

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 7 JULY 2009

SUBMITTED TO THE COUNCIL MEETING – 21 JULY 2009

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

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| * 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 Bryn Morgan attended and spoke on Agenda Item 6 (Minute No. 41 refers)
Cllr Mrs Diane James was also present for the meeting

27. MINUTES (Agenda Item 2)

The Minutes of the Meeting of the Executive held on 9 June 2009 were confirmed and signed.

28. APOLOGIES FOR ABSENCE (Agenda Item 3)

An apology for absence had been received from Cllr Robert Knowles. The Leader reported that Cllr Knowles was recovering at home and the Executive agreed to send him their best wishes.

29. DISCLOSURES OF INTEREST (Agenda Item 4)

Cllr Stefan Reynolds declared a personal interest in Agenda Item 31 relating to the Bandstand at the Phillips Memorial Ground in Godalming as a member of Godalming Town Council. Cllr Mike Band declared a personal interest in (Exempt) Appendix AA as the ward councillor.

30. QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda Item 5)

In accordance with Procedure Rule 10, Mr J Hyman had submitted the following question:-

“Despite an alarming drop in bird numbers at Bourley, the absence of any scientifically-based evidence that the SANGs and SPA experiments will work, and the JSP's lack of funding, the 18th June JSPB meeting decided to press ahead with the strategy to enable the building of 48,000 homes within 3 miles of the SPA (of which I note some 7,000 have already been consented without appropriate assessments).

The meeting stressed the importance of pursuing the required cross-boundary co-operation, which requires that any excess 'mitigation capacity' in WBC's Farnham Park miniplan (above any identified

deliverable 5-year allocations) should be offered to neighbouring boroughs to mitigate (e.g.) the Aldershot Urban Extension. The meeting also confirmed that the regional strategy requires the full participation of all 11 Local Authorities, effectively pre-determining WBC's current consultation and all the LAs' DPDs. No WBC Member was present.

Given that the 'avoidance strategy' consultation avoids providing any information to consultees regarding the primary issues of

- (i) the worrying fall in bird numbers,
- (ii) the legal position with respect to the Waddenzee Judgment,
- (iii) the need to offer Farnham Park's excess 'mitigation capacity' to enable development in other districts, and
- (iv) the fact that the consultation process is pre-determined by the regional strategy,

will the Portfolio Holder please abandon the* consultation forthwith, or otherwise explain how it can possibly be considered lawful, meaningful and robust ? Thank you.

The Executive Portfolio Holder for Planning responded as follows:-

“The Council is currently out to consultation on a draft SPA Avoidance Strategy and welcomes comments on it from all parties including Mr Hyman. Can I assure Mr Hyman that the Council will consider carefully all representations received and comply with its obligations under the Habitats Directive in considering the way forward. It will not be abandoning the current consultation.

For clarification Waverley was represented at the last Thames Basin Heaths Joint Strategic Partnership Meeting. Also important to note that the Joint Strategic Partnership is a vehicle for joint working, for liaison and exchange of information. It is an **advisory body** for local authorities affected by the SPA and cannot exercise any of the functions of a planning authority or fetter or pre-empt any decisions made by such bodies.”

PART I - RECOMMENDATIONS TO THE COUNCIL

- 31. RECRUITMENT OF A STRATEGIC DIRECTOR (Agenda Item 7; Appendix B)
- 31.1 The Council's Strategic Director (Community Services) has been granted early retirement and will leave Waverley's employment on 21 July 2009; In taking the decision to grant this retirement, Council decided that the opportunity presented by Peter Maudsley's departure should be explored in detail prior to any decisions being taken on whether or how to fill the post.
- 31.2 The Portfolio Holder for Human Resources has been meeting with the Restructuring & HR Special Interest Group, the Chief Executive and Deputy Chief Executive to review the current structure and ensure it is fit for the future.

- 31.3 There is no doubt that local government is facing a financially challenging future. Waverley will need to embrace significant change in order to meet these challenges and ensure that our services remain resilient through a period of severe resource constraints. Service efficiency, partnership working and shared service opportunities need to be encouraged and embraced.
- 31.4 The conclusion of the Restructuring & HR SIG was that simply to replace the outgoing Strategic Director on a permanent basis would considerably reduce future flexibility. The SIG wished to be able to 'cash-in' the savings opportunity in the future. However, it was recognised that, in order to deliver the quantum of service improvement and change required, the Council would need to retain senior management capacity in the short-term. Therefore, the favoured solution was recruitment of a new Strategic Director on a fixed-term contract basis. Recruitment will be from outside the organisation, in order to bring in new ideas and change management expertise.
- 31.5 It is proposed that the new Strategic Director undertake line management responsibilities for the Head of Housing, Head of Economic Development & Partnerships; and Head of Leisure. The Head of Environmental Health will be moved to report to the remaining Strategic Director. The SIG considered the option of using the opportunity to undertake a wider 'shake-up' of the service head reporting lines, but this approach was rejected as being out of keeping with Waverley's preferred approach of evolutionary management development. The SIG also rejected the idea of undertaking significant changes in number of the service heads and their service responsibilities in the short-term.
- 31.6 The SIG felt it important, however, for the service improvement and change process to have an organisation-wide impact. Therefore it is also proposed that the new Strategic Director will be encouraged to work Council wide and to engage with key staff in all service areas on the change project. A change management project team will be established to assist in this process.
- 31.7 In addition, there will be a need to refine the corporate responsibilities and role of Waverley's other Strategic Director. This is important to ensure that changes processes are implemented across the whole range of service areas. It is proposed that the job title of the existing Strategic Director be changed from 'Environmental Services' to 'Customer Services', to reflect a more generic, Waverley wide remit.
- 31.8 Appointment of consultants to assist in the recruitment exercise would, at £20,000, normally require a competitive tendering exercise. Contract Procedure Rules (CPRs) require 3 alternative quotations/tenders to be obtained. Provision is contained within CPRs to waive normal requirements. The Chief Executive would like to be able to appoint a consultant on the basis of their knowledge and experience without formally obtaining alternative prices and therefore seeks the Executive's approval in accordance with CPR W101 to waive CPR A108 and subsequent CPR requirements.

