

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 27 MARCH 2012

SUBMITTED TO THE COUNCIL MEETING – 17 APRIL 2012

(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 Julia Potts       |
| * Cllr Carole King               | * Cllr Stefan Reynolds   |
| * Cllr Bryn Morgan               | * Cllr Adam Taylor-Smith |
| * Cllr David Munro               | * Cllr Keith Webster     |

\* Present

Cllr Peter Isherwood was also in attendance

170. MINUTES (Agenda Item 2)

The Minutes of the Meeting of the Executive held on 6 March 2012 were confirmed and signed.

171. APOLOGY FOR ABSENCE (Agenda Item 3)

An apology for absence was given for the Chief Executive.

172. DISCLOSURE OF INTERESTS (Agenda Item 4)

There were no interests raised under this heading.

173. QUESTIONS (Agenda Item 5)

The Executive received the following questions in accordance with Procedure Rule 10:-

i. from Mr David Beaman of Farnham

"Could you please advise how much of the £744,530 which Waverley Borough Council has allocated for the forthcoming 2012/2013 financial year for grants to be paid through the Waverley Community Partnership, Waverley Voluntary Grants Panel and Service Level Agreements remains unallocated and advise of the procedure and timing involved of how and when any remaining provisions will be allocated".

The Portfolio Holder for Community Services responded as follows:-

“Because the process of negotiating pilot Service Level Agreements for 2012/13 has not yet been completed, it is not possible to be precise at this stage on how much, if any monies remain unallocated from the nearly three quarters of a million pounds. However, it is likely to be a small amount in comparison with the overall total. In fact when the amount of money is precisely known, I will let Mr Beaman know.

I would envisage that the balance is held as a contingency to cover any unexpected eventualities that arise over the next year. Any draw-down of these funds will of course be subject to the Council's normal decision-making and reporting procedures.

The Waverley Community Partnership fund has now closed and all grants awarded. It is not envisaged that the fund will re-open until the issue is considered as part of the normal budgeting cycle, starting in the Autumn."

ii. from Mr Patrick Haveron of Godalming

"As acknowledged in the draft core strategy which is currently out for public consultation, much of the new housing in Waverley traditionally comes forward on small sites. Assuming that a target of 230 new houses per annum is adopted and that policy CS5 relating to the minimum provision of affordable housing is adopted and taking account of the estimated contribution of windfall sites of 1-4 dwellings in settlements and around villages:-

1) what is the average number of new affordable dwellings per annum which the Council estimates will come forward in any one year in the period from now until 2028; and

2) does this estimate include the anticipated contribution to new affordable housing units from the i) the East Street development in Farnham and ii) the redundant land at Milford Hospital and iii) the Key Site Godalming and if it does include any or all of these sites how many affordable housing units is each of these sites expected to contribute?"

The Portfolio Holder for Housing replied as follows:-

"Mr Haveron. As you say the core strategy is out for consultation and in terms of affordable housing, it sets a framework in which developers can operate. This in turn is subject to the vagaries of the economy, so it is not possible, certainly at this stage, to provide a figure for the number of affordable homes which will come forward on average until 2028. However this Council is committed to the delivery of affordable housing and to this end, the draft core strategy includes new policies for the delivery of social housing on development and rural exception sites.

Currently the local plan policy only requires a contribution towards affordable housing above a threshold, usually this is for 15 or more dwellings. Currently many schemes do not make any contribution to affordable housing at all. The proposed policy CS5 requires a contribution from all schemes where there is a net increase in the number of dwellings and this should lead to an increase in the number of schemes where affordable housing is included. On larger schemes the amount required rises from the current 30% to 40%. The Council is also proposing a new policy for rural exception sites, allowing for an element of market housing to be included if this should be necessary to

ensure the viability of the scheme. These measures should deliver an increase in the overall proportion of affordable housing being delivered.”

