

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 10 JUNE 2008

SUBMITTED TO THE COUNCIL MEETING – 22 JULY 2008

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

- |                                 |                           |
|---------------------------------|---------------------------|
| * Cllr R J Gates (Chairman)     | * Cllr Ms D Le Gal        |
| Cllr M H W Band (Vice-Chairman) | * Cllr B J Morgan         |
| * Cllr Mrs C Cockburn           | * Cllr J R Sandy          |
| * Cllr Mrs C A King             | * Cllr R J Steel          |
| * Cllr R A Knowles              | * Cllr A E B Taylor-Smith |

\* Present

Cllr K T Reed was also in attendance

24. MINUTES (Agenda Item 2)

The Minutes of the Meeting of the Executive held on 20 May 2008 were confirmed and signed.

25. APOLOGY FOR ABSENCE (Agenda Item 3)

An apology for absence was received from Cllr M H W Band.

26. DISCLOSURES OF INTEREST (Agenda Item 4)

Cllrs Mrs C Cockburn, Ms D Le Gal and Cllr R J Steel declared personal interests in Agenda Item 12 relating to Farnham Park as members of the Town Council.

27. QUESTIONS (Agenda Item 5)

In accordance with Procedure Rule 10, the following questions were asked by members of the public:-

i. Mrs Cooper from Farnham

"What rights, previously enjoyed by the public, will be lost unless they are written into the development lease of the Waverley freehold land at Brightwells, and will the Council ensure that these public rights are safeguarded?"

The Leader of the Council replied as follows:-

"Under the conditional contract, as revised by Deed of Variation dated 22<sup>nd</sup> December 2006, Brightwell Gardens and the Bowling Green will be redeveloped by CNS and landscaped as open space for the town centre and remain in the ownership of the Council. The Council proposes to provide a deed of covenant in favour of the future leasehold owners of the development not to carry out any future redevelopment on this land and to maintain these areas as open

amenity space and the Council will be required to keep it maintained as good quality town centre amenity space. There will be no loss of public rights except during the development period.”

ii. Mr Sandars from Farnham

“The following statement appeared in paragraph 2 of Appendix G of the agenda for the 20 May meeting of the Executive:

“This report does not consider the merits of the provision of a purpose built theatre within Waverley, as the Council has previously set out its policy in relation to this issue which remains unchanged at this time.”

The statement does not identify the policy concerned nor specify when, or at what meeting it was formally adopted by the Council. May we please have these details?

Are we to assume that the 'policy' is, or relates to the 2003 Cultural Strategy which expired in April this year. If so, the only reference to theatre is at paragraph 3.3 and merely refers to “improving the provision of live theatre.”

The Executive Portfolio Holder for Leisure and Culture replied as follows:-

“On 7 June 1999, the Leisure Committee resolved that it had no requirement for the Redgrave Theatre building and no wish to promote any future theatrical use. This decision was endorsed by the Policy and Resources Committee on 15th June 1999 and re-affirmed by the Council on 27th July 1999.”

iii. Mr Hyman from Farnham

“Having submitted a question to the Council meeting in April asking for an explanation as to how an East Street permission that included a 5 storey element could possibly satisfy the terms of the Conditional Contract (5.3), I understand that WBC could not answer the question and sought the expert Opinion of "leading Counsel". Your response quoted Counsel's "short answer", merely referring me to paragraph 5.3, which cannot truly be considered an explanation. I must apologise if that was an expensive question to not answer, and to make amends I feel I should seek better value for the offended Council Tax Payer. Thus my question here is:

Would you please now answer that question by providing a clear explanation (understanding the implication if you cannot), by providing us with the leading Counsel's 'long answer' if such exists; and for completeness, please also clarify whether WBC accept that the first floor facilities of the proposed new Brightwell Gostrey Centre must *in all reasonableness* be counted as a storey, i.e. that D20 does include a 5 storey element?”

The Leader of the Council gave the following reply:-

"Thank you for your questions. Mr Tim Mould QC gave the following opinion:-

"The short answers to the questions posed are "Because it accords with Clause 5.3 of the Contract" and "Yes".

Clause 5.3 of the conditional contract states:- The Council may in its absolute discretion, withhold its approval to plans or variations thereto where any item would result in...a material alteration to the Annexed Development plans so as to...result in any part of the development being more than 4 storeys in height...

By that contractual provision, the Council as landowner reserved to itself the right to reject masterplan proposals subsequently submitted by CNS for landowner sanction, insofar as they proposed buildings in excess of four storeys. But it does not follow that the Council was thereby bound to reject any such proposal, still less that landowner sanction granted for a proposal which did include such a building or buildings was thereby "invalid". Mr Hyman's contention is simply flat contrary to the plain words of clause 5.3 of the contract."