- 31.9 Waverley is facing a time of challenge and change. The senior management of the organisation needs to focus over the next year – 18 months on leading our service teams in a drive to refocus, streamline and adapt our activities to meet the coming challenges. In the short-term, management capacity is required to bring about service improvement. Therefore, it is proposed to recruit a new Strategic Director (Service Improvement) on a fixed-term contract basis.
- 31.10 The Executive has authorised a supplementary estimate of a maximum £20,000 to fund the recruitment and search process, and that Contract Procedure Rule A108 and subsequent relevant requirements be waived in accordance with the provisions of CPR W101, to allow the appointment of a professional search agency to be delegated to the Chief Executive, in consultation with the Portfolio Holder for Human Resources, by negotiation with relevant recruitment providers.
- 31.11 The Executive accordingly

RECOMMENDS that

- 14. the recruitment of a new Strategic Director (Service Improvement) be approved, on the broad terms set out in this report, and the Restructuring & HR Special Interest Group be authorised to make the appointment decision, in consultation with the Chief Executive; and**
- 15. the Strategic Director (Environmental Services) be re-designated Strategic Director (Customer Services) and the constitution amended accordingly.**

Background Papers (CEX)

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

32. NEW POWERS FOR OVERVIEW AND SCRUTINY COMMITTEES - INTRODUCTION OF A PROTOCOL FOR DEALING WITH A COUNCILLOR CALL FOR ACTION AND OTHER DEVELOPMENTS (Agenda Item 8; Appendix C)
- 32.1 Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19(3) – 19(6) of the Police and Justice Act 2006 introduce a new power for Ward Councillors to submit a 'Councillor Call for Action'. This new power came into force on 1 April 2009. Any member of an authority can bring a CCfA on any issue they choose, and regardless of which organisation is responsible for that issue, subject to certain exceptions (for example if a CCfA is vexatious, where it deals with an individual complaint or if it concerns an individual licensing or planning matter). This power is limited to issues affecting single wards and its purpose is to help Ward Members tackle local problems on behalf of their constituents when all other options have failed to resolve the matter.

- 32.2 The process is not designed to provide an immediate solution but to allow a high profile public discussion of the issue.
- 32.3 When considering whether to make a Councillor Call for Action about a particular problem, Members will wish to bear in mind the other existing mechanisms that are already available to them – and will continue to be available – to resolve problems. These are:
- Requesting that an item be placed on the agenda of an appropriate committee
 - Calling in decisions of the Executive for review;
 - Bringing petitions to the Council;
 - Speaking on an item on a committee agenda;
 - Submitting questions for Council meetings;
 - Submitting motions for proposals to take action.
- 32.4 On 31 March 2009 the Executive approved an interim amendment to the Council's Constitution to take account of the new legislation. This amendment provided for Councillor Calls for Action to be treated in the same way as Councillors' requests for an item to be placed on the agenda of an appropriate committee. However, recent guidance published by the Centre for Public Scrutiny makes clear that the procedure for dealing with CCfAs should run in parallel to existing powers, and attached as Annexe 1 is a further proposal for an amendment to the Council's Constitution.
- 32.5 Attached as Annexe 2 is a proposed protocol for dealing with CCfAs. This comprises seven steps, the first of which sets out the questions that a Ward Councillor needs to consider when deciding whether to make a CCfA. Also included in the proposed protocol is a request form to be completed at step 2. It is proposed that this protocol, if approved by Members, should be added to the Procedure Rules for each of the Council's Overview and Scrutiny Committees.
- 32.6 The CCfA is being introduced alongside other new powers for scrutiny in the 2007 Act, which include the ability to scrutinise a wide range of national, regional and local bodies not previously subject to local authority challenge, which include existing partners. The CCfA process places a requirement on partners to respond to requests for information from Overview and Scrutiny Committees, and it is proposed to present a report on CCfA to the Waverley Area Strategic Partnership to raise their awareness of the process.
- 32.7 Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions. All local authorities will therefore need to create, or designate, an overview and scrutiny committee to deal with crime and disorder scrutiny. It is up to each authority – along with its partners – to decide on the best way to put procedures in place, and it is suggested that in the case of Waverley, responsibility for the scrutiny of crime and disorder issues is added to the terms of reference of the Community Overview and Scrutiny Committee.

A further report putting forward proposals for the implementation of this new power will be presented to the next meeting of the Community Overview and Scrutiny Committee.

- 32.8 The new powers for the scrutiny of Local Area Agreements (LAAs) (Clauses 121 to 124 of the Local Government and Public Involvement in Health Act 2007) commenced on 1 April 2009. The Act provides for the Secretary of State to issue regulations on access to information, two tier arrangements and district council powers. However, the regulations on access to information and district council powers will not be completed until mid July and the regulations for joint two-tier committees will be completed some time later.
- 32.9 In advance of the regulations, there is no legal provision for joint county/district scrutiny committees, although county councils can use their co-option powers to involve district councillors in county scrutiny committees. In Surrey the County Council's CAA Panel is looking at the Scrutiny of LAAs and possible joint scrutiny, and the Panel will be meeting with the Surrey Overview and Scrutiny Officers Group on 1 July 2009 to discuss how the new powers will work in practice. Members will receive a report on these discussions at their next meeting in September.
- 32.10 The statutory responsibility for the scrutiny of health lies with the County Council and therefore the NHS regards the County as the lead scrutiny body for health matters. The County now has a dedicated Health Advisor and it is hoped that more information on the scrutiny of health issues at County level will be available over the coming months. There are no specific arrangements for the scrutiny of health matters at district and borough level, but there is nothing to stop districts from scrutinising health, and many have been doing this for some years.
- 32.11 The Community Overview and Scrutiny Committee considered the proposals for the introduction of a protocol for CCfAs and noted the information provided on other developments in respect of the introduction of new powers for overview and scrutiny committees.
- 32.12 The Committee engaged in considerable discussion on the proposed protocol for operating a CCfA, including the process for initiating a Call for Action in the event an issue covered more than one ward. Members were advised that the new powers were limited to issues affecting single wards but members of adjacent wards affected by the same issue could both initiate the same Call for Action.
- 32.13 In considering Step 3 of the proposed protocol, the Committee agreed to propose that both the Chairman and Vice-Chairman of the relevant committee should undertake the consideration of the Call for Action form unless they had a personal interest in the issue raised.
- 32.14 The Environment and Leisure Overview and Scrutiny Committee supported the proposals for the introduction of a protocol for CCfA and noted the information provided on other developments in respect of the introduction of new powers for overview and scrutiny committees.

