

To: All Members of the EXECUTIVE
(Agenda pages to other
Members for Information)

Fax No: 01483 523475

When calling please ask for: Emma McQuillan

Direct line: 01483 523351

Calls may be recorded for training or monitoring

E-mail: emma.mcquillan@waverley.gov.uk

Date: 31 March 2010

Membership of the Executive

Cllr Richard Gates (Chairman)
Cllr Mike Band (Vice-Chairman)
Cllr Mrs Carole King
Cllr Robert Knowles
Cllr Ms Denise Le Gal

Cllr Stefan Reynolds
Cllr John Sandy
Cllr Roger Steel
Cllr Adam Taylor-Smith
Cllr Keith Webster

Dear Councillor

A Meeting of the EXECUTIVE will be held as follows:-

DATE: TUESDAY, 13 APRIL 2010

TIME: 6.45 P.M. *

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

Yours sincerely

MARY ORTON

Chief Executive

*This meeting will be webcast and can be viewed by visiting
<http://www.waverley.ukcouncil.net/>

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351

NOTE FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

AGENDA

1. INFORMAL QUESTION TIME

The Chairman to receive any informal questions from members of the public (for a maximum of 15 minutes).

2. MINUTES

To confirm the Minutes of the Meeting held on 2 March 2010 (to be laid on the table half-an-hour before the meeting).

3. APOLOGIES FOR ABSENCE

To advise the Executive of any apologies for absence.

4. DISCLOSURE OF INTERESTS

To receive from members, declarations of personal and prejudicial interests in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

5. QUESTIONS

The Chairman to respond to the following question received from Mr Hyman of Farnham of which notice has been given in accordance with Procedure Rule 10:-

“In paragraph 12[4] of his March 2007 paper David Elvin QC summed up the *Barker* judgment by saying,

“Where a reserved matters EIA is required, then the ECJ held [in *Barker*, para 48] that what was required was “This assessment must be of a comprehensive nature, so as to relate to all the aspects of the project which have not yet been assessed or which require a fresh assessment.”

To quote from the DCLG Guidance,

“(6) ... Where the detail at reserved matters has revealed new or additional likely significant effects on the environment not identified and/or assessed at the OPP stage, the approval of reserved matters without obtaining the necessary environmental information is likely to be in breach of the Directive and thus unlawful.”

and (8), “If a developer disagrees with a request for an EIA to be carried out at the approval of reserved matters stage then having regard to the obligations on LPAs to give effect to the EIA Directive and the ECJ’s decisions it must either:

- a. refuse the approval of reserved matters outright; or
- b. defer determination of approval until such time as an EIA is provided.”

In 2007 you (i.e., this Council) quite rightly announced your adherence to the *Barker* principle, and in particular its relevance to Habitats-related applications, when you required mitigation at the reserved matters stage of the Hospital development - albeit that you did not provide an Appropriate Assessment until required to by the EC Compliance Unit in 2009, thus confirming at the highest level the oft-ignored requirement for AAs.

My question is, will this Council please clearly state your full acceptance of the above (and the *Barker* principle) and will you now please commit to demonstrating such in your decision-making?”

6. EXECUTIVE FORWARD PROGRAMME [page 15]

To adopt the forward programme of key decisions for Waverley Borough Council, attached at Appendix A.

7. BUDGET MONITORING - FEBRUARY 2010 [page 19]

[Portfolio Holder: Cllr Mike Band]
[Wards Affected: All]

The report at Appendix B provides an update of the expenditure and income position to the end of February 2010 compared with the budget for the General Fund and the Housing Revenue Account. The focus is on major items of income and expenditure together with the latest position on major variances identified previously.

Recommendation

It is recommended that the position as at 28 February 2010 be endorsed.

8. GODALMING LEISURE CENTRE [page 27]

[Portfolio Holders: Cllrs Mike Band and Roger Steel]
[Wards Affected: All]

The report at Appendix C updates Members on the current position of the new Godalming Leisure Centre project and recommends a change to the location of the tennis court site option. The report seeks Members’ approval for the evaluation process for the tender and site options for the new Godalming Leisure Centre, and for the shortlist of contractor teams to invite to tender.

