

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 1 SEPTEMBER 2009

SUBMITTED TO THE COUNCIL MEETING – 20 OCTOBER 2009

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

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

* Present

Cllr Ken Reed was in attendance

65. MINUTES (Agenda Item 2)

The minutes of the meetings of the Executive held on 7 July 2009 and the Special Executive held on 21 July 2009 were confirmed and signed.

66. APOLOGIES FOR ABSENCE (Agenda Item 3)

An apology was received from Cllr John Sandy.

67. DISCLOSURE OF INTERESTS (Agenda Item 4)

There were no interests raised under this heading.

68. QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda Item 5)

In accordance with Procedure Rule 10, Mr J Hyman, Chairman Friends of Farnham Park had submitted the following question:-

“Given that the Miniplan costings propose a new eastern direct access to Farnham Park which would allow Rushmoor residents convenient access (whether intended or not), and given the Bishop’s explicit terms in the 1930 Conveyance, is the use of the Park as commercial mitigation for Rushmoor’s housing development (and existing SPA users) allowable?”

The Leader of the Council and Executive Portfolio Holder for Planning responded as follows:

“Farnham Park is open to anyone who wishes to use it – it is a public open space with no attempt over the nearly 80 years since it was publicly acquired to restrict the enjoyment of it to any particular geographical residents. However, a Council decision would be needed before another borough could designate it as a SANG, and in taking

such a decision due note would be taken of any legal aspects. At the present time such a question is purely hypothetical.”

PART I - RECOMMENDATIONS TO THE COUNCIL

69. **SCHEME OF DELEGATION – REVISION FOR CIVIL EMERGENCIES**
(Agenda Item 11; Appendix F)
- 69.1 The Executive received a report following an internal audit of emergency planning that identified that the Scheme of Delegation did not contain clear provisions to enable officers to respond to emergency situations. Under normal circumstances, the separate Authorised Signatory list was maintained whereby directors (in consultation with heads of service) authorised members of the Council's staff to authorise various types of payment.
- 69.2 Under emergency situations, it is possible that members of staff who did not normally authorise expenditure may be placed in situations where they needed to commit the Council to expenditure. Rather than attempt to cross-refer the Scheme of Delegation and the Authorised Signatory list, which could lead to administrative difficulties and confusion, the proposed solution was to link the Scheme of Delegation to the Council's Civil Emergency Plan. In doing this, any future changes in personnel and post designation only needed to be effected in the Civil Emergency Plan and there was no consequent need to update the Scheme of Delegation.
- 69.3 Your officers proposed the following additional provision to be placed in the Scheme of Delegation:
- In the event of an emergency incident occurring as defined in accordance with the Civil Emergency Plan, the responsibility for implementation will lie with the officers named within the Major Incident Cascade Call-Out. Officers with responsibilities defined within the Major Incident Cascade Call-Out shall be delegated the authority to incur expenditure on the Council's behalf without recourse to application of the Council's Contract Procedure Rules, to a maximum of £5,000 for any one item/contract/order. Items above that limit shall only be procured after consultation with the Chief Executive, Deputy Chief Executive or the Deputy S.151 Officer and the Leader of the Council.*
- 69.4 This insertion provided the officers designated in the Civil Emergency Plan with the ability to make immediate responses with a safeguard that larger items of expenditure were referred to senior managers for approval.
- 69.5 In order to ensure that those officers were aware of their powers, it would also be prudent to insert the new provision, amended as necessary in accordance with members' instruction, into the Civil Emergency Plan.
- 69.6 Members concurred that the proposed insertion into the Scheme of Delegation offered a simple and effective means of ensuring officers were able to respond in emergency situations, whilst maintaining a safeguard on expenditure.

69.7 The Executive accordingly

RECOMMENDS that:

32. the Council approve the proposed insertion to the Scheme of Delegation as contained in paragraph 68.3 above; and

33. the agreed and approved insertion be included in the Civil Emergency Plan.

