

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 2 MARCH 2010

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2010

(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 attended the meeting and spoke on Agenda Items 6, 8 and 13  
(Minute Nos 205, 207 and 211 refer)

Cllr Mrs Diane James attended and spoke on Agenda Items 8, 13, 15 and 16 (Minute  
Nos. 207, 211, 213 and 214 refer)

196. MINUTES (Agenda Item 2)

The Minutes of the Meeting of the Executive held on 2 February 2010 were confirmed and signed.

197. APOLOGIES FOR ABSENCE (Agenda Item 3)

Apologies for absence were received from Cllr Mike Band, Cllr Ms Denise Le Gal and Cllr Stefan Reynolds.

198. DISCLOSURE OF INTERESTS (Agenda Item 4)

Cllr John Sandy declared a personal interest in Agenda Item 18 as his wife was Chairman of Milford Village Hall Committee.

199. QUESTIONS (Agenda Item 5)

In accordance with Procedure Rule 10, Mrs Sandars of Farnham had submitted the following question:-

"We have been hearing from various sources that, instead of the 2013 start date for the East Street scheme, put to a recent meeting of Farnham Town Council in a presentation from Mr Greg Vincent of Crest Nicholson, there is now an expectation of a start on site during 2011. This brings into more urgent focus the question of parking provision for the duration of the construction and the start date for the new Riverside Car Parking facility and also the question of re-provisioning of the Brightwell Tennis Club. So, I'd be grateful if the Leader or Portfolio Holder could tell me when work will start on these two facilities and also when it is expected to be completed?"

The Leader of the Council responded as follows:-

"The situation regarding the commencement date for the East Street scheme remains unchanged. A date for possible commencement has been set for January 2011 but this is dependent on market circumstances. As part of the ongoing preparations between WBC and Crest Nicholson, a regular test of viability is carried out to determine whether this date can be achieved. In the meantime, preparatory work is going ahead on the assumption that it will.

In the programme of works that has been prepared, no major phases can begin until the Riverside development, which comprises the relocation of the tennis club, and the Riverside car parking facility is completed. The Riverside development will thus be the first phase of any works programme."

### **PART I - RECOMMENDATIONS TO THE COUNCIL**

#### **200. PACKAGE OF CHANGES TO DISABLED FACILITIES GRANTS PROGRAMME (Agenda item 12; Appendix G)**

200.1 Local Authorities are under a duty to provide Disabled Facilities Grants (DFGs) for certain types of property adaptations for the benefit of disabled residents in the area. The Housing Grants, Construction and Regeneration Act 1996 provides a list of the types of adaptations for which a grant is mandatory. This list is reproduced at Annexe 1. These works are mainly to allow access to the home and the facilities within it. Under this Act, mandatory grants were available up to a maximum of £25,000, subject to a test of financial resources in the case of owner-occupier and tenant applications.

200.2 In 2008 the Department of Communities and Local Governments (DCLG) introduced a package of changes. Most of these changes only affect operational procedure and require only minor changes to the application forms and advisory literature. However, the introduction of consent to levy property charges requires a policy decision. The main changes follow:-

##### Increase in Maximum Grant Limit

- The grant limit has been increased from £25,000 to £30,000
- This has been considered necessary to address the increased cost of disabled adaptations and will provide more assistance for people with complex needs, e.g. extensions and major conversions. This will benefit more families with disabled children in particular, as these adaptations tend to be more costly.
- The DCLG intend to keep the grant limit under review.

##### Changes to Tests of Financial Resources

- DFG applicants claiming Council Tax Benefit, Housing Benefit and Tax Credits with income below £15,050 will no longer be required to provide any further financial information. Such case would normally have received 100% grant funding in any case

- Personal allowances and the housing allowance have been increased and the multipliers of excess income have been decreased, thus making the means test more generous.

#### Access to Garden

- Works to facilitate access to and from a garden and to make access to a garden safe for a disabled occupant. This Order makes it clear that works to provide safe access to gardens should be eligible for grant assistance. We may expect to see an increase in demand from this provision.

#### Social Housing Grant Funding

- The element of Social Housing Grant (SHG) spent on disabled adaptations has been redistributed through the central DFG funding. This is to remove anomalies and provide the same access to a Local Authority DFG whether the applicant is a Housing Association tenant, private tenant or owner-occupier.
- In future, SHG will not be used for funding disabled adaptations and all funding will go through the DFG allocation process.