- 32.15 The Committee felt that "single wards" was an unfortunate restriction to CCfA and should be amended to "local issues".
- 32.16 A number of issues still needed clarification, such as if there were any proposals to work with County Overview and Scrutiny processes, and all Overview and Scrutiny Committees should have the opportunity to look at this again when more information and guidance was provided.
- 32.17 The Committee would like the opportunity to consider arrangements further, when guidance was received, for access to information and district powers for scrutiny of LAA. In considering Step 3 of the proposed protocol, the Committee agreed to propose that both the Chairman and Vice-Chairman of the relevant Committee should undertake the consideration of the Call for Action form.
- 32.18. The Corporate Overview and Scrutiny Committee considered the proposals for the introduction of a protocol for CCfAs and noted the information provided on other developments in respect of the introduction of new powers for overview and scrutiny committees.
- 32.19 The Committee endorsed the recommendation from the Community O&S Committee and ELOS, that both the Chairman and Vice-Chairman of the relevant committee should undertake the consideration of the Call for Action form unless they had a personal interest in the issue raised.
- 32.20 The Committee noted the new powers relating to scrutiny of partnership arrangements, in particular the Crime & Disorder Reduction Partnership and the Local Area Agreement. The Committee noted that the LAA involved Surrey County Council as well as all eleven Surrey districts, and felt that it would be more efficient and effective if the scrutiny scheme for the LAA was led by SCC, perhaps modelled on the Health Scrutiny Committee, which could draw members from all the Surrey districts. Similarly, given the organisational structure of Surrey Police, the scrutiny scheme for the CDRP would also have to be carefully considered, including the possibility of joint working between Surrey districts in the same Surrey Police division.
- 32.21 The Executive endorsed the comments of the Overview and Scrutiny Committees about a pragmatic interpretation of the Guidance on issues which may affect more than one ward, but are not Borough-wide issues, and to agree that both Chairman and Vice-Chairman should make decisions where appropriate. The Executive accordingly

RECOMMENDS that

- 16. the Overview and Scrutiny Procedure Rules in the Constitution be amended, as set out in Annexes 1 and 2.**

Background Papers (CEX)

Councillor Call for Action – Best Practice Guidance published by the Centre for Public Scrutiny.
Local Government and Public Involvement in Health Act 2007

Police and Justice Act 2006

33. THURSLEY VILLAGE DESIGN STATEMENT (Agenda Item 15; Appendix J)

33.1 Thursley Parish Council began work of the Thursley Village Design Statement (VDS) in 2006. A copy of the latest version of the document is attached as Annexe 3. The purpose of the document is to give guidance to residents, architects and builders when considering to undertake or whilst undertaking new development within the Parish. It is also intended to be used as a tool by both the Parish Council and Borough Council when considering planning applications.

33.2 The structure of the Thursley VDS is as follows:

- Introduction
- A Map of the Parish
- Thursley's Design Statement
- Location and Setting
- History
- Architecture and Buildings
- Commerce & Agriculture
- Community
- Open Spaces and Landscape Features
- Highways, Roads, Byways, Bridleways & Footpaths
- The Future
- Conclusions

33.3 The VDS will directly relate to the Development Plan. In this case the policy to be amplified is Saved Policy D4 (Design and Layout) of the Waverley Borough Local Plan 2002. The VDS has been subject to a comprehensive consultation process, ensuring that it will be a robust document and stand up through the planning process. The following table outlines the key dates and events in the consultation process:

Key Date	Event
March 2006	Invitation to all residents within Thursley Parish to contribute to the VDS
April 2006	Thursley Design Committee formed and first meeting
7 April 2008	Thursley Parish Council agree to formal public consultation
June / July 2008	Formal consultation: <ul style="list-style-type: none"> • Flyers posted around the Parish • Article in the Parish magazine • Public Exhibition in Village Hall and at St Michael & All Angels Church (4 days – 12, 15-17 July 2008) • Email invitation to fifty-nine residents • Invitations sent to: <ul style="list-style-type: none"> • South East Regional Community Council • CPRE • English Heritage • Surrey Hills Initiative • Surrey Community Action

	<ul style="list-style-type: none"> • Local planning agents • Waverley Borough Council (Local Councillor, Chief Executive, Head of Planning and the Conservation Officer) • Natural England • Press • Elstead & Hambledon Parish Councils • Article in Surrey Advertiser
3 November 2008	VDS approved by Thursley Parish Council
14 November 2008	Formal submission to Waverley Borough Council
February 2009	<p>Final email consultation to:</p> <ul style="list-style-type: none"> • Internal officers in Waverley Borough Council (Countryside & Development Control). • Planning Portfolio Member and local Ward Members alerted to the document. • Surrey County Council (Highways and Rights of Way) • Surrey Wildlife Trust • Natural England

33.4 At the public exhibition in July 2008, some twenty-two comments were received of which nineteen were very supportive. The remaining three responses provided comments for consideration. In addition a further seven responses were received following the exhibition including support from English Heritage and comments from CPRE (fully endorsing the conclusions). No significant comments were received as a result of further consultation (February 2009).

33.5 Thursley VDS Working Group have co-ordinated all of the responses, and where practicable accommodated changes in the document. A number of small changes are yet to be made, but these do not change the scope or conclusions of the document.

33.6 The Thursley VDS is a well-constructed document providing a comprehensive study of the character of the parish. Whilst the Parish Council are already using the document, it will also be very useful for the Borough Council when considering planning applications and other proposals for enhancement or change within the Parish.

33.7 The Executive

RECOMMENDS that

17. the Thursley Village Design Statement be adopted as a material consideration to be used when determining planning applications in the Parish of Thursley.

Background Papers (CSP)

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

34. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - ENFORCEMENT OF POWERS (Agenda Item 16; Appendix K)

- 34.1 The Clean Neighbourhoods and Environment Act 2005 ('CNEA') has been introduced by the Government to provide a legislative framework for providing and maintaining a clean, safe and agreeable local environment. The CNEA supplements, extends, and in some cases, replaces, a multitude of existing environmental and anti-social behaviour Acts. It introduces a range of new offences and gives powers (not duties) to local authorities to issue Fixed Penalty Notices (FPNs) for commission of those offences. The CNEA comprises 272 Clauses in 108 Sections. This report sets out a summary of the main provisions of the CNEA and the key implications of those for this Council.
- 34.2 The ability to impose fixed penalties is intended to be part of a wider enforcement strategy designed to address all aspects of environmental crime and should not be used as an alternative to prosecution for more serious crimes. If the Council resolves to use these powers to issue Fixed Penalty Notices, (FPNs) it must be prepared to pursue the offender through the Courts where payment of the penalty charge is not forthcoming. The evidence for serving an FPN must therefore be sufficient to support a prosecution where required. If the Fixed Penalties are not paid and are not pursued through prosecution or recovery action, their use will be discredited.
- 34.3 The main provisions of the CNEA, that may have implications for Waverley, are set out more fully in Annexe 4 but a brief summary of those is produced below, referenced to the corresponding Sections of the Act shown in the Annexe.
- 34.4 The Council has a duty to "consider" low level anti-social behaviour and environmental crime, such as littering, graffiti, fly-posting, nuisance vehicles and fly-tipping in the composition of its Crime Reduction Strategy (Annexe 1: PART 1 – Section 1). Waverley's Crime Reduction Strategy (2005 – 2010), published in 2005, takes anti-social behaviour and environmental crime into account.
- 34.5 The Council has been provided with a range of powers and/or extension of powers under the CNEA, mostly supported by powers to issue Fixed Penalty Notices, as follows;
- (a) to make **Gating Orders** closing roads or footpaths in built-up areas in the interests of crime reduction (Annexe 4: PART 1 – Section 2);
 - (b) to control the nuisance caused by the **maintenance or selling of vehicles on public highways** as part of a business activity (Annexe 4: PART 2 – Sections 3 & 4);
 - (c) additional powers to **remove abandoned vehicles** (Annexe 4: PART 2 – Sections 10 – 12);