The report also seeks a waiver to a technicality in Contract Procedure Rules (CPRs) to enable the unusual nature of the contract to be taken into account in the evaluation.

Recommendation

It is recommended that:

- 1. the negotiated position with the Tennis Club and Fields in Trust be noted and that the Council reaffirm its requirement to tender on the basis of the current site and a tennis court site;**
- 2. Council change the location of its tennis court site option from the current hard court site to the adjacent grass court site as indicated in Annexe 2;**
- 3. the Council endorse the proposed 5 contractors to be invited to tender for the design and build contract for the new Godalming Leisure Centre, as listed in (Exempt) Annexe 3;**
- 4. in the event that one or more of the 5 contractors referred to in recommendation 3 above withdraw prior to being invited to tender, then the Deputy Chief Executive in conjunction with the Finance and Leisure Portfolio Holders be given delegated authority to invite the next highest ranked contractor(s) to tender;**
- 5. the approach and matrix for evaluation of the tenders as set out in this report be approved;**
- 6. the approach and matrix for the evaluation of the site as set out in this report be approved;**
- 7. the Deputy Chief Executive and Finance Portfolio Holder develop an outline financing proposal for this capital project;**
- 8. the officers report to a future meeting on the final site and contractor selection to enable the Council to decide on awarding the contract following the evaluation of tenders, site location and affordability in accordance with the process agreed in 5 and 6 above; and**
- 9. CPR L105 be amended for this tender evaluation so that quality can be considered alongside price to enable an overall best value solution to be identified.**

9. NHS SURREY REQUEST FOR USE OF SPACE AT CRANLEIGH LEISURE CENTRE [page 49]

[Portfolio Holder: Cllr Roger Steel, Cllr Mike Band]

[Wards Affected: Cranleigh]

The report at Appendix D informs Councillors of a request that has been received from NHS Surrey, which is seeking permission to decant certain NHS services into Cranleigh Leisure Centre during the period of rebuilding on the current hospital site.

Recommendation

It is recommended that authority be delegated to the Chief Executive and the Head of Leisure Services, in consultation with Councillors Band, Knowles and Steel, to enter into detailed negotiations with the NHS Surrey Board for the location of limited complementary NHS services within the treatment rooms in Cranleigh Leisure Centre, within the constraints of the current planning status of the centre, and to report back to a future meeting of the Executive.

10. CARBON MANAGEMENT PLAN [Page 55]

[Portfolio Holder: Cllr John Sandy]

[Wards Affected: All]

In May 2009, Waverley Officers embarked on the Carbon Trust's Local Authority Carbon Management (LACM) programme. The programme aimed to guide Waverley through a systematic analysis of its own emissions and help produce a robust Carbon Management Plan (CMP). The CMP focuses on CO₂ reductions under our direct control such as buildings and vehicles. The programme is in line with NI 185 (CO₂ reductions for Local Authority operations), which was introduced in 2008.

The purpose of the report at Appendix E is to introduce the Carbon Management Plan and recommend its adoption as Council policy.

Recommendation

It is recommended that the Executive

- 1. endorse the Carbon Management Plan attached to the report; and**
- 2. agree the reduction target as set out in Annexe 1.**

11. JOINT COMMITTEE FOR THE OVERSIGHT OF DELIVERY OF SURREY PUBLIC AUTHORITY SERVICES [page 89]

[Portfolio Holder: Cllr Richard Gates]

[Wards Affected: All]

The report at Appendix F asks the Executive to recommend the Council to agree formally to join the joint committee being established across Surrey to take forward the Surrey First shared service initiative. The resource implications are set out in the report.