#### Removal of the 60:40 Funding Split

- Local Authorities are no longer required to match DCLG funding with funding from their own resources. Local Authorities now receive a DFG allocation without a specified requirement to match this funding.
- The Specified Capital Grant (SCG) has remained at £252,000 from 2008-09 to 2010-11. The total DFG allocation in the Capital Programme for 2010-11 is £350,000.

#### Relaxing the DFG Ring Fence

- The DCLG intend to remove the ring fence completely from 2010-11. This will be piloted for 18 months in a number of different Local Authorities and evaluated before full implementation.
- This will allow Local Authorities to use DFG funding for more flexible, cost effective and quicker solutions than a formal DFG allows.
- Examples of this flexible approach are the provision of urgent small-scale adaptations (such as works to enable hospital discharges) or payment of architects' and other fees to enable a grant application to be put together.
- It is recommended that funding through this route is limited to £5,000 and made available only to clients in receipt of a passporting benefit.

#### Property Charges for Owner Occupiers

- Local Authorities now have a discretionary power to place a limited charge on an owner-occupied property adapted under a DFG. Tests are prescribed before a repayment, in whole or in part, is applied – up to a maximum of £10,000.
- It is expected that Local Authorities will recycle the funds recovered into their DFG programme.
- These changes have been reviewed by Housing Officers in other Surrey Local Authorities. Attached in Annexe 2 is an assessment of the new power and a recommendation of a system for the Council to adopt. It is considered that the Head of Environmental Health should be given delegated authority to operate the property charge system.

200.3 The Community Overview and Scrutiny Committee noted the report and supported the recommendations as set out below.

200.4 The Executive endorsed the changes set out in the report and accordingly

**RECOMMENDS that**

69. **the Head of Environmental Health and the Environmental Health Manager be given delegated authority to approve payments of up to £5,000 for urgent adaptations and fees associated with disabled adaptations using capital funding for DFGs;**
70. **the Council introduce the property charge system for DFGs as set out in Annexe 2 of the agenda report;**
71. **the Head of Environmental Health and the Environmental Health Manager be given delegated authority to operate the property charge system for DFGs; and**
72. **the policy setting out the property charge system for DFGs be included in the revised Home Improvement Policy.**

Background Papers

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

201. SAFEGUARDING CHILDREN (Agenda Item 17; Appendix L)

201.1 In 2003, the Government published the Green Paper '*Every Child Matters*'. This was associated with its response to the Victoria Climbié Inquiry Report, which recommended the need for a change in way local authorities and other agencies are organised to deal adequately with children's services. The Green Paper proposed changes to maximise opportunities and minimise risks for all children and young people. The focus was around the needs of all children, young people and families to improve the outcomes and close the gap between the disadvantaged and those who are not.

201.2 '*Every Child Matters*' identified five outcomes as central to the well-being of children and young people:

1. physical and mental health and emotional well-being - "to be healthy"
2. protection from harm and neglect - "to stay safe"
3. education, training and recreation - "to enjoy and achieve"
4. the contribution made by them to society - "to make a positive contribution"
5. social and economic well-being - "to achieve economic well-being"

201.3 The Children Act 2004 created a clear accountability for children's services, to enable improved joint working between agencies and secure a greater focus on safeguarding children. The Act established a better basis for the integrated planning, commissioning and delivery of children's services and

confers duties and district and borough councils. Some of the main requirements under the Act relevant to Waverley are detailed in Annexe 3.