- (d) additional powers to control **littering** (Annexe 4: Sections 18, 20, 21, 22, 23 and 27);
- (e) to authorise others to issue Fixed Penalty Notices **for graffiti and fly-posting** e.g. Town/Parish Council officers. (Annexe 4: PART 4 – Section 30);
- (f) additional powers to control **Graffiti and Fly-Posting** (Annexe 4: PART 4 – Sections 28 and 30 to 34);
- (g) to control the licensing and regulation of **waste storage, transport, deposit and disposal** (Annexe 4: PART 5 – Sections 35 to 38, 40 to 45, and 48);
- (h) to require the production of **Site Waste Management Plans** for building and construction sites (Annexe 4: PART 5, CHAPTER 3 – Section 54);
- (i) to control the **nuisance caused by dogs** on public land (Annexe 4: PART 6 – Sections 55, 56, 59, 61 and 62);
- (j) to control the **nuisance of audible intruder (burglar) alarms** (Annexe 4: PART 7 – Sections 69 to 78);
- (k) to control **noise at night from licensed premises** (Annexe 4: PART 7 – CHAPTER 2);
- (l) to control **abandoned shopping and luggage trolleys** (Annexe 4: PART 9 – Section 99);
- (m) to control **nuisance from insects** emanating from industrial, trade or business premises (Annexe 4: PART 9 – Section 101);
- (n) to control **nuisance from artificial light** sources (Annexe 4: PART 9 – Section 102).

34.6 The powers available under the CNEA, including the power to impose Fixed Penalties for breaches of many of its provisions, provide valuable tools to the Council to help it provide streets and open spaces that are clean, safe, and free of unsocial and environmentally damaging activity. The CNEA has provided the Council with the requisite powers; it does not need to formally adopt those powers. However, officers required to exercise the powers must be 'duly authorised' on behalf of the Council.

34.7 If it is resolved, initially, not to resource a dedicated enforcement officer or team, then there is a range of officers in the relevant services whose function might benefit by them having enforcement powers under the CNEA. The power to authorise named officers to exercise those powers can be delegated by the Council to specified senior officers of the Council. It is recommended that the Scheme of Delegation be amended to give delegated power to the relevant Heads of Service to authorise the appropriate officers in their

services to enforce the provisions of the CNEA relevant to that service, as set out in Annexe 5.

34.8 Authorisation should be in the form of a card which identifies the officer and his/her post and states which statutes and/or Regulations that officer is authorised to enforce. The authorisation card should be signed and dated by the officer with the delegated power to authorise and should be signed by the officer being authorised. If cases proceed to Court, the Court may require evidence of the delegation and authorisation process for which the production of the Minute of the Council Resolution approving the delegation may be required.

34.9 Waverley has a published general 'Enforcement Policy' which was formally adopted by the Council on 18. February 2003 and which was constructed to be consistent with the 'Enforcement Concordat' produced by the Cabinet Office's Better Regulation Unit. The Policy states that "enforcement powers will be used as a means to support policy objectives and consistent regulatory control, rather than for their own sake". Exercise of enforcement powers under the CNEA would, therefore, be consistent with this policy in that this would support the delivery of the Council's key policy objectives of;

- "protecting and enhancing Waverley's unique environment"; and
- "improving the quality of life for all in the Borough".

34.10 However, the Enforcement Policy also states that;

"The emphasis will be on persuasion, influence and education, to secure the aims of legislation and local policies, but swift and firm action will be taken against those who deliberately flout or ignore the law".

This is consistent with Waverley's preferred approach to achieve its policy objectives by engagement with its community in informing, educating and promoting socially responsible behaviour. An example is Waverley's partnership with Guildford BC in the Local Strategic Partnership project to promote a "clean, green and safe environment" in both Boroughs.

34.11 Where the Council cannot achieve its aims of a clean, safe and agreeable environment by community engagement it may need to exercise its powers under the CNEA, to enforce compliance with the provisions of the CNEA, by the imposition of Fixed Penalties on the offenders. It has a number of options to do this;

- (i) the employment of a dedicated uniformed mobile enforcement officer or officers engaged directly by the Council on a full or part-time basis. This would be the most effective mechanism for enforcement of the provisions of the CNEA as the Council would have a trained and dedicated resource available at all times, which is both visible, and therefore would have a deterrent effect, and recognisable by the public as a legitimate enforcement operation. However, this would be the most expensive option at an estimated £50,000 per annum per officer and van;

- (ii) a number of agencies specialise in providing enforcement officers trained in the provisions of the CNEA and in serving Fixed Penalty Notices. The service outlined in (i) could be provided by the use of agency staff. An indicative cost of £25,000 per officer per annum has been quoted. Agency staff could be employed for fixed terms or on a full-time or part-time basis. They would require more management and control to ensure that they delivered the right balance of education, deterrence and enforcement to meet the Council's needs;
- (iii) a neighbouring District has a dedicated enforcement officer and vehicle. This service area may provide an opportunity for joint working, and economies of scale, particularly where levels of environmental and anti-social misbehaviour are not thought to justify a dedicated full-time operation in Waverley. If it is resolved to fund a dedicated enforcement service, discussions with neighbouring Districts should be entered into to explore the opportunity for joint working;
- (iv) the Council currently employs NSL Services (formerly NCP) to deliver its parking enforcement service. The Civil Enforcement Officers (CEOs) could be authorised to also issue Fixed Penalty Notices for environmental crime under the CNEA. However, Civil Parking Enforcement is a different process requiring only photographic evidence of a parking regulation contravention and a Vehicle Registration Number. The registered keeper of the vehicle, obtained from DVLA records, is liable for the penalty. CEOs are not trained in obtaining evidence of environmental crime, and identifying offenders, sufficient for enforcement under the CNEA. In addition, the parking enforcement operation is economically resourced for that service alone such that any dilution of the parking enforcement activity would be detrimental to the service and to the revenue protection in off-street car parks;
- (v) the least-cost option would be to authorise relevant officers in the services where the CNEA provides enforcement powers to exercise those powers relevant to their services; e.g.,
 - A Housing Management Officer would enforce nuisance vehicle offences on housing estates;
 - a Countryside Ranger would enforce dog control, littering and graffiti measures on the Countryside estate;
 - the Street-Cleaning monitoring officer would enforce littering on streets;
 - Parks and Landscape staff would enforce littering and graffiti/flyposting on the recreation grounds;
 - Parking staff would enforce the 'distribution of free literature' (leafleting of cars) in the off-street car parks.

