

MINUTES of the MEETING of the
 WAVERLEY BOROUGH COUNCIL
 held in the Council Chamber,
 Council Offices, Godalming on
16 February 2010 at 7.00 pm

* Cllr Mrs Pat Frost (Mayor)
 Cllr Mrs Carole Cockburn (Deputy Mayor)

Cllr Mrs Jean Arrick	* Cllr Robert Knowles
* Cllr Mike Band	Cllr Ms Denise Le Gal
* Cllr Len Bate	* 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 Stuart Connolly	* Cllr Stephen Mulliner
* Cllr Victor Duckett	* Cllr David Munro
* Cllr Jim Edwards	Cllr Stephen O'Grady
* Cllr Brian Ellis	* Cllr Samuel Pritchard
* Cllr Mrs Patricia Ellis	* Cllr Ken Reed
Cllr Mrs Lucinda Fleming	Cllr Steven Renshaw
* Cllr Mrs Mary Forszewski	* 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 Andrew Wilson

* Present

At the commencement of the meeting, prayers were led by the Reverend Dr Anne Gell of St Peters Church, Wrecclesham.

47. MINUTES

The Minutes of the Meeting of the Council held on 15 December 2009 were confirmed and signed subject to the addition of Councillors Inman and Pritchard to the list of those present.

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Jean Arrick, the Deputy Mayor, Mrs Lucinda Fleming, Michael Goodridge, Tony Gordon-Smith, Mrs Gill Hargreaves, Julian Hubble, Ms Denise Le Gal, Stephen O'Grady, Steve Renshaw and Andrew Thorp.

49. DISCLOSURE OF INTERESTS

The Mayor reminded councillors that if they were a Waverley representative on a body, they would only need to declare an interest if they intended to speak about the organisation in either the budget or community partnership grants items.

Cllr Stuart Connolly declared a personal and prejudicial interest Minute No. 189 of the Executive meeting on 2 February 2010 as a member of Godalming Town Council and withdrew from the meeting during discussions on this item.

The following members declared personal interests in advance of and during the meeting:-

Cllr Mrs Carole King and Cllr Dr Nicky Lee	Item 8 - Appendix A.1 Budget Monitoring	As Waverley representatives on Haslemere Hall
Cllrs Peter and Tom Martin	Minute No. 189 Executive 02.02.10	As members of Godalming Town Council
Cllr Robert Knowles and Cllr Dr Nicky Lee	Agenda Item 7 Notice of Motion	As members of the League of Friends of Haslemere Hospital
Cllr Mrs Celia Savage	Agenda Item 7 Notice of Motion	As a member of the Cranleigh Health Watch
Cllr Mrs Diane James	Agenda Item 7 Notice of Motion	As Chair of the Health Scrutiny Committee
Cllrs Ken Reed and Mrs Celia Savage	Budget covering part-funding of Cranleigh co-ordinator	As members of Cranleigh Initiative
Cllr Peter Isherwood	Budget Items	As the Waverley representative on the Hoppa Board
Cllr Roger Steel	Minute No. 167 Executive 02.02.10 Community Grants	As his wife is the founder and a trustee of the charity 'Talk'
Cllr John Savage	Minute No. 167 Executive 02.02.10	As a Waverley representative on the Cranleigh Arts Centre

Community Grants

Cllr Richard Gates	Minute No. 167 - Executive 02.02.10 - Community Grants	As Treasurer of Bramley Age Concern
Cllr Victor Duckett	Minute No. 167 - Executive 02.02.10 - Community Grants	As a friend of The Clockhouse Day Centre, a Waverley representative on the Surrey Heathland Project and a prejudicial interest because his partner is the Chair of Trustees of 40 Degreez.
Cllr Ms Jane Thomson	Council Agenda Items 9 a (i) and (ii)	As a member of Godalming Town Council.
Cllr David Munro	Council Minute No. 52 - Motion	As Chairman of Surrey County Council Health Scrutiny Committee.

50. MAYOR'S ANNOUNCEMENTS

The Mayor congratulated the Waverley Team for their success in the pancake race in Guildford earlier in the day. She also gave congratulations to Waverley for receiving an award from the Federation of Small Businesses.

Councillors were informed that they would soon be receiving an electronic questionnaire seeking their views on member support and committee services. All members were encouraged to respond.

The Council was informed that a Special Council Meeting would take place on Monday 12 April 2010 to sign a Bond of Friendship with the Princess of Wales's Royal Regiment. The signing would be shared also with the three Town Councils of Farnham, Godalming and Haslemere, as well as with Cranleigh Parish Council.