- 201.4 These duties relate to children and young people from birth to age of 18, or 25 if the young person has a learning difficulty or other disability. Where 'children' are referred to in this report it includes any child or young person within this age range.
- 201.5 This is relevant to Waverley because, although the prime responsibility for looking after children lies with Surrey County Council – as a Social Services and Education Authority – other public bodies come into contact with children and families. The Children Act makes clear that public authorities should work together to look after the needs of children. In particular, we all have responsibilities to ensure that children are protected from abuse, harm and/or neglect.
- 201.6 Waverley provides a range of services and has contact with children and families in a variety of ways and through the services it provides for example:
- Leisure centres, play areas, sports grounds
  - Disabled Facilities Grants for families with disabled children
  - Museum of Farnham
  - Dealing with Homeless families
  - Visiting peoples homes – e.g. planning, environmental health, housing, building control staff
- 201.7 From time to time councillors, staff or contractors may come across situations where it may appear that a child is being abused, harmed or neglected. Whilst these may be rare occasions, it is important that people understand it is our duty to think carefully about what they have seen and, if they feel uncomfortable or worried about the situation, to know that Waverley as an organisation would expect and support the councillor, staff or contractor to report the matter onto Surrey County Council so that it can be properly assessed. It is important to develop a culture to support the safeguarding of children.
- 201.8 During the past year there have been a small number of referrals (4) to Social Services, which have been followed up and support provided to the families concerned.
- 201.9 To promote the 'Every Child Matters' agenda, at an organisational level, a number of arrangements have been put in place to promote keeping children safe, develop awareness of the issues, and provide a structure to what we do.
- 201.10 As Portfolio-holder for Children, Young People and Community Safety, Cllr Mrs Carole King, is the designated lead councillor for safeguarding children.
- 201.11 The Chief Executive, Mary Orton, has taken the lead responsibility for safeguarding children and is the 'designated lead officer' for this area of work.

- 201.12 An officer working group has been established designated as the 'Waverley Children and Vulnerable Adults Safeguarding Board'. All Heads of Service and members of staff with a particular remit for working with children or providing services (directly or through contractors) are members of the Board, which meets bi-monthly.
- 201.13 In order to support the Chief Executive, the Head of Housing, John Swanton, has been asked to Chair and lead the Waverley Children and Vulnerable Adults Safeguarding Board.
- 201.14 Waverley has a robust approach to ensuring that staff (and applicants for posts) who have contact with children or access to sensitive records have enhanced Criminal Records Bureau (CRB) checks. All posts have been reviewed in detail against the CRB criteria in the last year, and are now revisited by Heads of Service on a quarterly basis.
- 201.15 In 2007, the Council adopted a Safeguarding Children Policy – copies of this and the summary document are available in the Members Room. More recently (in January 2010), the Executive approved a Youth Strategy for Waverley, which aligns with the developing Surrey Children and Young People's Plan.
- 201.16 Relevant contractors are required, as part of their contract conditions, to have in place appropriate policies and procedures for safeguarding children. These are reviewed as part of the regular contract monitoring meetings.
- 201.17 There is an awareness raising programme for all staff including posters around the Council's buildings, and regular reminders through cascade briefings and other communication methods. Formal training is given to new staff at induction; and for those staff who have more contact with children, there is further training, as appropriate. Waverley also has access to the specialised Surrey Safeguarding Children's Board training programme.
- 201.18 Where the Council awards grants to organisations working with children and young people, it expects such organisations to have robust policies and procedures to cover child protection issues. Organisations that cannot evidence such policies and procedures will not be awarded grant-aid.
- 201.19 From July 2010, new entrants to the workforce and those changing jobs can apply for Independent Safeguarding Authority (ISA) registration. It will be an offence for employers to employ people who are not registered with the ISA who are in regulated or controlled positions.
- 201.20 Regulated Positions include:
- teaching, training or instruction, care or supervision of children or vulnerable adults;
  - advice or guidance for children or vulnerable adults;
  - activity which involves on a regular basis the day-to-day management or supervision of a person carrying out the activities above is also regulated activity.

201.21 Controlled Activity - covers individuals working for specified organisations (eg local authorities) who have frequent access to sensitive records about children and vulnerable adults.

201.22 From November 2010 it will be mandatory for new staff to have ISA registration before they start new posts. From April 2011, the existing workforce will be phased into this scheme.

201.23 Surrey County Council has the prime responsibility for safeguarding children and Waverley is an active partner in its arrangements for this area of work. Last year the County Council launched its new arrangements for co-ordinating services for children and established the Surrey Alliance for Children, Young People and Families. The structures are still bedding-down and developing.