If there became a need for significant enforcement activity in any particular service it would have a resource implication which would need to be addressed in the particular circumstances.

- 34.12 Where significant numbers of Fixed Penalty Notices are issued, under any of the delivery mechanisms, a significant 'back-office' resource will be needed to identify and trace those liable for payment, pursue payment and instigate debt recovery, and/or instigate Court action in the event of non-payment of the FPN or for persistent or serious breaches of the CNEA. It is estimated that the 'back-office' resource would equate to 0.5 full-time equivalent administration post, plus legal support where Court action is required.
- 34.13 The level of environmental crime and anti-social behaviour in Waverley is low. The National Indicators for littering, graffiti, fly-posting and abandoned vehicles are "good" or "satisfactory" and are well within national targets. We work with our partner agencies in the Safer Waverley Partnership to manage anti-social behaviour and environmental crime. The Police have chosen not to exercise the littering and graffiti enforcement powers of the Act through its Police Community Support Officers, as it is empowered to do under the CNEA, as it feels this would detract from their community engagement role. Similarly, the Council might consider enforcement as a last resort to be used for serious or serial offences.
- 34.14 There are isolated instances in Waverley where persistent littering e.g. around a school or retail premises, or serial dog-fouling on particular recreation areas, occur. These could best be addressed by targeted enforcement by 'authorised' officers from the relevant existing service resource.
- 34.15 The making of Orders (e.g. Dog Control, Gating), designation of areas (e.g. Litter Control, Alarm Notification, prohibition of distribution of printed matter), the seizure of waste-carrying vehicles, and the inspection and monitoring of Site Waste Management Plans would need significant administrative, legal and operational support, which is beyond the resources available to the Council. It is not proposed that the Council would, or should, exercise these powers except in extreme circumstances.
- 34.16 Other powers, relating to abandoned vehicles, littering, graffiti, fly-posting, nuisance vehicles, nuisance dogs, nuisance insects, nuisance lighting and abandoned shopping trolleys, would be useful tools for the Council and could be exercised by the relevant service officers to tackle serial or serious anti-social or environmental misbehaviour that could not be remedied by education, persuasion or community advocacy.
- 34.17 The Government has recommended that
- a. the use of Fixed Penalty Notices (FPNs) for low level environmental crime be encouraged.

- b. Fixed Penalties should be part of a wider enforcement strategy designed to address all aspects of environmental crime. They should not be used as an alternative to prosecution for more serious crimes (e.g. large or hazardous fly-tips).
- c. If FPNs are to be issued, it is essential that the authority has in place a system whereby a prosecution will ensue if the penalty is not paid and the evidence supports prosecution. If Notices are not paid and then not pursued, their use and value will be discredited.
- d. It is essential that local authorities intending to:
 - issue fixed penalties for the first time;
 - make 'Gating' Orders;
 - designate Litter Control areas;
 - make Dog Control Orders; or
 - designate Alarm Notification Areas

publicise the intentions widely to raise public awareness and to gain public support for that action.

34.18 The Council may retain the income from Fixed Penalties but the Regulations generally prescribe the use of those receipts. They may generally only be used to help defray the cost of the enforcement operation or to help fund the authority's statutory functions in relation to the particular legislation under which the Penalty Notice has been issued. However, where a local authority is categorised as 'good' or 'excellent' under the Comprehensive Performances Assessment (now CAA), it may spend penalty receipts on any of its functions. The Fixed Penalty Notice provisions are set out in more detail at Annexe 6.

34.19 The magnitude of the resource implications will be dependant on the approach taken by the Council to the implementation of the powers provided by the CNEA. The level of enforcement needs to be proportionate to the level and extent of environmental crime in the Borough, at any given time, and to be consistent with the philosophy of the Council that seeks first to achieve its ambition of enhancing its environment and improving the quality of life for its residents and visitors, by engagement with its community rather than by confrontational enforcement action.

34.20 The Regulatory Impact Assessment (RIA) of the CNEA, produced by DEFRA, states that the majority of the measures provide local authorities with additional powers, rather than duties, which it expects will only be used where there is a net benefit in so doing in the local context. The RIA concludes that the benefits of the measures outweigh the costs but those costs are not quantified or funded by DEFRA or Government. If the Council resolved to actively exercise the extensive and numerous provisions of the CNEA, across all of the relevant service areas, it would need significant resources in both those services, and in legal support for prosecutions and finance support for collection of penalties and pursuit of debts.

- 34.21 There is some opportunity to defray the costs of enforcement through receipt of fixed penalty notice (FPN) income (e.g. £75 discounted to £50 for littering) but this is not expected to cover the cost of enforcement and recovery of the penalties, unless FPNs are to be issued in significant numbers on an on-going basis.
- 34.22 Officers authorised to enforce the provisions of the CNEA will need to have successfully completed an approved training course in the application of the relevant legislation relating to the offences for which they are to issue FPNs and in gathering evidence under the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000 and other relevant enforcement and Court processes. Training must be successfully completed before authorisation. There will be costs for initial and refresher training.
- 34.23 In conclusion, the Clean Neighbourhoods and Environment Act provides the Council with a wide range of additional powers that would be valuable in helping to maintain a safe, clean and amenable environment in the Borough. The most effective way of exercising these powers would be by way of a dedicated mobile enforcement officer or officers with a dedicated 'back-office' resource to manage the enforcement and provide the infrastructure for collection of fixed penalty payments, recovery of debt, and pursuit of Court action where penalties are unpaid or offences are serial, serious or persistent.
- 34.24 That enforcement structure would have significant financial implications that might only be justified when environmental crime and anti-social behaviour is at a significant level. This is not currently the case in Waverley. Any enforcement activity needs to be proportionate and consistent with the Council's primary aim to work with the community in addressing environmental issues. However, it would be valuable if the Council were able to take appropriate enforcement action where environmental crime and nuisance activity occurs and other measures have failed to resolve it.
- 34.25 Some provisions of the CNEA, where partner agencies have parallel powers e.g. waste transport offences and Site Waste Management Plan monitoring, might more appropriately and effectively be enforced by those agencies, in this example, the Environment Agency. Other provisions e.g. enhanced powers to control littering, graffiti, fly-posting, dog fouling, noise, flies and nuisance vehicles, would be valuable for the Council to be able to enforce, or threaten to enforce, where conciliatory approaches have failed. The relevant officers should therefore be authorised to take enforcement measures where required.
- 34.26 The Executive accordingly

RECOMMENDS that

- 18. the Council's Scheme of Delegation be amended so that the relevant Heads of Service be delegated to authorise their nominated officers to enforce the relevant provisions of the Clean Neighbourhoods and Environment Act 2005 in accordance with the schedule at Annexe 5;**