The Mayor announced that her Charity Ball would be held on Friday 7 May at Farnham Castle and that a Choir Remix would be performing in the Borough Hall on 24 March 2010. Both events would be raising money for her charity, Woodlarks Campsite.

It was also reported that for future meetings of the Council, the informal question time session would be the first item on the agenda and the meetings would now start at 6.45 p.m.

51. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question to the Mayor had been received from Mr Hyman of Farnham in accordance with Procedure Rule 10:-

"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"

The Portfolio Holder for Planning, Cllr Richard Gates, responded as follows:-

"Dear Mr Hyman, thank you for your question. The short answer is no.

The so-called IROPI test is only triggered at the end of a four-stage process of evaluation of a particular development project. If, at the first, screening stage, a proposal includes adequate mitigation measures (eg SANG agreed as appropriate by Natural England) that ensure there is no significant effect on an SPA, then it will not have to undergo an assessment under the Habitat Directive/Regulations.

Stages two and three involve, respectively, an appropriate assessment and consideration of alternative sites. Only if a development would have an adverse impact on the integrity of an SPA, and there are no alternative sites, will a further stage be appropriate. This involves an assessment of compensatory measures and consideration of whether the scheme should be allowed, on the grounds of imperative reasons of overriding public interest (IROPI)

Unless the reasons put forward in favour of the scheme relate to human health, public safety, or a benefit of primary importance for the environment, an opinion from the European Commission is required in each case. The grant of consent to a project on IROPI grounds is therefore typically restricted to very large-scale transport, industrial or

other infrastructure projects.

In relation to housing development in the Council's area, it is difficult to envisage a situation where IROPI considerations will arise for determination.

In any event, even if development could be undertaken without mitigation, it is clearly better to provide mitigation. The Council's chosen route is to provide such mitigation."

52. MOTIONS (Agenda Item 7)

The following notice of motion was received from Councillor Robert Knowles in accordance with Procedure Rule 12.1:-

"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), it was agreed that it was convenient and conducive to the despatch of business, to allow the motion to be dealt with at the meeting.

Councillors were very supportive of the motion and agreed that it was appropriate to summon the Chief Executive of the Primary Care Trust to the Council to explain the future provision of community bedspaces in the Borough and why Waverley had not been consulted on the changes which had been recently announced, and the motion was passed nem con.

53. BUDGET 2010/2011 (Appendices A.1 - A.6)

The Chairman of the Executive presented the reports at Appendix A to the agenda, and in connection therewith, both the Chairman of the Executive and the Portfolio Holder for Finance delivered Budget Statements to the Council, copies of which are attached as Annexe 1 to these minutes. These were followed by statements from the Deputy Leader of the Independent Group and the Leader of the Liberal Democrat Group.

During his speech, the Chairman of the Executive took the opportunity to advise the Council that he would be standing down as Leader of the Council at the end of the Council year and that this would be his final budget speech.

53.1 Budget Monitoring December 2009 (Appendix A.1)

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

RESOLVED that the report of the Executive at Appendix A.1 be approved and the recommendations contained therein adopted.

53.2 General Fund Revenue Estimates 2010/2011 (Appendix A.2)

It was moved by the Chairman of the Executive and duly seconded that the report of the Executive at Appendix A.2 be approved and adopted.

(i) Amendment to Recommendations 2-9

It was moved and duly seconded that recommendations 2 - 9 be deleted and the following inserted in their place:-

"that this Council refers the proposed budget back to the Executive so that they can consider the practicability of producing a zero increase in Council Tax based on the use of either existing Reserves, a reduction in planned new corporate expenditure; or a combination of the two".

Upon being put to the vote, the amendment was LOST.

RESOLVED that the report of the Executive at Appendix A.2 be approved and the recommendations contained therein adopted.

53.3 General Fund Capital Programme 2010/2011 (Appendix A.3)

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

RESOLVED that the report of the Executive at Appendix A.3 be approved and the recommendations contained therein adopted.

53.4 Housing Revenue Account Revenue Estimates 2010/2011 (Appendix A.4)

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

RESOLVED that the report of the Executive at Appendix A.4 be approved and the recommendations contained therein adopted.

(Councillors Reed, Savage and Mrs Savage asked that their votes against recommendation 19 be recorded.)

53.5 Housing Revenue Account Capital Programme and Social Housing Grant 2010/2011 (Appendix A.5)

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

RESOLVED that the report of the Executive at Appendix A.5 be approved and the recommendations contained therein adopted.

