

To: All Members of the Council

Robin Pellow
Head of Democratic and Legal Services

When calling please ask for: Emma McQuillan

Direct line: 01483 523351

Calls may be recorded for training or monitoring

E-mail: emma.mcquillan@waverley.gov.uk

Date: 5 February 2010

Dear Councillor

COUNCIL MEETING – 16 FEBRUARY 2010

The MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 16 FEBRUARY 2010** at 7.00 p.m. and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Prior to the commencement of the Meeting, prayers will be led by the Reverend Dr Anne Gell of St Peters Church, Wrecclesham.

Yours sincerely

Chief Executive

This meeting will be webcast and can be viewed by visiting <http://www.waverley.ukcouncil.net/> and will be preceded by an open public question time at 6.30 p.m.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Council Meeting held on 15 December 2009 (herewith).

2. **APOLOGIES FOR ABSENCE**

The Mayor to report apologies for absence.

3. DISCLOSURE OF INTERESTS

To receive from Members declarations of personal and prejudicial interests in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. MAYOR'S ANNOUNCEMENTS

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To answer the following question received from Mr Jerry Hyman of Farnham in accordance with Procedure Rule 10:-

*[*NB. The following question expresses personal views of the questioner and Waverley does not endorse the statements of fact and opinion in any way and they do not reflect the views of Waverley Borough Council].*

“Madam Mayor,

At 15th Dec Council the Leader submitted that he accepts that the 2006 LDF Core Strategy was rejected due to the lack of *Waddenzee* (‘convincing’) evidence of the efficacy of the proposed mitigation. We would not want to see the same error repeated.

The Habitats Directive dictates that where an assessment of the likely cumulative effect of development (and any proposed mitigation) is not supported by convincing evidence that enables a conclusion of no significant effect to be reached, then limited development can proceed through the Article 6(4) test of Imperative Reasons of Overriding Public Interest. Thus in the local context, the ‘moratoria’ that local businesses suffer here is not an invention of the Directive.

Put simply, the Directive states that where you cannot be certain that a consent would not contribute toward species extinction, then development must be limited. That makes sense.

By contrast, this Council's interpretation of the Directive has led to the perverse situation where you are effectively saying that (given similar experimental mitigation) an unlimited amount of inappropriate and unimportant development can be consented, but a limited amount of important and desirable development cannot.

Does this Council accept that its interpretation of the Directive is clearly flawed, and that despite the absence of ‘*Waddenzee*’ evidence, Article 6(4) and its ‘IROPI’ test can in fact allow a limited amount of much-needed development? Thank you”

6. QUESTION TIME

To answer any questions received in accordance with Procedure Rule 11.2.

7. MOTIONS

To receive the following motion for which notice has been received in accordance with Procedure Rule 12.1 from Councillor Robert Knowles:-

“This Council expresses severe concerns at the continuing closure of community beds throughout the Borough and instructs officers to bring these concerns to the attention of the Secretary of State for Health.”

In accordance with Procedure Rule 12.3 (b), the Leader of the Council has considered it convenient and conducive to the despatch of business, to allow the motion to be dealt with at the meeting.

8. BUDGET 2010/2011

To receive the report of the Executive in respect of the 2010/2011 budget, set out at Appendix A, incorporating:-

- Appendix A.1 - Budget Monitoring
- Appendix A.2 - General Fund Revenue Estimates 2010/2011
- Appendix A.3 - General Fund Capital Programme 2010/2011
- Appendix A.4 - Housing Revenue Account Revenue Estimates and Rent Levels 2010/2011
- Appendix A.5 - Housing Revenue Account Capital Programme 2010/2011
- Appendix A.6 - Council Tax Setting 2010/2011 (including any information received since the meeting of the Executive).

9. MINUTES OF THE EXECUTIVE AND COMMITTEES

- (a) To receive the minutes of the meetings of the Executive held on:-
 - (i) 5 January 2010 (herewith - coloured grey); and
 - (ii) 2 February 2010 (herewith - coloured grey);
- (b) To receive the minutes of the meeting of the Licensing and Regulatory Committee held on 9 February 2010 (to follow - coloured green).

10. EXCLUSION OF PRESS AND PUBLIC

To consider the following motion, to be moved by the Mayor, where appropriate:-

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 any matter on this agenda 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 the item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351