19. **the option to employ a dedicated enforcement team be kept under review and reconsidered should the incidence of environmental crime and/or anti-social behaviour escalate to a level that might justify that investment;**
20. **the Council adopts the default level of Fixed Penalty Charges set out in Annexe 5 and the discounts for early payment as set out in Annexe 6; and**
21. **officers investigate the opportunities for joint working, on the enforcement of the provisions of the Clean Neighbourhoods and Environment Act 2005, with neighbouring District Authorities.**

Background Papers (SDE)

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

35. INFORMATION AND COMMUNICATIONS TECHNOLOGY - VISION AND DIRECTION OF TRAVEL 2009-2012 (Agenda Item 25; Appendix T)

- 35.1 The ICT Vision and Direction of Travel 2009 – 2012 document, attached as Annexe 7, reflects the growing importance of ICT and its link to transforming business, which is reflected in the development of a strong ICT base. An overriding aim of the Council will be to achieve a more consistent, positive and value for money customer experience by improving the customer facing elements of the Council and consolidating the support and logistic elements (the Back Office). Increasingly Waverley will use information and communication technologies to bring together the people, processes and technology required to deliver successful change and modernisation. At the core of this approach will be the development of customer knowledge/insight leading to more focused, personalised and responsive service delivery based on customers needs.
- 35.2 The ICT Vision and Direction of Travel has been agreed by the Corporate Management Team and by the Heads Of Service Team. Subject to approval of the aims set out in the attached document, officers would prepare detailed programmes of work and investment in systems and applications that are in accordance with the business objectives set out.
- 35.3 The Corporate Overview and Scrutiny Committee endorsed the ICT Vision and Direction of Travel 2009-2012, subject to delivery plans being affordable and justified by a clear benefit to the Council's customers, and agreed to pass the following observations to the Executive:
 - i. The Committee suggested that there might be scope to investigate the use of 'live-chat' as an alternative to one-to-one meetings between members and officers or, for example, planning or benefits surgeries;

- ii. The Committee also felt that Business Continuity might be better secured by partnering with a local authority more geographically distant than Guildford. The concern was that there was a risk that an incident that affected Waverley might also affect Guildford, and therefore a shared, relatively local back-up facility might not be as secure as one that was more distant.

35.4 The Executive

RECOMMENDS that

22. the ICT Vision and Direction of Travel 2009-2012 be adopted.

Background Papers (SDE)

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

36. CORPORATE OVERVIEW AND SCRUTINY COMMITTEE - TERMS OF REFERENCE (Agenda Item 26)

36.1 At the Corporate Overview and Scrutiny Committee on 22 June 2009, the Committee reviewed its Terms of Reference and, in order to maintain topicality, agreed to recommend the following amendments:-

- i. Replacing *Comprehensive Performance Assessment* with *Comprehensive Area Assessment* - to update terms of reference to correspond with current terminology; and
- ii. Replacing *Local Strategic Partnership and partnership working* with separate items for (a) *Local Strategic Partnership* and (b) *Joint and partnership working* – to distinguish between different models of joint and partnership working that may, or may not, be linked to the Local Strategic Partnership.

36.2 The Executive

RECOMMENDS that

23. the Terms of Reference for the Corporate Overview and Scrutiny Committee be updated to reflect the changes above, and the constitution be amended accordingly.

37. COUNCIL CHAMBER REPLACEMENT CONFERENCE (MICROPHONE) SYSTEM (Agenda Item 28; Appendix V)

37.1 The Council's existing Phillips Conference System is now approaching twenty years old. The system is no longer supported by the manufacturer and over recent months the system has been increasingly subject to breakdowns in service. The audio link to webcasting is poor and has also been subject to criticism by users. For these reasons there is now an urgent need to replace the system.

- 37.2 Officers have engaged Sound Advice Ltd to prepare the detailed technical specification for the new system. Quotations are being sought from three leading suppliers in the marketplace. Sound Advice is a specialist independent conference system and audio-visual company with wide experience of installations of conference systems in Council Chambers across the country. The company also work closely with Public-i the Council's existing webcasting system providers.
- 37.3 The quotations being sought are based on a fixed-wired digital microphone solution which will also link into the Council's existing webcasting system and infra-red hearing induction equipment. The system will also allow for alternative webcasting solutions should these be considered in the future. Subject to approval, the installation of the new system would be carried out in August during the Council recess.
- 37.4 The specification also contains provision for future potential enhancements to the basic microphone system which the Council may wish to consider adding in the future such as full voting electronic voting modules. Officers have been examining various microphone systems and it is proposed to set up a demonstration for member representatives to view the options being considered.
- 37.5 The Council is being asked to consider bringing forward the scheme to replace the Council Chamber conference (microphone) system. The estimated cost is assessed at between £28,000 and £32,000 and quotations for the system are being sought from three conference system suppliers. There is no specific capital provision within the current year's Capital Programme for this expenditure and the options for the Executive are either to seek approval to a supplementary estimate or identify specific slippage or savings in the current year's capital programme.
- 37.6 The Executive

RECOMMENDS that

- 24. the proposal to bring forward the scheme to replace the Council chamber conference system at an estimated cost of between £28,000 and £32,000 be approved;**
- 25. either a supplementary estimate of up to £32,000, or specific slippage or savings in the current year's capital programme be approved; and**
- 26. authority to approve the selection of the system be delegated to the Portfolio Holder for Finance and the Deputy Chief Executive.**

Background Papers (SDE)

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

38. PROPOSED AFFORDABLE HOUSING DEVELOPMENT - STATION ROAD, GODALMING (Agenda Item 29; Appendix W)

38.1 In 1987, the Council acquired a site at Station Road, Godalming for housing purposes. It is adjacent to a property owned by the Council called Priory Orchard. In 1990, planning permission granted for a scheme of 31 flats for older people. However, owing to financial pressure this development did not progress. Since that time, the site has been used as a contract car park.

38.2 More recently, the car park has not been used to capacity during the week as the company, which purchased most of the contract parking spaces has relocated. In any event, the site was purchased for housing purposes and given the pressing need for affordable housing in the Godalming area, it is considered timely and appropriate to propose the development of this site for affordable housing.

38.3 The Station Road site (which includes Priory Orchard) is a 'brownfield site' (of 0.22 hectares) within the developed area, within easy reach of shops, services and transport links. At this stage, Members are being asked to agree to the principle of releasing this land for housing purposes to enable a development of affordable housing – details of which have yet to be formulated.

38.4 The Council has agreed to establish a local housing company, with a view to providing affordable housing outside of the Housing Revenue Account (HRA). Whilst the local housing company is at a formative stage in its development and is not in a position today to undertake a development of this sort, it would be sensible for the Council to keep its options open at this stage. Furthermore, the Government has changed its stance on allowing local authorities to build Council housing. The Homes and Communities Agency has made available £100 million against which local authorities can bid to help fund new council homes. Waverley is likely to make such a bid and the Station Road site in Godalming could benefit from this funding if a bid is successful.