53.6 Council Tax Setting 2010/2011 (Appendix A.6)

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

RESOLVED that

1. The following amounts having been calculated by the Council for the year 2010/2011 in accordance with the Regulations made under

Section 33 (5) of the Local Government Finance Act 1992 be approved:

- (a) 54,460.3 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) as its Council Tax Base for the year;

(b) Part of the Council's area – Tax Base Band D Equivalents

Alfold	482.3	being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.
Bramley	1,713.4	
Busbridge	434.5	
Chiddingfold	1,378.2	
Churt	653.7	
Cranleigh	5,267.6	
Dockenfield	222.3	
Dunsfold	539.7	
Elstead	1,239.2	
Ewhurst	1,200.1	
Farnham	17,155.1	
Frensham	831.2	
Godalming	9,057.4	
Hambledon	437.6	
Hascombe	165.6	
Haslemere	7,600.7	
Peper Harow	97.7	
Thursley	357.3	
Tilford	349.9	
Witley	3,513.5	
Wonersh	1,763.3	

2. The following amounts have been calculated for the Council for 2010/2011 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

- (a) £61,733,766 being the aggregate of the amounts that the Council estimates for the items set out in Section 32 (2) (a) to (e) of the Act;
- (b) £44,475,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act;
- (c) £17,258,766 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32 (4) of the Act, as its budget requirement for the year;
- (d) £6,141,209 being the aggregate of the sums that will be payable for the year into the Council's General

Fund in respect of redistributed non-domestic rates and revenue support grant, increased by the amount of the sum which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax surplus).

- (e) £204.12 being the amount at (c) above less the amount at (d) above, all divided by the amount at 23.1(a) above, calculated by the Council in accordance with Section 33 (1) of the Act and rounded for administrative purposes, as the basic amount of its Council Tax for the year;
- (f) £2,298,766 being the aggregate amount of all special items referred to in Section 34 (1) of the Act;
- (g) £161.91 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount at 23.1 (a) above, calculated by the Council in accordance with the Section 34 (2) of the Act and rounded for administrative purposes, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) Part of Council's area

	£	
Alfold	213.02	being the amounts given by adding to the amount at (g) above the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 23.1 (b) above calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
Bramley	183.68	
Busbridge	182.62	
Chiddingfold	220.43	
Churt	206.22	
Cranleigh	207.54	
Dockenfield	177.32	
Dunsfold	207.31	
Elstead	182.51	
Ewhurst	210.86	
Farnham	212.97	
Frensham	200.41	
Godalming	210.35	
Hambledon	184.02	
Hascombe	205.39	
Haslemere	189.04	
Peper Harow	167.03	
Thursley	187.10	
Tilford	217.64	
Witley	199.57	
Wonersh	181.52	

(i) Valuation Bands

<u>Part of the Council's Area</u>	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Alfold	142.01	165.68	189.35	213.02	260.36	307.70	355.03	426.04
Bramley	122.45	142.86	163.27	183.68	224.50	265.32	306.13	367.36
Busbridge	121.75	142.04	162.33	182.62	223.20	263.78	304.37	365.24
Chiddingfold	146.95	171.45	195.94	220.43	269.41	318.40	367.38	440.86
Churt	137.48	160.39	183.31	206.22	252.05	297.87	343.70	412.44
Cranleigh	138.36	161.42	184.48	207.54	253.66	299.78	345.90	415.08
Dockenfield	118.21	137.92	157.62	177.32	216.72	256.13	295.53	354.64
Dunstable	138.21	161.24	184.28	207.31	253.38	299.45	345.52	414.62
Elstead	121.67	141.95	162.23	182.51	223.07	263.63	304.18	365.02
Ewhurst	140.57	164.00	187.43	210.86	257.72	304.58	351.43	421.72
Farnham	141.98	165.64	189.31	212.97	260.30	307.62	354.95	425.94
Frensham	133.61	155.87	178.14	200.41	244.95	289.48	334.02	400.82
Godalming	140.23	163.61	186.98	210.35	257.09	303.84	350.58	420.70
Hambledon	122.68	143.13	163.57	184.02	224.91	265.81	306.70	368.04
Hascombe	136.93	159.75	182.57	205.39	251.03	296.67	342.32	410.78
Haslemere	126.03	147.03	168.04	189.04	231.05	273.06	315.07	378.08
Peper Harow	111.35	129.91	148.47	167.03	204.15	241.27	278.38	334.06
Thursley	124.73	145.52	166.31	187.10	228.68	270.26	311.83	374.20
Tilford	145.09	169.28	193.46	217.64	266.00	314.37	362.73	435.28
Witley	133.05	155.22	177.40	199.57	243.92	288.27	332.62	399.14
Wonersh	121.01	141.18	161.35	181.52	221.86	262.20	302.53	363.04

being the amounts given by multiplying the amounts at (g) and (h) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation

band D, calculated by the Council, in accordance with Section 36 (1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. That it be noted that for 2010/2011 the Surrey County Council and the Surrey Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below.

