

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 6 SEPTEMBER 2011

SUBMITTED TO THE COUNCIL MEETING – 11 OCTOBER 2011

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

- |                                  |                          |
|----------------------------------|--------------------------|
| * Cllr Robert Knowles (Chairman) | * Cllr Stephen O’Grady   |
| * Cllr Mike Band (Vice-Chairman) | * Cllr Stefan Reynolds   |
| Cllr Carole King                 | Cllr Roger Steel         |
| Cllr Bryn Morgan                 | * Cllr Adam Taylor-Smith |
| * Cllr David Munro               | Cllr Keith Webster       |
|                                  | * Present                |

46. MINUTES (Agenda Item 2)

The Minutes of the Meeting of the Executive held on 5 July 2011 and of the Special Meeting held on 30 August 2011 were confirmed and signed.

47. APOLOGIES FOR ABSENCE (Agenda Item 3)

Apologies for absence were received from Cllrs Carole King, Bryn Morgan, Roger Steel and Keith Webster.

48. DISCLOSURE OF INTERESTS (Agenda Item 4)

There were no interests raised under this heading.

**PART I - RECOMMENDATIONS TO THE COUNCIL**

49. TENANCY VARIATION FOR SOLAR PV PANEL PROJECT (Agenda Item 11; Appendix F)

49.1 In February 2011 the Council agreed to enter into an arrangement with Savills Solar to install Solar PV Panels to suitable council homes and bungalows. The Council signed an Option Agreement with Savills Solar on 14 June 2011. Savills Solar and Council officers have created a project plan and have been progressing with the preparatory work to establish which properties are suitable and arrange legal documentation. Savills Solar have carried out suitability surveys on 3,049 homes. Design surveys are being carried out over the summer to establish the definitive list of suitable properties.

49.2 Savills Solar will require access to Council properties to install, manage and maintain the systems. The current secure tenancy agreement does not accommodate this arrangement. Therefore a slight amendment to the current tenancy agreement will be required.

49.3 Officers have drafted a Solar Agreement (see Annexe 1) that would be entered into between the Council and the Tenant(s) to facilitate the necessary changes. The Solar Agreement states the tenancy variations and identifies the rights and responsibilities during the Solar PV project. Savills Solar

require tenant(s) to sign the Solar Agreement before installation can start because Savills Solar cannot install PV systems under the terms of their Lease with the Council unless a Solar Agreement has been entered into by the tenant(s).

- 49.4 The main points of the Solar Agreement are:
- to permit the renting of the airspace above the property;
  - for the tenant to allow the installation;
  - for Savills Solar to receive the Feed-In-Tariff; and
  - the repair and maintenance details.
- 49.5 The principal changes to the tenancy agreement are:
- to make the Solar Agreement part of the tenancy agreement;
  - to relinquish the air space;
  - to give Savills Solar rights to enforce the agreement;
  - a requirement not to tamper with or damage the equipment installed;
  - to allow access to repair and maintain the system; and
  - to request permission before carrying out improvements, alterations or additions close to or next to the PV system.
- 49.6 The Council has statutory guidance to follow to vary the tenancy agreement. Officers have served a preliminary notice to vary the tenancy to over 3000 tenants and held a 28 day consultation period. The Council received over 80 written responses from tenants. The majority of responses were either positive (20) or had no comments (27). Officers replied comprehensively to a range of specific enquires (27) advising tenants accordingly and noted the seven tenants who stated they did not wish to be involved in the project.
- 49.7 Officers also received over 100 telephone calls regarding the project and tenancy amendments. Officers provided further advice and clarification regarding the project. Five tenant workshops were held across the borough to advise tenants of the project and discuss any concerns or issues about tenancy changes. Approximately 100 tenants attended and the workshops were positively received.
- 49.8 The Tenants' Panel is satisfied with the consultation arrangements and agrees with the proposed changes. Officers have reviewed the comments received during the consultation period and have found no fundamental issue with the Solar Agreement and tenancy variation.
- 49.9 The next stage will be to serve a formal Notice of Variation (under Section 103 of the Housing Act 1985) to tenants whose properties are suitable for Solar PV Panels and who have signed a Solar Agreement. The Executive now

**RECOMMENDS that**

- 14. the secure tenancy variations held in the Solar Agreement be approved; and**

15. **formal Notice of Variation be served (under Section 103 of the Housing Act 1985) on tenants whose properties are suitable for Solar PV Panel installation.**

Background Papers

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

**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**

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

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted.