38.5 The Council itself has not undertaken a new build housing project for some years. It is therefore proposed that the Council appoint a Registered Social Landlord or another suitably qualified organisation, to act as its 'Development Agent'. A Development Agent would ensure that plans are drawn-up that address local housing need; and are in line with the requirements of the local Planning Authority and Homes and Communities Agency. They would oversee the actual development process.

38.6 It is proposed that:

- the Council agrees to release the site at Station Road, Godalming, for the development of affordable housing;
- the Head of Housing appoints a Registered Social Landlord, or suitably qualified organisation, to act as its 'development agent' in the first instance. The RSL, which would have considerable experience of affordable housing development, would work up proposals for the site for

consideration by the Council as a Housing Authority and would then submit a planning application in due course;

- once planning permission had been secured, decisions would then need to be taken about the which organisation would fund and own the homes at the end of the build period. This might be the Council's Housing Revenue Account, the Waverley Local Housing Company, or the RSL that the Council has appointed to undertake the development process, or perhaps a combination.

38.7 In the 2009/10 budget, there is an estimated income arising from the sale of season tickets amounting to £35,000 - £15,000 of which is retained by the General Fund for managing the car park and £20,000 is credited to the HRA. Should the site be developed for affordable housing this income stream would be lost. It is worth noting, however, that as a result of an office move the main purchaser of season tickets is no longer using the car park.

38.8 At this stage, the resource implications relate to the appointment of an RSL (or appropriately qualified organisation) as a development agent and the costs associated with making a planning application. The costs associated with this exercise can be funded from within the capital resources available within the affordable housing capital programme.

38.9 There is a considerable need for affordable housing across the Borough and in Godalming itself. The Station Road site is centrally located close to amenities. The site lies within the settlement and developed area and is a 'brownfield site'.

38.10 The Executive

RECOMMENDS that

- 27. the Council agrees to the land at Station Road, Godalming, being released from its current use, and revert to the purpose for which it was originally acquired (i.e. housing purposes);**
- 28. the Head of Housing appoints a Registered Social Landlord, or suitably qualified organisation, to act as its development agent to draw up plans for a scheme of affordable housing at Station Road, Godalming; and**
- 29. once plans have been drawn-up and the scheme costed, a further report be presented to the Executive.**

Background Papers (SDCS)

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

39. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 34)

At 8.55 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 the following paragraphs of the revised Part I of Schedule 12A to the Act, namely:-

2. Information which is likely to reveal the identity of an individual;
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information); and
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

40. DIRECT PERFORMANCE OF REQUIREMENTS OF AN ENFORCEMENT NOTICE (Agenda Item 35; (Exempt) Appendix AA)

The Executive has considered a report on this matter. The report is attached as (Exempt) Annexe 8. The Executive accordingly

RECOMMENDS that

30. **the recommendations set out in the (Exempt) Annexe 8 to these minutes be approved; and to approve a supplementary estimate of £85,000 to be met from the General Fund Working Balance, pending recovery of the cost.**

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

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

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

42. PERFORMANCE MANAGEMENT REPORT QUARTER 4 (JANUARY - MARCH) 2008/09 AND ANNUAL PERFORMANCE REPORT 2008/09 (Agenda Item 9; Appendix D)

RESOLVED that

1. the performance figures for quarter 4 and the 2008/09 full year results as set out in Annexe 1, be considered;
2. the proposed targets for 2009/10 onwards, as set out in Annexe 2 to the report be approved and the recommendations of the Overview and Scrutiny Committees, as set out in the report be accepted; and
3. because the targets were agreed prior to the outturn figures being calculated, officers be requested to present updated targets in the Autumn following the review of the budget.

43. BUDGET CONSULTATION (Agenda Item 10; Appendix E)

RESOLVED that

1. a budget consultation exercise be undertaken for general services ahead of the 2010/2011 budget-setting process; and
2. the Finance Portfolio Holder be requested, in conjunction with other Members of the Executive as appropriate and the Deputy Chief Executive, to agree on the mix of consultation methods to be employed to work up the detailed questions and methodology and to commence the process in accordance with the timetable set out in the report.

44. TREASURY MANAGEMENT- INVESTMENT TRANSACTIONS AND PERFORMANCE MEASUREMENT 2008/2009 (Agenda Item 11; Appendix F)

RESOLVED that the Treasury Management Performance for 2008-2009 be noted.

45. REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT 2000 - HOME OFFICE CONSULTATION (Agenda Item 12; Appendix G)

RESOLVED that

1. the observations of the Community Overview and Scrutiny Committee on the Government's Regulation of Investigatory Powers Act 2000 consultation, and the Council's use of the RIPA provisions be noted and the Council's response as set out at paragraphs 18 to 22 of the report be endorsed; and

2. all use of RIPA in future be reported to the Executive at its subsequent meeting.

46. STRATEGIC PROCUREMENT RESOURCE (Agenda Item 13; Appendix H)

RESOLVED that

1. the principle of providing an additional corporate resource to develop and undertake Waverley's procurement activities in the future be approved;
2. the temporary appointment for 12 months, with an option to extend, of a Procurement Officer, or an alternative resource as set out in paragraph 6 of the report, be approved;
3. a budget of up to £50,000 split between the 2009/10 and 2010/11 financial years be approved to be fully offset by procurement savings and efficiencies, with any shortfall in the first year being met from the vacancy factor;
4. the Deputy Chief Executive be requested, in conjunction with the Finance Portfolio Holder, to evaluate, select and implement the most appropriate option for Waverley in the longer-term, subject to this being on a cost-neutral basis; and
5. officers be requested to report back on progress after six months of the Procurement Officer being in post.

47. ABSENCE MANAGEMENT SYSTEM (Agenda Item 14; Appendix I)

RESOLVED that

1. a supplementary estimate of £16,500 be agreed for the year 2009/10 with a view, in future years, to officers working to absorb the costs when the budget is being reviewed, commencing in Autumn 2009; and
2. the Deputy Chief Executive, in consultation with the Finance Portfolio Holder, be authorised to evaluate and appoint a service provider.