201.24 The table below shows which councillors and officers from Waverley are members of the groups representing the Council, or other related interests.

|   |   |
|---|---|
| Surrey Alliance for Children, Young People and Families - <b>Assembly</b>   | Cllr Carole King, Portfolio-holder<br>John Swanton, Head of Housing<br>Kelvin Mills, Head of Leisure                |
| Surrey Alliance for Children, Young People and Families - <b>Strategic Forum</b> . This is in effect Surrey's Children's Trust. | John Swanton, Head of Housing   |
| South West Surrey (Guildford and Waverley) Children's Alliance - <b>Area Executive</b>  | John Swanton, Head of Housing - representing WBC  |
| South West Surrey Children's Alliance - <b>Forum</b>  | John Swanton, Head of Housing<br>Kelvin Mills, Head of Leisure<br>Katie Webb, Community Development Officer (Youth) |
| Surrey Children's <b>Safeguarding Board</b>   | Kelvin Mills, Head of Leisure   |

201.25 The Surrey Children and Young People's Plan is the framework document which sets out the main priorities for the Surrey area and its actions and outcomes are 'owned' by all the partners. A new Plan for 2010 and onwards is currently being developed. A copy of the existing Plan is available in the Members' Room.

201.26 There are no resource implications directly arising from this report. However, resources are expended in relation to seeking CRB checks (c£36 per person) and in future registration with the ISA (£64 per person). Resources are also expended in relation to training, though some of this is paid for by partner organisations. Each Borough and District Council makes a contribution of £1,000 to the Surrey Safeguarding Children Board.

201.27 The Executive

**RECOMMENDS that the Council**

73. affirms its commitment to safeguarding children;
74. confirms that:
- the Portfolio-holder for Children, Young People and Community Safety, Cllr Mrs Carole King, is the lead councillor for safeguarding children; and
  - the Chief Executive, Mary Orton, is the Council's named lead officer for safeguarding children; and that the Head of Housing, John Swanton, acts as deputy in this area;
75. endorses the work being undertaken by the Council to help keep children safe, and will actively support colleagues, staff and contractors where they believe there is a need to make a referral to Social Services; and
76. supports the work of the Surrey Children's, Young People and Families Alliance.

Background Papers

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

202. COMMUNITY DEVELOPMENT WORKER (Agenda Item 24; (Exempt) Appendix P)

The Executive has considered a report on this matter. The report is attached as (Exempt) Annexe 4. The Executive accordingly

**RECOMMENDS that**

77. the recommendations set out in (Exempt) Annexe 4 be approved.

203. ASSET MANAGEMENT TECHNICAL OFFICER (Agenda Item 25; (Exempt) Appendix Q)

The Executive has considered a report on this matter. The report is attached as (Exempt) Annexe 5. The Executive accordingly

**RECOMMENDS that**

78. the recommendation set out in (Exempt) Annexe 5 be approved.

204. REDUNDANCY PAYMENTS – LOCALITY OFFICES (Agenda Item 26; (Exempt) Appendix R)

The Executive has considered a report on this matter. The report is attached as (Exempt) Annexe 6. Following the Executive meeting, this decision was called in for scrutiny by the Corporate Overview and Scrutiny Committee in



conjunction with the report on the Locality Offices. The Committee endorsed the Executive's decision which stands accordingly. The Executive now

**RECOMMENDS that**

79. the recommendation to delete the seven posts from the establishment as out in (Exempt) Annexe 6 be approved.

**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**

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

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted, subject to Foresight@Waverley being clarified as Foresight@Waverley Service Improvement.

206. BUDGET MONITORING – JANUARY 2010 (Agenda Item 7; Appendix B)

RESOLVED that

1. the position as at 31 January 2010 be noted; and
2. the Budget continue to be monitored closely during the remainder of 2009/10.

207. DISCUSSION PAPER – THE FUTURE SHAPE OF THE RECYCLING AND WASTE SERVICE IN WAVERLEY (Agenda Item 8; Appendix C)

RESOLVED that

1. officers be requested to make arrangements for an all-member conference on recycling and waste services, in consultation with the portfolio holder for the Environment; and
2. the Leader, Deputy Leader in the capacity as Portfolio Holder for Finance and Portfolio Holder for the Environment be delegated to consider the contractual issues involved in the future delivery of our service and to report back to the Executive in due course.

208. SERVICE PLAN ACTION PLANS (Agenda Item 9; Appendix D)

RESOLVED that

1. the Action Plans for 2010/11 be endorsed, subject to the addition of the Carbon Management targets for all services outlined at Annexe 2, in support of Waverley's commitment to reducing its carbon emissions; and

Executive 140  
02.03.10

2. officers be invited to respond to the observations of the joint Overview and Scrutiny Committees at Annexe 1.