Recommendation

The Executive is asked to recommend to the Council that:

- 1. approval be given to the establishment of the Joint Committee for the Oversight of Delivery of Surrey Public Authority Services under Sections 101 and 102 of the Local Government Act 1972;**
 - 2. the terms of reference and governance arrangements of the Joint Committee shall be as set out above;**
 - 3. Woking Borough Council shall act as the Accountable Body for the management of the Joint Committee's affairs;**
 - 4. Surrey Local Government Association Officers shall provide secretarial support for the Joint Committee;**
 - 5. Surrey Chief Executives' Group shall be the principal advisors to the Joint Committee; and**
 - 6. the Leader of the Council be appointed as Waverley's representative and Deputy Leader as substitute, ex officio, to the Joint Committee for the period until the end of the 2010/11 Council year.**
12. PERFORMANCE MANAGEMENT REPORT - QUARTER 3 (OCTOBER - DECEMBER) AND REVIEW OF PERFORMANCE INDICATORS AND TARGETS [page 93]

[Portfolio Holder: Cllr Mike Band]
[Wards Affected: All]

Waverley's Performance Management Framework (PMF) contains a number of National Indicators (NI) and locally defined indicators that assist Members and officers in identifying current improvement priorities, and progress against the objectives set out in the Council's Corporate Plan.

The indicators in Waverley's PMF are reviewed quarterly by the Executive. This report details performance, at Annexe 1, for the third three-month period of 2009/10. The report at Appendix G also contains targets for all indicators for the next three years.

The Overview and Scrutiny Committees, and their respective Sub-Committees, have all considered this report. Their observations and comments on the indicators and targets have been incorporated into Annexe 1. The specific recommendations of the Overview and Scrutiny Committees in relation to future targets are included at paragraph 5 of the report for the Executive to consider.

Recommendation

It is recommended that the Executive:

1. notes the performance figures for quarter 3 as set out in Annexe 1;
 2. thanks the Overview & Scrutiny Committees for their observations regarding the quarter 3 performance as set out in Annexe 1;
 3. agrees that the Corporate Overview and Scrutiny Committee sets up a Sub-Committee to meet on one occasion only to consider the indicators and targets in greater detail; and
 4. considers the recommendations of Overview and Scrutiny Committees at paragraph 5 of this report, and the proposed future targets set out in Annexe 1, and approves the future targets, subject to the recommendations in paragraph 5.
13. REVIEW OF PROVISION AND MAINTENANCE OF PUBLIC CONVENIENCES [page 125]

[Portfolio Holder: Cllr John Sandy]
[Wards Affected: All]

The report at Appendix H presents the findings of a review of public convenience provision in Waverley and to seek views on the future direction of this service.

Recommendation

It is recommended that the Executive approve the course of action described in paragraph 9 of the agenda report.

14. WAVERLEY INITIATIVES LTD [page 139]

[Portfolio Holder: Cllr Keith Webster]
[Wards Affected: All]

The purpose of the report at Appendix I is to describe the latest background work carried out on the viability of a Local Authority company and seek authority for the incorporation of Waverley initiatives as a wholly owned local authority company in preparation for its new Board to consider a business plan for the further provision of affordable housing in the Borough.

Recommendation

It is recommended that

1. approval be given for the incorporation of Waverley initiatives Limited as a wholly owned local authority company limited by shares at Companies House; and
2. the board, as described in paragraph 13 of the report, be established.

15. DEVELOPMENT OF LAND AT CATTESHALL LANE, GODALMING [page 167]

[Portfolio Holder: Cllr Keith Webster]
[Wards Affected: All Godalming Wards]

The purpose of the report at Appendix J is to obtain approval to the transfer of a parcel of land owned by WBC to Mount Green Housing Association for the purposes of an affordable housing development. The small plot of land at Catteshall Lane Godalming is adjacent to a larger plot of land owned by Surrey County Council (SCC) and the objective is to provide supported housing for people with autism. SCC's autism team in consultation with WBC Homechoice Team would make the nominations for the properties.

Recommendation

It is recommended that

- 1. the land identified in the plan at Annexe 1 be transferred to Mount Green Housing Association for the capital sum as described in (Exempt) Annexe 2;**
- 2. Waverley Borough Council receives nomination rights as part of a nomination agreement to be put in place, which appropriately recognises each party's specialism in housing of autistic people; and**
- 3. the capital receipt from the sale of this land be applied to contribute towards achieving the Decent Homes Standard in the Councils retained housing stock**

16. INITIAL DRAFT OF THE 2010 AIR QUALITY PROGRESS REPORT [page 173]

[Portfolio Holder: Cllr John Sandy]
[Wards Affected: All]

Waverley Borough Council is required to submit a Progress Report on Air Quality measures by 30 April 2010. An initial draft version of the report is submitted for approval by the Executive - Appendix K refers.