48. ANNUAL PROGRESS REPORT OF TRAVEL ACTION PLAN, ENERGY USE PLAN AND CARBON REDUCTION MANAGEMENT ACTION PLAN (Agenda Item 17; Appendix L)

RESOLVED that

1. the energy use plan continues to be in use and eventually be incorporated into the LACM action plan by March 2010;
2. the transport plan continues to be used until the majority of actions are investigated or completed and will continue to be reviewed annually; and

3. the final progress report on the CRMAP be communicated in January 2010 with a view to discontinuing the use of this action plan, once the majority of actions are completed or underway.
49. FLOOD RISK MANAGEMENT INDEPTH REVIEW (Agenda Item 18; Appendix M)

The Executive noted the comments from the Environment and Leisure Overview and Scrutiny Committee and

RESOLVED that the following conclusions be supported:-

1. A Strategic Flood Risk Assessment (Level 1) be completed, in consultation with the Environment Agency, by April 2010. The cost of the SFRA will be covered by the existing planning service budget.'
 2. Town and Parish Councils be encouraged to take more of an interest in managing flood risk, using Bramley Parish Council as an example of good practice. This can be achieved using existing staff resources.
 3. Supporting and co-operating with the Environment Agency and the new 'lead local flood authority' (i.e. Surrey County Council). These are new relationships and the cost to Waverley of 'supporting and co-operating' is unknown.
 4. There needs to be further Mapping, surveying and maintaining of WBC owned, watercourses and assets. Much of this can be done using existing staff resources.
 5. The Council should look into promoting existing arrangements for advising residents by all available means in times of flooding.
50. PROPOSED INVESTMENT PROGRAMME FOR PLAYGROUNDS AND RECREATIONAL FACILITIES FOR YOUNG PEOPLE 2009-2011 (Agenda Item 19; Appendix N)

RESOLVED that

1. the proposed approach for prioritisation of capital spend on playgrounds and recreational facilities for young people over the next two years be endorsed;
 2. the proposed list of projects for the next two years be approved; and
 3. the amendment of the 2009/10 Capital Programme to include the additional S106 funding of £4,400 for Beacon Hill Recreation Ground be agreed.
51. INTRODUCTORY TENANCIES (Agenda Item 20; Appendix O)

RESOLVED that

1. the comments of the Landlord Services Partnership SIG be noted, along with the observations of the Community Overview and Scrutiny Committee which concluded that Introductory Tenancies should not be introduced by the Council; and
2. Introductory Tenancies should not be adopted by the Council and that a review be conducted in 2010, or earlier if, in the opinion of the Housing Portfolio-Holder, circumstances had changed sufficiently to warrant consideration again.

52. REVISING WAVERLEY'S TENANCY AGREEMENT (Agenda Item 21; Appendix P)

RESOLVED that the new draft Tenancy Agreement be approved and issued for formal consultation with tenants.

53. DEVELOPING THE HOME IMPROVEMENT AGENCY (Agenda Item 22; Appendix Q)

RESOLVED that

1. the proposal to merge the Waverley and Guildford Home Improvement Agencies be approved;
2. the activities of the new HIA be managed by Guildford Borough Council;
3. the two members of Waverley HIA staff should transfer to Guildford Borough Council's employ under the Transfer of Undertakings Protection of Employment regulations; and
4. officers be authorised to enter into appropriate agreements with Guildford Borough Council in respect of the new HIA.

54. IMPROVING THE HRA CONTRACT WITH EPS PROJECTS LIMITED - RESPONSIVE, VOID AND EXTERNAL REPAIRS (Agenda Item 23; Appendix R)

RESOLVED that

1. the Housing Service moves towards an alternative payment mechanism and proposed changes with EPS Projects for the remaining contract period, as detailed within the report; and
2. the Chief Executive and the Deputy Chief Executive, in consultation with the Portfolio Holder, be given authority to agree the revised terms and conditions with EPS Projects Ltd.

55. PROPOSALS FOR THE FUTURE ROLE AND OPERATION OF WAVERLEY'S LOCAL OFFICES (Agenda Item 24; Appendix S)

The Executive considered the recommendations of the Customer Service SIG and, having taken into account the observations of the Corporate Overview and Scrutiny Committee set out in the report

RESOLVED that

1. Waverley should continue to provide a local office service in each of its main centres of population Farnham, Haslemere and Cranleigh (Godalming being served by the Central Offices);
 2. Saturday opening should be provided at all three local offices and at Godalming;
 3. The staffing of the offices should be as set out in paragraphs 21, 22 and 23 of the report, which is within the post-November 2009 staffing establishment of 5.2 fte staff at an additional cost of £7,950 in a full year;
 4. the co-location of Waverley services with partner organisations is the preferred way forward for providing access to a wider range of services for customers and economies in the running and operating costs of buildings but in the short to medium term:
 - a. the Farnham local office is to remain in the Council Offices building at South Street, Farnham;
 - b. the Cranleigh local office should remain in the Cranleigh Leisure Centre which is due to be refurbished in the current year;
 - c. in Haslemere the preferred location for the local office would be to remain in the existing building at Weyhill but to bring a partner organisation in to operate from the building;
 5. a programme of alteration and improvement works to be carried out to the Haslemere and Farnham offices in 2010/11 to remove the secure cash desks and improve customer facilities; and
 6. a review be undertaken in May 2010 of outputs such as enquiry numbers and customer satisfaction levels arising from the revised service model.
56. REVIEW OF THE PROVISION OF EMAIL TO COUNCILLORS (Agenda Item 27; Appendix U)

RESOLVED that

1. the proposal to implement citrix and email client for Councillors, in consultation with the portfolio holder be approved; and
2. the proposal to stop automatically forwarding email that is delivered to waverley.gov.uk addresses to comply with the Gov Connect Code of

Connection be approved, following a reasonable period of notice to affected councillors.

57. SURRENDER AND RENEWAL OF LEASE, WRECCLESHAM TENNIS CLUB
(Agenda Item 30; Appendix X)

[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 Wrecclesham Tennis Club Limited surrender its existing lease of the tennis courts and site of pavilion at Wrecclesham Recreation Ground and be granted a new lease of 25 years on terms set out in the (Exempt) Annexe to the report, other terms and conditions to be agreed with the Estates and Valuation Manager.

58. LEASES FOR SITES OF BANDSTANDS - PHILLIPS MEMORIAL GROUND, GODALMING AND GOSTREY MEADOW, FARNHAM (Agenda Item 31; Appendix Y)

RESOLVED that Godalming and Farnham Town Councils be granted leases of the sites of the Bandstands on terms and conditions largely based on those set out in Annexe 2 to the report, other terms and conditions to be negotiated with the Estates and Valuation Manager.

59. THE CHANTRY'S COMMUNITY CENTRE, THE CHANTRY'S, FARNHAM
(Agenda Item 32; Appendix Z)

RESOLVED that Waverley accept a surrender of the lease of the Chantry's Community Centre from the Chantry's Community Association with immediate effect, other terms and conditions to be negotiated by the Head of Housing Services in consultation with the Estates & Valuation Manager.

60. ACTION TAKEN SINCE LAST MEETING (Agenda Item 11)

The Executive noted the action taken by the Chief Executive since the last meeting relating to the payment of compensation under Section 203 of the Town and Country Planning Act.

The meeting commenced at 6.45 p.m. and concluded at 8.58 p.m.

Chairman