With regard to the second part of your question, Mr Anderson and others pointed out the fallacy of simply counting storeys at the technical briefing, however, one element of building D20 includes a mezzanine level that results in the external appearance of that part of the building having 5 storeys. That one element of the east facing facade amounts to 11.2% of the total width of the building and arises in this case because of the change in level across the width of the facade and the relationship between the retail unit behind the Gostrey Centre would otherwise leave a floor to ceiling height of 6.1m in that element of the east facade and the use of an intermediate floor provides a smooth transition at this point."

iv. Mrs C Sandars from Farnham

"Please would the Chairman of the Executive tell me what actual progress has been made between Waverley Borough Council, Surrey County Council Highways and Crest Nicholson Sainsbury in negotiating access across the River Wey on to the A31 for construction vehicles from the East Street/Brightwells site, in order to avoid the necessity for such vehicles to use Farnham's town centre roads, and where might I find written evidence of any relevant negotiations and resultant progress?"

The Leader of the Council gave the following reply:-

“The discussions have been between Crest Nicholson Sainsburys’ advisors and Surrey County Council as the Highway Authority. Waverley Borough Council through its Planners have not been a party to those discussions simply because we have no specific jurisdiction in such matters, but Planners have made it clear from the outset that Council Officers strongly supported such discussions and that, if the development went ahead, then such a construction access would assist in minimising construction movements through the town. The other Agency involved because of the need to bridge the River Wey is the Environment Agency. The Council is not aware that these discussions have been concluded but the outcome of them would be a planning application for a temporary construction traffic access. This would be subject to consultation and publicity in the normal way.”

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

28. TREASURY MANAGEMENT - INVESTMENT TRANSACTIONS AND PERFORMANCE MEASUREMENT 2007/2008 AND POLICY UPDATE 2008/2009 (Agenda Item 9; Appendix D)
- 28.1 The Executive considered a report summarising Waverley’s investment performance for the year 2007-2008 in accordance with Waverley’s Treasury Management and the Code of Practice on Treasury Management in Local Authorities, and noted the updated Treasury Management Policy reflecting current market conditions. The Executive congratulated officers on the treasury management performance for 2007-2008.
- 28.2 In February, the Council agreed its annual Investment Strategy which includes proposed limits and thresholds that apply to Waverley’s investment activity in the coming year. The policy allowed for the following investments:-
- UK Local Authorities and the UK Government
  - “High” credit rated means AAA rating for sterling money market funds or A and above rating for any banks and building societies
  - The only non-specified investments that Waverley will invest in are non-rated top 30 building societies.
  - £3 million is the maximum investment in any single non-specified organisation at any one time and, £5million for any single specified organisation at any one time.
  - Credit ratings should be monitored continuously using either Moodys, Standard and Poor’s or Fitch ratings
  - All new investment institutions should be ratings checked at the outset and a list of potential investors prepared and approved by the S151 Officer before 1 April each year and monitored throughout the year
  - The maximum total investment at any one time in non-specified investments is £22 million
  - The maximum total investment at any one time that can prudently be committed for more than one year is £10 million
  - The minimum total investment at any one time that can be held in short term (less than 365 days) investments is £10 million.

- 28.3 This policy and limits have served the Council well, and have not been changed since 2005. However, with current market conditions, whereby the number of major banks and larger institutions that are currently available has diminished, and the increase in the level of temporary cash available over the last few years, a modification to the policy would give officers more flexibility when making temporary investments. The proposed change would be to increase the maximum total investment at any one time in non-specified investments from £22 million to £28 million.
- 28.4 This modification would not affect the Council's over-riding primary aim of maximising the security and liquidity of Waverley's investments, but would allow flexibility in investment options and allow for the practicalities of day-to-day investment dealing. Whilst maximising the interest earned on investments is of secondary importance behind security, it is nevertheless a high priority and the limits set must enable both security and high yield to be achieved.
- 28.5 If the Council agrees to the modification, the decision will only affect non-specified investments with the top 30 UK building societies. Whilst these institutions may not decide to acquire a credit rating with one of the leading agencies, e.g. Moodys, Fitch or Standard and Poors, they are robust organisations with a strong asset base and are therefore generally considered to be relatively low-risk investments.
- 28.6 This limit on non-specified investments will be reviewed in February 2009 as part of the annual review of the Investment Strategy. The Executive accordingly

**RECOMMENDS that**

4. **the Investment Policy limit for the maximum amount of non-specified investments be increased from £22 million to £28 million for the remainder of 2008/09, noting that it will be reviewed in February 2009.**

Background Papers (DCEx)

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

**PARTS II AND III - MATTERS OF REPORT**

Background Papers

The background papers relating to the following items in Parts II and III are as specified in the agenda for the meeting of the Executive.

**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**

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

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

30. FINANCIAL OUTTURN 2007/2008 (Agenda Item 7)

30.1 Overall Revenue Outturn (General Fund And Housing Revenue Account)  
(Agenda Item 7.1; Appendix B.1)

RESOLVED that

1. the outturn positions for 2007/08 be noted; and
2. revenue carry forwards of £144,210 on the General Fund from 2007/08 to 2008/09, as shown at Annexe 5, be approved.