Recommendation

It is recommended that the content of the Draft Air Quality Progress Report be received.

17. WORKFORCE STRATEGY 2010/2015 [page 215]

[Portfolio Holder: Cllr Ms D Le Gal]
[Wards Affected: N/A]

The aim of the strategy at Appendix L is to ensure that Waverley Borough Council is equipped to provide excellent services to local people, and strong community leadership to our communities, through operating first-class human resources policies and practices.

Recommendation

It is recommended that the Executive approve the Workforce Plan.

18. LONG SERVICE AWARDS [page 239]

[Portfolio Holder: Cllr Ms D Le Gal]
[Wards Affected: N/A]

The report at Appendix M proposes a revised Long Service Award scheme for staff. The current scheme has been in place for many years and is due for a refresh.

Recommendation

It is recommended that

- 1. the revised long service award scheme be adopted; and**
- 2. retrospective payments be made to staff with 20+ and 30+ service funded from the over-achievement of the vacancy factor in 2009/10.**

19. CHANGE TO TERMS AND CONDITIONS - WORKING WEEK [page 243]

[Portfolio Holder: Cllr Ms D Le Gal]
[Wards Affected: N/A]

The report at Appendix N proposes a change to Terms and Conditions of Service.

Recommendation

It is recommended that the change to terms and conditions of service detailed in the report be agreed.

20. APPRENTICESHIP SCHEME [page 245]

[Portfolio Holder: Cllr Ms Denise Le Gal]
[Wards Affected: N/A]

Waverley's workforce age profile shows that it needs to recruit for the future. The apprenticeship scheme assists businesses by offering a route to harness fresh new talent whilst also offering career opportunities to young people who might not otherwise consider a career in local government. The purpose of the report at Appendix O is to seek authority for the introduction of an apprenticeship scheme from May 2010.

Recommendation

It is recommended that an apprenticeship scheme be established and that the £30,000 "start-up" costs be funded from the 2009/10 overall budget underspend, with the balance being funded from the vacancy

factor in 2010/11, with future years' funding being agreed in next year's Star Chamber.

21. COUNCILLORS IT ACCEPTABLE USE POLICY [page 249]

[Portfolio Holder: Cllr Adam Taylor-Smith]

[Wards Affected: N/A]

The purpose of the report at Appendix P is to consider a proposed Councillors IT Acceptable Use Policy relating to the use of IT facilities. The policy has been considered by both the Audit and Standards Committees and their observations have been included within.

Recommendation

It is recommended that the Councillors IT Acceptable Use Policy be approved and recommended to the Council for adoption.

22. RISK MANAGEMENT FRAMEWORK [page 261]

[Portfolio Holder for Finance: Cllr Mike Band]

[Wards Affected: N/A]

The report at Appendix Q considers the continued effectiveness of the current Risk Management Policy and Process Document. Summaries of the key risks currently facing the Council are also shown for Members to consider. The report was considered by the Audit Committee and their observations are set out at the end of the report.

Recommendation

It is recommended that the Executive:

- 1. agree the changes proposed by the Audit Committee and approve the updated Risk Management Policy and Process Document set out in Annexe 1; and**
- 2. consider the risk matrices included at Annexe 2 for the Key Business Risks and the above-threshold Operational Risks and pass any comments or instructions to officers.**

23. REVIEW OF IMPACTS OF SNOW IN JANUARY 2010 AND DRAFT WAVERLEY ADVERSE WEATHER POLICY [page 283]

[Portfolio Holder: Cllr Richard Gates]

[Wards Affected: All]

Heavy snow fell across Surrey including Waverley in December 2009 and on 6 and 13 January 2010. The January snowfall was the heaviest experienced in the Borough for 30 years. The purpose of the report at Appendix R is to describe the impacts of this adverse weather on Borough residents and services and the steps taken by Waverley BC to address these. It also summarises the main successes and lessons to be learnt for the future.

To co-ordinate Waverley's response to other adverse weather occurrences in the future, a draft Adverse Weather Policy has been drafted and is attached to the report for comment.

