed the amendment because ‘continuous communication’ better reflects the advantage the website now provides to update the Strategy on at least an annual basis rather than wait a further 5 years. Mrs Cooper it has already been extensively consulted upon with the concerned organisations during the 12 months it took to prepare the Cultural Strategy. There will of course be continuous consultations with our partner organisations and the public in the future as has been the case in the past.

As to the second part of your question Leisure and Tourism are indeed matters that will need to be considered in the Local Development Framework as will the aims of the Cultural Strategy as a whole. There will be a further public consultation arranged on the Core Strategy once it has progressed.”

ii. from Mr Jerry Hyman of Farnham

“Mr Mayor,

The Habitats Directive seeks to address the problem of species extinction by providing the highest level of protection to those on the endangered list, including our local woodlarks and nightjars, but that worthy intent is reliant upon Competent Authorities being willing to implement the law faithfully. It is established that where for instance 20,000 new homes are proposed near the TBHSPA protected habitats, and where the proposed mitigation measures cannot provide the required written objective scientific evidence of 'no in-combination effect', then those applications cannot be lawfully permitted.

However, rather than cause an unnecessary 'moratorium' the Directive specifically provides for experimental mitigation strategies to be tested, by permitting limited development in accordance with the tests of Article 6(4). In Farnham's case, applications that are of overriding public interest can be granted, subject to EC scrutiny of the proposed mitigatory or compensatory measures. In practice, that means that developments that are important to the town and have public approval can be lawfully permitted, but only if the public are willing to take the risk of public access to the heaths being curtailed in future, should long-

term monitoring of the SANG and complementary 'soft' SPA access management prove those experiments to be ineffective.

Will Waverley please now move to re-assess the uncompleted extant permissions in accordance with the Directive and established EC Case Law, and furthermore remove the current unnecessary moratorium immediately, by adopting the proper approach of allowing imperative development in Farnham through the limitations of Article 6(4)? Yes or no? Thank you."

The Portfolio Holder for Planning responded as follows:-

"There is no formal "moratorium" as such, on new development. If residential development itself includes adequate mitigation measures that ensure there is no significant effect on the SPA, then it will not have to undergo a full Habitats Regulations assessment

The Council is aware of its obligations under the Regulations to review all extant planning permissions – this is part of an extensive programme of review of consents issued by all statutory bodies. It is a lengthy and time consuming process and the Council is being assisted by Natural England in this process."

#### 66. QUESTION TIME

Under Procedure Rule 11.4(b), the Mayor accepted the following urgent question from Cllr Knowles:-

"Notice has been given by the Secretary of State under the National Parks & Access to the Countryside Act, 1949, of an extension to the proposed Southdowns National Park which will result in three Waverley Wards, Haslemere East and Grayswood, Critchmere & Shottermill and Chiddingfold & Dunsfold having a boundary with the park. Are officers looking urgently at any possible effects of the proposed extension on those Wards and Waverley in general and considering any representation by the cut off date of 13th July".

Cllr Mrs Carole Cockburn responded as follows:-

"Officers will consider the proposed revisions to the boundary of the South Downs National Park and prepare a response to the Secretary of State in consultation with the planning portfolio holder and affected ward members. The consultation ends on 13 July and whilst Waverley has not formally been consulted, we will be submitting a response".

#### 67. NOTICE OF MOTION

The following Notice of Motion was received from Cllr Alan Lovell in accordance with Procedure Rule 12.1:-

"That an urgent meeting be arranged between this Council and Surrey County Council to consider the issues raised by the Air Quality Action Plan (AQAP) and other related traffic and development matters in

Farnham and its surrounding areas: with a view to giving them greater priority and the resources necessary to provide an adequate and practicable transport solution.”

In accordance with Procedure Rule 12.3(b), it was agreed that it was convenient and conducive to the despatch of business to allow the matter to be dealt with immediately at the meeting.

Having been formally proposed and seconded, an amendment to the wording of the notice of motion was proposed and seconded. This amendment deleted the words “Farnham and its surrounding areas” and replaced them with “Waverley”.

After a detailed discussion on the amendment, it was then moved, in accordance with Procedure Rule 17.5, that voting on this amendment should be by roll-call and recorded. The voting was as follows:-

For the amendment (37 votes)

Cllrs Band, Bate, Mrs Beel, Byham, Mrs Cable, Mrs Cockburn, Connolly, Edwards, Mrs Fleming, Mr and Mrs Frost, Gates, Goodridge, Gordon-Smith, Hill, Hubble, Inchbald, Inman, Isherwood, Mrs King, Knowles, Ms Le Gal, Dr Lee, Peter Martin, Tom Martin, Mulliner, Munro, Pritchard, Renshaw, Reynolds, Sandy, Steel, Mrs Warner-O'Neill, Webster, Welland, Mrs Wheatley, Wilson.

Against the amendment (7 votes)

Cllrs Causey, Duckett, Mrs James, Lovell, Reed, Mr and Mrs Savage.

This amendment was therefore CARRIED. Cllrs Duckett, Mrs James, Lovell and Mr Savage abstained from voting on the substantive motion, as amended, and asked that this be recorded in the minutes.

## 68. MINUTES OF THE EXECUTIVE

### 68.1 Meeting of 3 March 2009

It was moved by the Chairman of the Executive, duly seconded and

RESOLVED that the Minutes of the Meeting of the Executive held on 3 March 2009 be approved.

### 68.2 Meeting of 31 March 2009

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 31 March 2009 be approved and adopted.

During consideration of these minutes, at 8.32 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 Minute Nos. 216 and 217 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 description specified in paragraphs 1 and 4 of the revised Part I of Schedule 12A to the Act, namely:-

- (1) Information relating to any individual; and
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour

At 9.08 p.m. it was agreed that the meeting should resume in open session.

- i. Staffing Matter - Careline and Staffing Matter (Minute Nos. 216 and 217)

Cllr Mrs James abstained from voting on recommendations 65 and 66 relating to these matters.

RESOLVED that the Minutes of the Meeting of the Executive held on 31 March 2009 be approved and the recommendations contained therein adopted.

## 69. MINUTES OF THE STANDARDS COMMITTEE

The new Independent Chairman of the Standards Committee, Mr David Wheatley, introduced himself to the Council. He was welcomed by the Leader of the Council who also passed on grateful thanks to Nicolas Davies for his eight years service as Chairman of the Committee.

### 69.1 Meeting of 25 February 2009

It was moved by the Independent Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 25 February 2009 be approved and the recommendations contained therein adopted.

### 69.2 Meeting of 24 March 2009

It was moved by the Independent Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 24 March 2009 be approved and the recommendations contained therein adopted.

70. MINUTES OF THE AUDIT COMMITTEE

It was moved by Cllr Causey, duly seconded and

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 10 March 2009 be approved.

71. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 7 April 2009 be approved and the recommendations contained therein adopted.

The meeting concluded at 9.27 p.m.

Mayor

comms/council/2008-09/067 minutes