51. SCC PROPOSED INTRODUCTION OF ON-STREET PARKING CHARGES IN WAVERLEY (Agenda Item 7; Appendix B)

The Executive noted that the Joint O and S Committee had adjourned the meeting in order to receive further information from Surrey County Council and that the observations from the rearranged meeting would be submitted to the Executive on 4 October 2011.

52. TREASURY MANAGEMENT PERFORMANCE 2011/2012 (Agenda Item 8; Appendix C)

RESOLVED that the Treasury Management Performance for 2011/12 be noted and the approach to Treasury Management activity be endorsed.

53. BUDGET MONITORING – JULY 2011-12 (Agenda Item 9; Appendix D)

RESOLVED that

1. the position as at 31 July 2011 be noted and that no immediate action is required at this stage; and
2. the budget continue to be monitored closely during the remainder of 2011-12.

54. BUILDING CONTROL CHARGES (Agenda Item 10; Appendix E)

RESOLVED that

1. Building Control charges be increased by 10% from 3 October 2011 to £63 per hour; and

2. officers prepare a Business Plan for the Building Control service to achieve a breakeven position for submission to the Executive meeting on 29 November 2011.

55. REVIEW OF TELECOMS AND COMMUNICATION SYSTEMS (Agenda Item 12; Appendix G)

RESOLVED that

1. the report and actions outlined be endorsed; and
2. a further report be brought back to the Executive in November on the options for replacing or upgrading the Council's main telephone system.

56. CENTRAL OFFICES SHARED ACCOMMODATION – SURREY POLICE (Agenda Item 13; Appendix H)

*[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part 1 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 the proposed lease to Surrey Police be agreed, on the terms and conditions as set out in the (Exempt) Annexe to the report, which is in line with the lease already granted to the Police, with any other terms and conditions to be agreed by the Estates and Valuation Manager.

57. PROPERTY MATTERS (Agenda Item 14; Appendix I)

*[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part 1 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).]*

During consideration of this item, the Executive moved into (Exempt) session to receive clarification about the details of one lease and the associated valuation.

RESOLVED that

1. the owners of Benalla and Oakley Lodge be granted a lease of the land outlined on the plan at Annexe 1 to the report;

2. the outbuilding shown coloured black on the plan at Annexe 2 to the report be sold to the owner of 16 Weyhill;
3. authorisation be granted for a surrender of the existing lease to Plascoat UK Limited and a lease of 125 years be granted for Plot 14 Farnham Trading Estate;
4. a lease be granted for the land shown on the plan at Annexe 4 to Rowledge Cricket Club for 41 years;
5. the rent for the tennis courts and pavilion at the Wrecclesham Recreation Ground be agreed, as set out in (Exempt) Annexe 5B to the report, with Waverley's financial contribution being as set out in (Exempt) Annexe 5C;
6. all matters to be subject to the terms and conditions set out in the (Exempt) Annexes and with other terms and conditions being negotiated by the Estates and Valuation Manager; and
7. the thresholds for seeking external valuation advice for both residential and commercial properties be reviewed.

58. ACTION TAKEN SINCE LAST MEETING (Agenda Item 15)

The action taken by the Chief Executive, after consultation with the Chairman and Vice-Chairman since the last meeting, was noted, on the following:-

- i. Woolmer Hill School, Haslemere – Academy Status and new Governing Body
- ii. Confirmation of Membership of Special Interest Groups 2011/2012.

With regard to the membership of the Grants Review SIG, Cllr Munro updated the Executive on the work of the SIG so far which was in the process of preparing its final report for consideration by the Executive at its next meeting. Cllr Munro was pleased with the progress made and reported that the SIG would be putting forward a range of recommendations.

59. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 16)

At 7.02 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 the following item 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 this item 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 3 of the revised Part I of Schedule 12A to the Act, namely:-

Information relating to any individual (paragraph 1); and

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

60. REQUESTS FOR FLEXIBLE RETIREMENT (Agenda Item 17; (Exempt) Appendix J)

RESOLVED that

1. postholders BA03 and BB05 be granted flexible retirement with effect from 3 October 2011, in accordance with the Council's flexible retirement policy; and
2. proposals for achieving budget savings, if any, be reported to the Executive by December 2011.

The meeting commenced at 6.45 p.m. and concluded at 7.12 p.m.

Chairman