30.2 Capital Programme Outturn (General Fund, Housing Revenue Account and LA Social Housing Grant) (Agenda Item 7.2; Appendix B.2)

RESOLVED that

1. the financing proposals for the 2007/08 financial year summarised in paragraph 10 of the report be approved;
2. slippage totalling £613,200, as detailed in Annexe 1, from the 2007/08 General Fund Capital Programme to the 2008/09 General Fund Capital Programme be approved; and
3. the acceleration of £806,000 from the 2008/09 Housing Revenue Account Capital Programme be agreed.

31. PERFORMANCE MANAGEMENT - DRAFT 2007/08 PERFORMANCE FIGURES & TARGETS 2008/09 – 2010/11 (Agenda Item 8; Appendix C)

RESOLVED that

1. the 2007/08 Performance Outturns in Annexe 1 be noted, prior to their publication and submission to the Audit Commission by 30 June 2008;
2. the Overview and Scrutiny Performance Sub-Committees be thanked for their work, their comments relating to indicator PL1 (Planning Enforcement) be endorsed and the proposal on indicator LPL001a be accepted, subject to the target for NI160 being amended to 84% in 2009/10; and
3. the targets for 2008/09, and indicative targets for 2009/10 – 2010/11, as set out in Annexe 2, be approved as amended above.

32. REVIEW OF SUB-NATIONAL REGENERATION - CONSULTATION  
(Agenda Item 10; Appendix E)

RESOLVED that the following response to the consultation be endorsed and forwarded to the Government:

1. Waverley Borough Council's fundamental opposition to the transfer of regional plan-making powers to an unelected Regional Development Agency;
2. Waverley's insistence that the proposed new arrangements can only be credible if the new RDA Board contains a majority of local authority members;
3. Waverley's support for the creation of a South-East "Local Government Association"; and
4. a cautious welcome for the new duty on local authorities to undertake economic assessments, but a preference for this duty to be discharged jointly between County and District / Borough Councils in two-tier areas.

33. REMOVAL OF BT PAYPHONES (Agenda Item 11; Appendix F)

An additional pack of papers was circulated providing details of comments received since the original agenda dispatch. Following consideration on which of the proposed telephone boxes should be retained on the basis of the consultation responses and other factors such as the location map, it was agreed that

1. Waverley Borough Council should object to the removal of the 31 payphones designated at Annexe 6 (List A). It has no objection, subject to a final check with Town and Parish Councils, based on comments received to the removal of the 13 payphones at Annexe 6 (List B); and
2. if further comments are received on the 4 payphones marked as TBC in the list before the Waverley response is submitted on 2 July 2008, the Chief Executive, in consultation with the Leader and Portfolio Holder will determine whether or not an objection should be made.

34. FARNHAM PARK - CREATION OF TWO NEW PONDS (Agenda Item 12; Appendix G)

RESOLVED that a first resolution be made in accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992 to allow a planning application to be submitted for the construction of two ponds in Farnham Park, to be funded from additional resources, including Section 106 payments.

35. APPOINTMENTS TO SURREY COUNTY COUNCIL LOCAL COMMITTEE TASK GROUPS 2008/2009 (Agenda Item 13)

RESOLVED that the following appointments be approved:

Farnham Transportation Task Group

Councillors L C Bate, R D Frost, J A Ward.

Godalming, Milford and Witley Transportation Task Group

Councillors R A Gordon-Smith, K Webster

Haslemere and Western Villages Transportation Task Group

Councillors R A Knowles, B J Morgan

Cranleigh and Eastern Villages Transportation Task Group

Councillors B A Ellis, K T Reed

Local Transport Plan (LTP) Task Group

Councillors R A Knowles, K Webster, R J Steel, with Cllr A J Lovell as a substitute.

36. APPOINTMENTS TO OUTSIDE BODIES 2008/2009 (Agenda Item 14)

Following requests from some organisations for confirmation of appointments for 2008/2009 and recent changes to the Executive it was agreed that the following appointments be made:

1. Cllr Ms D Le Gal be appointed as the representative on South East Employers for 2008/2009, with the Leader as the reserve;
2. Cllr R J Gates continues as the representative on the LGA Rural and Urban Commissions for 2008/2009, with Cllr M H W Band as the reserve; and
3. Cllr R A Knowles be appointed as the representative on the Parking and Traffic Regulation Outside London Adjudication Joint Committee, and a substitute representative be appointed and confirmed by the Chief Executive; and
4. Cllrs Mrs E Cable and K Webster be appointed to the Godalming and Environs PCT Project Team.

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

RESOLVED that the action taken by the Chief Executive regarding the Parking Enforcement Adjudication Joint Committee be noted.

**The meeting commenced at 6.45 p.m. and concluded at 8.14 p.m.**

Chairman