70. COMMUNITY EVENTS STREET TRADING – POLICY (Agenda Item 12; Appendix H)

70.1 The Executive received a report that defined Street Trading as the selling or exposing or offering for sale of any article (or living thing) in a street. Such activity may cause nuisance and may be controlled by local authorities. In 1991, Waverley Borough Council adopted powers under the Local Government (Miscellaneous Provisions) Act 1982, to control Street Trading by the designation of ‘prohibited’, ‘licensed’ and ‘consent’ streets.

70.2 A ‘Prohibited’ street meant a street in which street trading was prohibited. A ‘Licensed’ street meant a street in which street trading was prohibited unless a licence had been granted by the Council. A ‘Consent’ street meant a street in which street trading was prohibited unless the Council has given consent.

70.3 The Council’s Economic Development & Partnerships Service facilitates many community- and Council-run events each year. A number of such events would benefit from access to streets in Waverley which were currently defined as prohibited streets with regard to street trading consents. Such consents were a means of controlling whether traders, including market operators, are permitted to set up in the Borough’s public places. They were administered and enforced by the Council’s Environmental Health Service.

70.4 Although there was no current need identified for large numbers of market stalls on a regular basis, and demand for this was presently low, the ability to hold specific events in identified places within defined limits and according to pre-determined guidance would benefit local communities, businesses, the wider population and Waverley Borough Council. Godalming and Farnham Town Councils had raised this issue specifically for events they run. A request from Farnham Town Council for an event in October on a prohibited street had been received.

70.5 A Policy had been drawn up which looked at similar policies from other Local Authorities and reflected current good practice. It would provide:

- guidance on the decision making process
- consistent conditions for consent holders
- guidance on enforcement, and
- a structured fees regime

70.6 It has been open to public consultation and the Executive received the final decisions at its meeting on 1 September 2009. The resolutions at that meeting were:

1. the draft 'Street Trading in Waverley' Policy and the public consultation be endorsed; and
2. the Committee receive a report on the consultation with a view to adopting a final Policy including any recommended changes or amendments as appropriate.

70.6 The Executive noted that the Licensing and Regulatory Committee had received a report on this matter and had agreed that there was a need to provide a street trading solution that would enable community and council-run events to take place in key locations in the Borough. A light touch review of Street Trading Controls was agreed to determine a policy that would encourage such events occasionally, but not encourage individual traders in mobile vehicles. This Committee endorsed that approach on 8 June 2009. It had been open to public consultation and the responses had been put before Members.

70.7 The Licensing and Regulatory Committee had further considered that although the notice period required for submission of applications should have a certain amount of flexibility, sufficient notice of an application should be given and the policy should be amended to reflect this.

70.8 The Licensing and Regulatory Committee had noted that legislation did not allow for appeals and grounds for refusal were not required to be given. However, in order to ensure the process was transparent, a sub-committee could be formed to hear from concerned parties.

70.9 The Licensing and Regulatory Committee were advised by the Council's Solicitor that reasons would need to be given for officer delegated refusals to applications, and should the policy be adopted the Council's Scheme of Delegation would need to be amended.

70.10 Following discussion the Committee agreed to amendments to the appeals and applications process of the proposed policy.

70.11 The Executive RESOLVED to adopt the 'Street Trading in Waverley' Policy as amended.

70.12 The Executive further

RECOMMENDS that:

34. the Council's Scheme of Delegation to Officers be amended as follows:

- 1. approvals to applications which are within the Street Trading in Waverley policy, unless a valid objection is received during the consultation period, be delegated to the Head of Environmental Health; and**

2. **authority be delegated to the Head of Environmental Health to accept and consider late applications in consultation with the Chief Executive and Chairman of the Licensing and Regulatory Committee, provided that satisfactory responses have been received from the Police, Fire and Highways Authorities.**

Background Papers (DoF)

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

There were no matters falling within this category.

Part III – Brief Summaries of Other Matters Dealt With

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

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted subject to the alteration of the Local List, Surrey Rural Strategy and Godalming Leisure Centre to December 2009.

