

MINUTES of the MEETING of the
WAVERLEY BOROUGH COUNCIL
held in the Council Chamber,
Council Offices, Godalming on
16 October 2012

Cllr Tony Gordon-Smith (Mayor)
* Cllr Patricia Ellis (Deputy Mayor)

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| * Cllr Brian Adams | * Cllr Denis Leigh |
| * Cllr Stella Andersen-Payne | * Cllr Peter Martin |
| * Cllr Mike Band | * Cllr Tom Martin |
| * Cllr Gillian Beel | * Cllr Bryn Morgan |
| * Cllr Patrick Blagden | * Cllr Stephen Mulliner |
| * Cllr Maurice Byham | Cllr David Munro |
| * Cllr Elizabeth Cable | Cllr Elliot Nichols |
| * Cllr Carole Cockburn | * Cllr Jennifer O'Grady |
| * Cllr Jim Edwards | * Cllr Stephen O'Grady |
| * Cllr Brian Ellis | * Cllr Donal O'Neill |
| Cllr Jenny Else | * Cllr Julia Potts |
| * Cllr Mary Foryszewski | * Cllr Stefan Reynolds |
| * Cllr Pat Frost | * Cllr Ian Sampson |
| * Cllr Richard Gates | * Cllr Janet Somerville |
| * Cllr Michael Goodridge | Cllr Roger Steel |
| * Cllr Lynn Graffham | * Cllr Stewart Stennett |
| Cllr Jill Hargreaves | * Cllr Christopher Storey |
| * Cllr Christiaan Hesse | * Cllr Adam Taylor-Smith |
| Cllr Stephen Hill | * Cllr Jane Thomson |
| * Cllr Nicholas Holder | * Cllr Simon Thornton |
| * Cllr Simon Inchbald | Cllr Brett Vorley |
| * Cllr Peter Isherwood | Cllr John Ward |
| Cllr Diane James | * Cllr Nerissa Warner-O'Neill |
| * Cllr Carole King | * Cllr Keith Webster |
| * Cllr Robert Knowles | * Cllr Ross Welland |
| * Cllr Martin Lear | Cllr Liz Wheatley |
| * Cllr Nicky Lee | * Cllr Nick Williams |

Cllr Andrew Wilson

* Present

The Deputy Mayor chaired the meeting in the absence of the Mayor
Cllr Welland arrived at 7.30 p.m.

22. MINUTES

The Minutes of the Meeting held on 17 July 2012 were confirmed and signed, subject to the addition of Cllr Christopher Storey to the list of those present at the meeting.

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Mayor, Cllr Tony Gordon-Smith, Councillors Jenny Else, Jill Hargreaves, Stephen Hill, Diane James, David Munro, Elliot Nichols, Roger Steel, Brett Vorley, John Ward, Andrew Wilson and Liz Wheatley.

24. DISCLOSURE OF INTERESTS

Cllr Pat Frost declared a non-pecuniary interest in Minute No. 66 of the Executive Minutes for the meeting held on 2 October 2012 as a member of Surrey County Council.

During the meeting Cllr Peter Martin declared non-pecuniary interests in Minute No 52 of the Executive Minutes for the meeting held on 4 September 2012 as a Board Member of the M3 LEP and Minute No. 80 of the Executive Minutes for the meeting held on 2 October 2012 as the Deputy Leader of Surrey County Council.

25. MAYOR'S ANNOUNCEMENTS

The Deputy Mayor again gave the Mayor's apologies for not being able to attend the Council meeting due to an invitation to attend a very prestigious event hosted by the Lord Lieutenant.

The Deputy Mayor reported that 26,000 people had been in Godalming to see the Olympic Torch pass through and the Deputy Mayor thanked all of the officers and volunteers who had helped to make it such a memorable event. She then reminded councillors about offering support to the Mayor by attending his Charity Concert which was taking place at 5.30 p.m. on Sunday 21 October at Charterhouse School.

Congratulations were then offered to officers and the Executive Portfolio Holders who had worked hard to prepare the communications campaign for the new waste recycling scheme which had won Waverley an award from the Chartered Institute of Public Relations, which was displayed to the Council.

26. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question was received from Mr Jerry Hyman in accordance with Procedure Rule 10:-

"Mr Mayor,

At the September meeting of the Executive, in response to an informal public question, the Portfolio Holder for East Street denied that the 'Developer Contract' allows for a 'partial scheme'. I can only assume that the Portfolio Holder is unaware that the Contract states at paragraph 3.3.1:

"The Site Assembly Condition is:

3.3.1.1 subject to clause 3.3.2 the acquisition by the Council (at its own cost) or by the Developer (at its own cost) by private treaty of the Iceland Site and the Greene King Pub (if required as part of the development) and the Health Trust Land or if applicable pursuant to the CPO Indemnity Agreement the confirmation by the Secretary of State of a Compulsory Purchase Order relating to the Iceland Site, the Greene King Pub and/or the Health Trust Land..."

The Contract clearly states that it is conditional upon "..the acquisition ... of the Iceland Site and the Greene King Pub (if required as part of the development)...".

Logically, if acquisition of the F&C and Greene King land is an absolute requirement in the terms of the Contract, then it would not say "...

IF required as part of the development".

The Contract explicitly envisages and allows for circumstances in which the F&C and Greene King sites are not part of the development. Does the Council therefore accept that it is true to say that the Contract allows for a partial scheme? If not, then what is your justification? Thank you."

The Executive Portfolio Holder for East Street gave the following reply:-

"Good evening, Mr Hyman. Your question highlights a clause that refers to the acquisition of two parcels of land if required, clearly the land is required. Clause 3.4 of the development agreement makes clear that there must be a grant of satisfactory planning permission prior to the unconditional date in order for the development agreement to become unconditional. The planning permission that was granted for the Brightwells development in 2009 and then renewed in 2012 includes within the proposed development, both the former Iceland site and the Greene King land. Both these sites are therefore plainly required as part of the permitted development. Indeed, as you are well aware, this Council is currently seeking to acquire the two parcels of land not owned by the Council by using Compulsory Purchase powers. The development agreement is therefore conditional upon the acquisition of that land, as that land is required as part of the development for which the planning permission has been granted.

The contract and granted planning permissions also themselves clearly anticipate a single phase development built through one phase of construction. For example, clause 11.2.5 states that the developer is to seek to complete all parts of the development except for D15, no later than two and a half years after entering the site. The actual current draft programme anticipates a construction period of one year and ten months from the commencement. Now, I know you are a conspiracy theorist, so ask yourself, if we did not require those bits of land, why

would Crest Nicholson submit an expensive planning application for land including two parcels of land they did not require? And also, why would this council seek a CPO for these two parcels of land if they did not require them?"

27. MINUTES OF THE EXECUTIVE

27.1 Meeting of 4 September 2012

The Council was advised of a correction to the address featured in paragraph 3.1.3 of page 30 to read '1-5 Wheelerstreet' instead of 1-5 Petworth Road.

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

RESOLVED that the Minutes of the Meeting of the Executive held on 4 September 2012 be approved and the recommendations contained therein adopted.

27.2 Meeting of 2 October 2012

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 2 October 2012 be approved and adopted.

i. Parking Provision Guidelines (Minute No. 68)

It was moved by the Portfolio Holder for Planning and seconded that this item be referred back to the Community Overview and Scrutiny Committee and Executive for further consideration before being considered at the next appropriate Council meeting. This was agreed by the Council.

RESOLVED that the Minutes of the Meeting of the Executive held on 2 October 2012 be approved and the recommendations contained therein, as amended, be adopted.

28. MINUTES OF THE JOINT PLANNING COMMITTEE

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

RESOLVED that the Minutes of the Meetings of the Joint Planning Committee held on 1 and 6 August 2012 be approved.

29. MINUTES OF THE AUDIT COMMITTEE

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

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 18 September 2012 be approved.

30. 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 Meetings of the Licensing and Regulatory Committee held on 27 September and 4 October 2012 be approved.

The meeting concluded at 7.53 p.m.

Mayor

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