209. CORPORATE PLAN 2008-11 PROGRESS REPORT (Agenda Item 10; Appendix E)

RESOLVED that

1. the Executive receive the report and record its congratulations to Sarah McLaren and Sarah Hadland for the excellent work undertaken;
2. Members recognise the excellent progress made so far across the Corporate Plan targets; and
3. officers report back to the Executive on the small number of outstanding matters.

210. FRENSHAM PARKING AND KIOSK – NEW ARRANGEMENTS FROM EASTER 2010 (Agenda Item 11; Appendix F)

RESOLVED that

1. the proposed new arrangements be agreed, including the extension to parking charges; and
2. officers be authorised to put in place new arrangements and negotiate the new kiosk lease.

211. WAVERLEY'S LOCALITY OFFICES (Agenda Item 13; Appendix H)

RESOLVED that

1. the revised operational arrangements for the provision of locality offices at Cranleigh and Haslemere be approved; and
2. a review of the effectiveness of the revised arrangements for Haslemere and Cranleigh be undertaken in December 2010.

[NB. After the Executive meeting, four members of the Corporate Overview and Scrutiny Committee called in this decision for scrutiny. Having considered the matter at its meeting on 16 March 2010, the Committee endorsed the Executive decision but made observations.]

212. REQUEST FOR WAIVER TO CONTRACT PROCEDURE RULES (Agenda Item 14; Appendix I)

RESOLVED that the Executive has agreed that a waiver of CPRs in accordance with CPR W101 be granted to allow officers to further extend the two contracts for internal audit resources for an additional year beyond the three years allowed in CPR Q101 (a).

213. REVIEW OF CHARGING FOR PRE-APPLICATION ADVICE (Agenda Item 15; Appendix J)

RESOLVED that

1. the system of charging for pre-application advice be continued;
2. from 1 April 2010, affordable housing, the Council's own development and applications from local businesses be subject to pre-application charging on the basis of a concessionary rate of 15% off the normal tariff;
3. from 1 April 2010, the charge for written enquiries for significant proposals should be raised to £900 for each enquiry to include 3 stages of enquiry each at a rate of £300 (as set out in Annexe 3 of the agenda report);
4. from 1 April 2010, the target timescales for written enquiries should be set at 80% of enquiries to be agreed within the relevant approved timescales (as set out in Annexe 3). Officers shall retain discretion, as at present, to negotiate a mutually acceptable alternative timescale with customers if appropriate; and
5. advice on Listed Buildings and Validation should continue to be provided without charge.

214. PROPOSED ADDITIONS TO THE LOCAL LIST OF HISTORIC BUILDINGS (Agenda Item 16; Appendix K)

RESOLVED that a Local Listing Review Panel be set up to assess the proposed lists as they are produced.

215. LEASE OF HEATH END RECREATION GROUND, UPPER WEYBOURNE LANE, FARNHAM (Agenda Item 18; Appendix M)

*[This item contains exempt information by virtue of which the public is likely to be excluded. The information is as specified in paragraph 3 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-*

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

RESOLVED that, subject to the provisions of Section 123(2A) of the Local Government Act 1972, Heath End Recreation Ground be leased to Weybourne Football Club for a period of ten years, on the terms and conditions set out in the (Exempt) Annexe, other terms and conditions to be negotiated with the Estates and Valuation Manager.

216. EASEMENT OF ACCESS TO PROPOSED DWELLING, REAR OF POPLARS, PORTSMOUTH ROAD, MILFORD (Agenda Item 19; Appendix N)

*[This item contains exempt information by virtue of which the public is likely to be excluded. The information is as specified in paragraph 3 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-*

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

RESOLVED that an easement of access be granted to benefit the land rear of Poplars on terms and conditions as set out in the (Exempt) Annexe, other terms and conditions to be agreed by the Estates and Valuation Manager.

217. MEMBERS' ALLOWANCES SCHEME (Agenda Item 20)

RESOLVED that the current Members' Allowance Scheme continue at the present levels for the 2010/11 financial year.

218. ACTION TAKEN SINCE LAST MEETING (Agenda Item 21)

The action taken by the Chief Executive after consultation with the Chairman and Vice-Chairman since the last meeting was noted.

219. OUTSTANDING DEBTS WRITE-OFF FOR DECISION (Agenda Item 22; Appendix O)

RESOLVED that, using its powers under the Financial Regulations, the sum of £184, 215.16 be written off by the Executive as irrecoverable bad debts.

The meeting commenced at 6.45 p.m. and concluded at 8.17 p.m.

Chairman