72. **BUDGET REVIEW** (Agenda Item 7; Appendix B)

RESOLVED that

1. the outcome of the Budget Review for 2009/10 be noted and the actions taken endorsed which included:
 - i. agreeing to the CMT review of the current year's revenue budget during September, reporting back to the Executive in October;
 - ii. agreeing to the CMT review of the current year's capital programme during September, reporting back to the Executive in October;
 - iii. noting the availability of unallocated contribution to capital and agreeing an embargo on its use until later in the year, when a clearer assessment can be made about the need to use it; and
2. note the potential impact of the Budget Review on 2010/11.

73. TREASURY MANAGEMENT (Agenda Item 8; Appendix C)

RESOLVED that the Treasury Management investment performance for the first quarter of 2009/10 be noted.

74. PARTIAL REVIEW OF THE SOUTH EAST PLAN – GYPSIES (Agenda Item 9; Appendix D)

RESOLVED that the joint response to the Government consultation on the Partial Review of the South East Plan be agreed on the grounds that:

- Option D has been selected as the Preferred Option rather than Option C, which was supported by this Council and the other Surrey local authorities during the previous consultation as the fairest distribution across the region, was the most favoured option and was the one best supported by the Gypsy and Traveller community.

It also makes the following comment in relation to the issue of transit provision:

- Regional guidance and an agreed methodology is needed for Councils if they are required to work together on a county-group basis to compile and assess all available local indicators of need.

75. SUPPORTING BUSINESS AND SKILLS: COMMITTING TO THE FSB SMALL BUSINESS ENGAGEMENT ACCORD; THE LOCAL EMPLOYMENT PARTNERSHIP; AND THE SKILLS PLEDGE (Agenda Item 10; Appendix E)

RESOLVED that the Executive

- 1) welcome the Federation of Small Businesses Engagement Accord; support the principles set out within the accord and authorises the Leader and Portfolio Holder for the Local Economy to sign the Accord on behalf of Waverley ;
- 2) agree to sign up to a Local Employment Partnership with Jobcentre Plus to support the needs of residents who are unemployed and authorises the Chief Executive with the agreement of the Portfolio Holders for Human Resources and the Local Economy to finalise the details appropriate for Waverley;
- 3) agree to sign the Skills Pledge as a commitment to raise the skills and competencies of Waverley's employees; and
- 4) agree that Waverley should raise awareness of these pledges to encourage other organisations and local businesses to make similar

commitments to enhance opportunities for local businesses, residents and employees.

76. COMMUNITY EVENTS STREET TRADING – DESIGNATIONS (Agenda Item 12; Appendix G)

RESOLVED that the proposal to publish notice(s) confirming the changes to the re-designation of streets be endorsed.

77. EQUAL PAY PROJECT UPDATE (Agenda Item 14; Appendix I)

RESOLVED that:

1. the Council uses the Single Status Hay Job Evaluation system;
2. the Head of HR write a Job Evaluation process document for approval by CMT;
3. that all posts not previously evaluated are evaluated during the period September to December 2009;
4. that the Deputy Chief Executive and Head of HR appoint within the existing budget a specialist HR adviser to research and advise CMT on a new pay structure and pay policy; and
5. the Head of HR reports to the Executive in January 2010 on progress on the project.

78. GARDEN WASTE PROJECT (Agenda Item 15; Appendix J)

RESOLVED that

1. the principle of the project be supported and the involvement of officers in its management be endorsed; and
2. officers report back on progress and the emerging business models.

79. SOUTH EAST COUNCILS AND REFORMED SEERA (Agenda Item 16)

RESOLVED that in the light of the new streamlined structure being in a much better position to represent Waverley's interests, and the saving on the subscription budget, it was agreed Waverley become members of the new SEERA limited and contribute £1.

80. WAVERLEY APPOINTMENTS TO SURREY COUNTY COUNCIL LOCAL COMMITTEE TRANSPORTATION TASK GROUPS 2009-2010 (Agenda Item 17)

RESOLVED that the nominations be confirmed.

81. ACTION TAKEN SINCE LAST MEETING (Agenda Item 18)

The Executive noted the action taken by the Chief Executive since the last meeting.

The meeting commenced at 6.45 p.m. and concluded at 7.34 p.m.

Chairman