## **Part I - Recommendations to the Council**

### **174. TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES** (Agenda Item 17; Appendix L)

- 174.1 The two new Overview and Scrutiny Committees were set up in May 2011, and the existing terms of reference of the Overview and Scrutiny Committees are set out at Annexe 1. It has become apparent since then that the Community Overview and Scrutiny Committee has a very heavy workload, and the Corporate Overview and Scrutiny Committee a significantly lighter workload. This has meant that major changes to Housing, including the new Housing Business Plan, have been included in Community Overview and Scrutiny agenda with many other significant items.
- 174.2 One way of rebalancing this would be to transfer Housing to Corporate O&S. The new Housing funding regime has significant corporate financial implications, and a suggested rebalancing is set out as Annexe 2 as a pilot for the 2012/13 Council year.
- 174.3 Currently the Community Overview and Scrutiny Committee has two representatives from the Tenants’ Panel to represent tenants’ interests. The proposal is that the two members of the Tenants’ Panel will be invited to sit on both of the Overview and Scrutiny Committees because of the impact of services covered by the newly-constituted Community O&S Committee on Council Tenants.
- 174.4 All members are able to attend all meetings and Procedure Rules allow them to give notice to speak on a particular item.
- 174.5 This report has been considered by the Overview and Scrutiny Committees and both Committees supported the proposals. It is intended that the new Committees will be appointed at the Annual Council Meeting in May 2012.
- 174.6 Whilst considering this item, the Executive also asked officers to report to a future meeting on future structures for the Landlord Services Partnership Special Interest Group (SIG).
- 174.7 The Executive now

### **RECOMMENDS that**

- 50. the Terms of Reference of the Overview and Scrutiny Committees be amended to transfer housing into the remit of the Corporate Overview and Scrutiny Committee and the Constitution be amended accordingly.**

Background Papers

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

175. AREA PLANNING COMMITTEES – PROPOSED ADJUSTMENT TO WESTERN/SOUTHERN AREA BOUNDARY (Agenda Item 18; Appendix M)

175.1 Members have proposed adjusting the boundary between Southern and Western Area Planning Committees. Eastern and Central Areas are not affected.

175.2 The objectives of the proposed change are to:

- a) Equalise workloads between the Committees
- b) Reflect the more urban nature of Farnham
- c) Reflect the more rural nature of Frensham, Dockenfield and Tilford ward and Southern area
- d) Offer a larger number of Councillors from which to appoint to Southern Area Planning Committee

175.3 The proposal is that Frensham, Dockenfield and Tilford ward would move from Western Area to Southern Area Planning Committee. This is detailed at Annexe 3. No change would be made to Central or Eastern Area Planning Committees.

175.4 The current membership of both Southern and Western Area Planning Committees, including the numbers of Waverley Councillors in the Wards covered, is detailed at Annexe 4. Proposed new membership of the new Western and Southern Committees is as follows:-

Western membership – Reduce to 14 Members i.e. 13 councillors from the 18 in the Farnham area (plus Chairman or Vice-Chairman)

Southern membership – Retain 11 Members i.e. 10 from 12 now eligible (plus Chairman or Vice-Chairman)

175.5 The proposed changes were submitted to the Western and Southern Area Committees for comment and both supported the proposals. It is suggested that the new Committees are appointed at the Annual Council meeting.

175.6 The Executive

**RECOMMENDS that**

51. **the proposed Southern and Western Area Planning Committee boundary and membership changes be endorsed.**

### Background Papers

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

#### 176. POLICE AND CRIME PANEL – ESTABLISHMENT OF A JOINT COMMITTEE (Agenda Item 19; Appendix N)

176.1 Police and Crime Panels are being introduced in every Police force area to scrutinise the actions and decisions of the Police and Crime Commissioner. Panels will support and challenge the Commissioners in the exercise of their functions, acting as a critical friend. The Panel will not replace police authorities and therefore will not have a role in scrutinising the performance of the force. The Police and Crime Commissioner will carry out this role.