	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
S.C.C.	744.24	868.28	992.32	1,116.36	1,364.44	1,612.52	1,860.60	2,232.72
Surrey Police	132.36	154.42	176.48	198.54	242.66	286.78	330.90	397.08

4. That, having calculated the aggregate in each case of the amounts at 23.2 (i) and 23.3 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the financial year commencing on 1st April 2010 for each of the categories of dwellings shown below:-

<u>Part of the Council's Area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Alfold	1,018.61	1,188.38	1,358.15	1,527.92	1,867.46	2,207.00	2,546.53	3,055.84
Bramley	999.05	1,165.56	1,332.07	1,498.58	1,831.60	2,164.62	2,497.63	2,997.16
Busbridge	998.35	1,164.74	1,331.13	1,497.52	1,830.30	2,163.08	2,495.87	2,995.04
Chiddingfold	1,023.55	1,194.15	1,364.74	1,535.33	1,876.51	2,217.70	2,558.88	3,071.56
Churt	1,014.08	1,183.09	1,352.11	1,521.12	1,859.15	2,197.17	2,535.20	3,042.24
Cranleigh	1,014.96	1,184.12	1,353.28	1,522.44	1,860.76	2,199.08	2,537.40	3,044.88
Dockenfield	994.81	1,160.62	1,326.42	1,492.22	1,823.82	2,155.43	2,487.03	2,984.44
Dunsfold	1,014.81	1,183.94	1,353.08	1,522.21	1,860.48	2,198.75	2,537.02	3,044.42
Elstead	998.27	1,164.65	1,331.03	1,497.41	1,830.17	2,162.93	2,495.68	2,994.82
Ewhurst	1,017.17	1,186.70	1,356.23	1,525.76	1,864.82	2,203.88	2,542.93	3,051.52
Farnham	1,018.58	1,188.34	1,358.11	1,527.87	1,867.40	2,206.92	2,546.45	3,055.74
Frensham	1,010.21	1,178.57	1,346.94	1,515.31	1,852.05	2,188.78	2,525.52	3,030.62
Godalming	1,016.83	1,186.31	1,355.78	1,525.25	1,864.19	2,203.14	2,542.08	3,050.50

Hambledon	999.28	1,165.83	1,332.37	1,498.92	1,832.01	2,165.11	2,498.20	2,997.84
Hascombe	1,013.53	1,182.45	1,351.37	1,520.29	1,858.13	2,195.97	2,533.82	3,040.58
Haslemere	1,002.63	1,169.73	1,336.84	1,503.94	1,838.15	2,172.36	2,506.57	3,007.88
Peper Harow	987.95	1,152.61	1,317.27	1,481.93	1,811.25	2,140.57	2,469.88	2,963.86
Thursley	1,001.33	1,168.22	1,335.11	1,502.00	1,835.78	2,169.56	2,503.33	3,004.00
Tilford	1,021.69	1,191.98	1,362.26	1,532.54	1,873.10	2,213.67	2,554.23	3,065.08
Witley	1,009.65	1,177.92	1,346.20	1,514.47	1,851.02	2,187.57	2,524.12	3,028.94
Wonersh	997.61	1,163.88	1,330.15	1,496.42	1,828.96	2,161.50	2,494.03	2,992.84

54. MINUTES OF THE EXECUTIVE

54.1 Meeting of 5 January 2010

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

RESOLVED that the Minutes of the Meeting of the Executive held on 5 January 2010 be approved.

54.2 Meeting of 2 February 2010

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 2 February 2010 be approved and adopted.

(i) Community Partnership Fund Grants

Councillor Duckett asked that his abstention on recommendations 59 and 60 be recorded.

(ii) Revising the Council's Social Housing Tenancy Agreement - Minute No. 171

Cllr Sam Pritchard asked that his vote against Recommendation 68 be recorded.

(iii) Minute No. 189 - Devolution of Property to Godalming Town Council and Farnham Town Council

Cllr Stuart Connolly withdrew from the meeting during discussions on this item.

RESOLVED that the Minutes of the Meeting of the Executive held on 2 February 2010 be approved and the recommendations contained therein adopted.

55. CONTINUATION OF MEETING

During consideration of the above minutes, at 9.40 p.m. it was proposed by the Mayor in accordance with Procedure Rule 9, and agreed by the Council that the meeting should continue until all business on the agenda had been concluded.

56. 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 9 February 2010 be approved.

The meeting concluded at 10.14 p.m.

Mayor