Recommendation

It is recommended that:

- 1. the Special Overview and Scrutiny Committee be thanked for their valuable comments and suggestions on dealing with the impact of adverse weather on the Council's services and community recovery activities;**
- 2. a report containing a detailed action plan to improve winter preparedness, including the issue of assisting Surrey County Council in highway clearance and incorporating the comments made by the Overview and Scrutiny Committee, be presented to the September cycle of meetings;**
- 3. the Executive should respond to the suggestion that a SIG be established to advise and guide the officer work on the action plan by agreeing that the appropriate Portfolio Holder consult all members when necessary; and**
- 4. officers press the Local Government Association to lead a lobby on the liability issue.**

24. PROPOSED PURCHASE OF ADDITIONAL BEDROOM FOR 1 GREEN LANE COTTAGES, CHURT, FARNHAM [page 311]

[Portfolio Holder: Cllr Keith Webster]

[Wards Affected: Frensham, Dockenfield and Tilford]

The report at Appendix S proposes that the Council should purchase a bedroom from a private owner and incorporate this back into the adjoining Waverley-owned property to which it originally should have belonged. By taking this course of action problems relating to sound insulation and fire safety will be overcome.

Recommendation

It is recommended that:

- 1. the fourth bedroom be purchased from No 2 Green Lane Cottages and alterations carried out to incorporate this into to No 1 Green Lane Cottages; and**
- 2. the cost of this work as detailed in Exempt Annexe 3 be met from the Housing Revenue Account Capital Fund.**

25. INTERNATIONAL FINANCIAL REPORTING STANDARDS

During the star chamber process, a one-off project budget was approved from within existing resources in 2009-10 to provide necessary technical and other resources to deliver the International Financial Reporting Standards (IFRS) project.

Recognising that the project spans 2009-10 and 2010-11, the Audit Committee have asked that the Executive gives approval to carry forward the unspent IFRS project budget to 2010-11.

Recommendation

It is recommended that approval be given to carry forward the unspent IFRS project budget to 2010-2011.

26. CALL-IN REPORT BACK - LOCALITY OFFICES

Following the last meeting of the Executive on 2 March 2010, 4 members of the Corporate Overview and Scrutiny Committee called-in the decisions relating to the Locality Offices and associated redundancies. The reports were considered by the Overview and Scrutiny Committee at its meeting on 16 March 2010 when the original decisions were endorsed. The Committee agreed to pass the following observations on the reports back to the Executive:-

“In summary, the Corporate O&S Committee observed that the data-gathering period had been too short and the data would have been affected by the intrusion of the unusually severe weather that kept people indoors and the Christmas period. There was a concern over the potential reduction in services to certain groups in particular working people and more vulnerable customers. The changed hours of opening and schedule of outreach specialist services would no longer provide a general local presence by the Council that has been valued in the communities. Customer satisfaction with the new arrangements should be closely monitored and fed into the review in December 2010. This review should be should be robust, open and in-depth.”

In light of these observations, the Executive’s decisions of 2 March 2010 stand and are being implemented as soon as possible.

27. ACTION TAKEN SINCE LAST MEETING

To note the following action taken by the Chief Executive after consultation with the Chairman and Vice-Chairman since the last meeting. The Register of Decisions will be laid on the table half an hour before the meeting:-

Leisure Refurbishment Project - Additional Works to Farnham Leisure Centre

Agreed to vary the instructions to the contractor to incorporate a café in reception area at a cost of £77,300. This can be met from the capital provision for the scheme and within the overall capital programme.

28. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

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 items 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 these items there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A to the Act (to be identified at the meeting).

29. REDUNDANCY PAYMENTS - FARNHAM MUSEUM [page 325]

To consider the report at (Exempt) Appendix T.

30. DIRECT PERFORMANCE OF REQUIREMENTS OF AN ENFORCEMENT NOTICE [page 329]

To consider the report at (Exempt) Appendix U.

31. REQUEST FOR FLEXIBLE RETIREMENTS [page 333]

To consider the report at (Exempt) Appendix V.

32. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone Robin Pellow,
Head of Democratic and Legal Services, on 01483 523222.**