176.2 The Police & Crime Panel (the Panel) must be established before the first election of the Police & Crime Commissioner (PCC), due to take place on 15 November 2012. To allow time for the Panel to appoint co-opted members and for sufficient training to be undertaken prior to the PCC taking office, Councils are being asked to establish the Panel in May 2012 and appoint members. The appointed members will then co-opt members in July 2012 on to the Panel so that all members are able to participate in an induction programme during September and October 2012 before the first formal meeting is held in late October.

176.3 The Panel must be established formally as a Joint Committee of all authorities in the police area and the duty to appoint the Panel falls on these local authorities. Each authority must therefore pass a formal resolution in order to establish the Panel.

176.4 The Panel provides a check and balance against the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of his/her statutory functions. The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC. The Panel will be a scrutiny body and have powers to:

- Require any papers in the PCC's possession (except those that are operationally sensitive)
- Require the PCC (and their staff) to attend the Panel to answer questions;
- Request the Chief Constable to attend to answer questions where the PCC has been required to appear before the Panel;
- Make reports and recommendations on any action or decision of the Commissioner.

176.5 The Act also details the functions that the Panel will exercise as follows:

- Review the draft police and crime plan, or draft variation, given to the panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
- Review the PCC's annual report and make a report or recommendations on the report to the PCC.

- Review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- Publish any report and recommendations made to the PCC.
- Review certain senior appointments made by the PCC.
- Review chief constable appointments, with the power to veto the appointment with a  $\frac{2}{3}$  majority.
- Review and report on the PCC's proposals to remove a chief constable.
- Review the PCC's level of precept, with the power to veto the precept with a  $\frac{2}{3}$  majority.
- Suspend the PCC on their being charged with certain criminal offences.
- Appoint an acting PCC if necessary.
- Initial handling and informal resolution of complaints about the conduct of the PCC/Deputy PCC.

176.6 The Panel will not be able to exercise any functions other than those conferred by the Act. It is the duty of the local authorities in Surrey to agree the arrangements for the Panel (as set out in Annexe 5). The Panel will then be responsible for agreeing the rules of procedure, with appointed members reporting back to their respective authorities as appropriate.

176.7 As mentioned above, the Panel is a Joint Committee of all the authorities in the police area, made up of both appointed and co-opted members. In a police area with more than 10 authorities, appointed members will be equal in number to the number of local authorities in the area, with one from each authority. Therefore, in Surrey, this equates to 12 appointed members.

176.8 In addition, there must be at least two co-opted members of the Panel. With the agreement from the Secretary of State, the Panel may co-opt more than two members, but the total panel size must not exceed 20 members in total. If there are only two co-opted members of the Panel, they cannot be members of the local authorities. If there are more than two, then at least two of them must not be members of the local authority. Finally, the panel must be "balanced." This means:

- a. Local authority members when taken together should:
  - i. represent all parts of the police area;
  - ii. represent the political make-up of all authorities when taken together; and
  - iii. have the skills, knowledge and experience to discharge the functions of the panel.
- b. When the Panel co-opts members, they must ensure the panel taken together has the relevant skills, knowledge and experience.

176.9 The police area for Surrey follows the same borders as the County boundary. With each local authority appointing one member to the Panel, all parts of the police area will be represented. Until May 2012 elections, in Surrey, there are 574 councillors across the County, District and Borough Councils. Of these, 393 (68.5%) are Conservative, 86 (15%) Liberal Democrat, 60 (10.4%) Residents' Association and 35 (6.1%) Other.

Therefore, of the 12 elected members, it is proposed that they include 9 Conservatives, 2 Liberal Democrats and 1 Residents' Association. In order to best represent the proportionality of the various individual councils across Surrey, it is suggested that the Residents' Association nomination be made by Epsom & Ewell and the two Liberal Democrat nominations are made from the councils with the largest groups when taken as a percentage of the individual council size (Woking and Mole Valley.) The proportionality will be reviewed following each local election and any resulting changes required to the political balance will be reported to all authorities to consider as appropriate.

- 176.10 Finally, it is important that in making appointments, local authorities consider the skills, knowledge and experience required to discharge the functions of the panel. A person specification, outlining the key competencies and skills required is attached at Annexe 6 and should be taken into account when agreeing any appointments. This will also form the basis for assessing co-opted members.
- 176.11 Twenty is a maximum number of members for the Panel and there is no expectation in the guidance that the Panel needs to be as large as this. In considering the arrangements for Surrey, the Leaders' Group has recommended that a panel of 14 (12 appointed members and 2 co-opted) will be more manageable and focused, whilst still providing for a balanced panel. However, if when constituted, the Panel feels that it is not appropriately balanced, either in political make-up or skills, then it could make representations to the Secretary of State to co-opt additional members.
- 176.12 The Panel will meet approximately quarterly at venues within Surrey, with additional special meetings as necessary (for example to deal with senior appointments). The Home Office will make available up to £920 per panel member for expenses. A special responsibility allowance could be paid to the Chairman and Vice-Chairman of the Panel. A further report on this allowance and how it will be funded will be made to all authorities as necessary in the Autumn.
- 176.13 It is for the Panel to appoint co-opted members, although the participating authorities must agree the process (see Annexe 5). Each local authority will appoint a representative to the Panel at their annual meeting, in line with their own committee appointment procedures.
- 176.14 The Act requires that arrangements be made for administrative support for the panel and for the role of the Panel to be promoted. Guidance from the Home Office also recommends that one authority within the police area is agreed as the host authority, responsible for the day to day running of the Panel. The host authority will receive Home Office funding of £53,300 per annum to support this new responsibility although in 2012/13, this will be paid pro rata from October 2012.

176.15 The Surrey Leaders' Group agreed that Surrey County Council should act as the host authority and provide the necessary officer support using the government funding available. For 2012/13, a Policy Officer has been appointed to lead on establishing the Police & Crime Panel and provide committee management support to the Panel's meetings. Initially, this is a fixed term post until July 2013.

176.16 Once the Panel has been fully established, its support needs will be reviewed in consultation with the Panel and local authorities and a further report on the recommended support arrangements made to authorities as necessary. Officers will report to future meetings on detailed arrangements.

176.17 The Executive now

**RECOMMENDS that**

- 52. the establishment of the Joint Committee to act as the Police and Crime Panel, in accordance with the Police Reform and Social Responsibility Act 2011, be approved;**
- 53. the arrangements for the Panel, including the process for appointing co-opted members, shall be as set out in Annexe 5;**
- 54. Surrey County Council acts as the host authority, providing administrative support for the Panel; and**
- 55. a representative from Waverley Borough Council be nominated to the Panel at a future meeting, having regard to the person specification attached at Annexe 6.**

*[NB. Following the Executive meeting, revised versions of Annexes 5 and 6 have been provided and are attached to these minutes.]*

Background Papers

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

177. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 21)

At 7.37 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 Paragraph 1 of the revised Part I of Schedule 12A to the Act, namely:-



Information relating to any individual.

178. STAFFING MATTER (Agenda Item 22; (Exempt) Appendix O)

The Executive considered the report at (Exempt) Annexe 7 and

**RECOMMENDS that**

56. **posts HI50, HI51 and D131 be deleted from the establishment with effect from 18 April 2012 and the postholders be granted redundancy pay if no suitable redeployment opportunities are available; and**
57. **the one-off costs associated with these proposals be met from the Housing Revenue Account balance.**

**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**

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

The Planning Portfolio Holder drew attention to the National Planning Policy Framework (NPPF) which had been published earlier in the day and the Leader explained that he had asked officers to do a short briefing before each meeting of the Area Planning Committees taking place during the week.

The Deputy Leader also explained that loans had now been arranged under the HRA Business Plan which gave scope both to improve existing houses and plan for developing new affordable homes in the Borough.

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

180. SURREY WASTE PARTNERSHIP – FUTURE FUNDING AND WASTE ACTION PLAN FOR WAVERLEY 2011-14 (Agenda Item 7; Appendix B)

RESOLVED that the 2012 Waste Action Plan for Waverley be approved.

181. WASTE CONTRACT OUTSTANDING ITEMS – BRING SITES (Agenda Item 8; Appendix C)

RESOLVED that the proposal to close the ten bring sites identified in Annexe 1 as part of the rationalisation and redesign of the bring site network in Waverley, detailed in the agenda report, be approved.

182. TREE GUIDELINES (Agenda Item 9; Appendix D)

RESOLVED that the Tree Guidelines, as well as the suggestions made by the Community Overview and Scrutiny Committee, be approved subject to the addition to paragraph 24 of Annexe 1 of the need to balance the safety of residents and property with the amenity value of the tree.

183. PARKING GUIDELINES (Agenda Item 10; Appendix E)

RESOLVED that the County Council Guidelines be adopted for all commercial developments as a basis for consultation with the Chamber of Commerce and local industry, Waverley specific guidelines be approved for residential developments, as attached as Annexes to the report, and the definition of 'town centre' being carefully examined with the results of the consultation.

184. ENFORCEMENT POLICY FOR THE ENVIRONMENTAL HEALTH SERVICE (Agenda Item 11; Appendix F)

RESOLVED that the Environmental Health Enforcement Policy relating to Environmental Health matters annexed to the agenda report be approved.

185. PROPOSED PARTNERSHIP ARRANGEMENTS WITH FARNHAM MALTINGS (Agenda Item 12; Appendix G)

RESOLVED that

1. the Service Level Agreement for 2012 – 2015 be approved;
2. the 2012/13 Grant for the Farnham Maltings at £32,490, being a 5% reduction from the 2011/12 level, be agreed;
3. the current capital funding ratio of 2:1 be maintained for the identified Maltings restoration work, with this commitment ending at the end of the financial year 2014/15;
4. the transfer of the management of the Museum of Farnham to the Maltings be agreed for a three year period starting 1 April 2012 under the terms of specification detailed in Appendix 2 of the SLA; and
5. officers be requested to identify savings to offset the residual indirect costs and to report back in a future budget monitoring report.

186. WEBSITE STRATEGY AND ACTION PLAN (Agenda Item 13; Appendix H)

RESOLVED that the website strategy and action plan be endorsed.

187. FARNHAM TOWN CENTRE CONSERVATION AREA MANAGEMENT PLAN  
(Agenda Item 14; Appendix I)

The Executive agreed that the commencement of this consultation would be delayed due to the number of planning consultations being undertaken at this time and run for a period of 2 rather than 3 months.

RESOLVED that the Farnham Town Centre Conservation Area Management Plan be approved for the purposes of public consultation.

188. WHEELERSTREET, WITLEY CONSERVATION AREA APPRAISAL (Agenda Item 15; Appendix J)

RESOLVED that the draft Conservation Area Appraisal for Wheelerstreet, Witley be approved for consultation.

189. PERFORMANCE MANAGEMENT REPORT, QUARTER 3 (OCTOBER – DECEMBER) 2011-12 (Agenda Item 16; Appendix K)

RESOLVED that

1. the performance figures for Quarter 3 be noted, and the Overview and Scrutiny Committees thanked for their observations on the performance;
2. performance in those areas highlighted continue to be monitored for at least one more quarter before making a decision to change targets; and
3. officers be asked to produce a detailed action plan for those performance indicator items showing a major departure from the planned performance target.

190. CHIEF EXECUTIVE'S ACTION (Agenda Item 20)

The Executive noted the action taken by the Chief Executive in relation to Appointments to Outside Bodies since the last meeting.

The meeting commenced at 6.45 p.m. and concluded at 7.39 p.m.

Chairman