

To: All Members of the EXECUTIVE

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Date: 18 November 2011

### **Membership of the Executive**

Cllr Robert Knowles (Chairman)  
Cllr Mike Band (Vice-Chairman)  
Cllr Carole King  
Cllr Bryn Morgan  
Cllr David Munro

Cllr Stephen O'Grady  
Cllr Stefan Reynolds  
Cllr Roger Steel  
Cllr Adam Taylor-Smith  
Cllr Keith Webster

Dear Councillor

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

DATE: TUESDAY, 29 NOVEMBER 2011

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.gov.uk>

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## **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 1 November 2011 (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 questions received from members of the public for which notice has been given in accordance with Procedure Rule 10:-

#### i. **from Mr Patrick Haveron**

“In the recent job advert for the Head of Housing, Waverley stated one of the attractions of the job was its 'ambitious affordable housing plans'. In light of the reduction in housing number targets, what are these plans from now until 2015?”

#### ii. **from Mrs Celia Sandars of Farnham**

“I think we can all agree that the world has changed considerably since the contract was signed in 2003 with Crest Nicholson/Sainsbury to develop the East Street/Brightwells area in Farnham and that, in particular, there has been strong growth in retail sales via the internet but not in the retail sector on the ground, especially over the last three years.

Please would you tell me whether Waverley has been kept informed by their development partners of the possible impact of internet shopping on the type of provision that has been planned for the retail element of the CNS scheme? What, if anything, has the Council been told by the developers?"

iii. from Mrs Cooper of Farnham

"As Farnham already has around 40 eateries and restaurants, and that the previous Seven Stars Public House, East Street is soon to be converted into a new restaurant, with another also to open nearby, would the Council and Crest Nicholson reconsider their plans for 2 new restaurants at Brightwell House and restore the theatre instead, to help attract much needed customers to the retail area of the new development?"

iv. from Mr David Wylde of Farnham

"Farnham Conservatives published the following Manifesto Pledge for the Waverley Borough Council local elections in May this year:

'East Street

The long-stop date (when both Waverley Borough Council and the developer Crest Nicholson can walk away from the existing contract) is 31 December 2011. The Conservatives at Waverley will not extend this.

If the existing contract breaks down, we will campaign for a smaller scheme which still has a cinema and a better day centre.'

Will Waverley Conservatives keep this promise?"

v. from Mrs Ann Thurston of Farnham

"It is claimed that the recession is the reason why Crest Nicholson have not started the East Street development in Farnham. An inspection of their website shows that currently they are developing nearly 50 sites which are apparently unaffected by the recession. With the contract extension due to expire on the 31<sup>st</sup> of December, would not now be the time to re-think the development? Hopefully an alternative developer would provide something that the people of Farnham want and something that would be a viable proposition."

vi. from Mr Jerry Hyman of Farnham

"Waverley have estimated in the past that 'East Street' CPO proceedings might cost £170,000. Section 226 of the TCPA requires that CPOs must be "for the purposes of proper planning of an area", so there is a significant risk that the money would be wasted. We can reasonably expect that a public airing of the 9 years of accumulated evidence of a complete failure in proper planning with regard to East

Street would prove to be an unnecessary embarrassment and expense for Waverley.

New Members of the council should be made fully aware of the relevant history. Particularly relevant are the council's 2002 truncation of the CABE Report and the post-bid changes to judging criteria, which were used by WBC during the Developer Selection process to justify the choice of CNS over the very people that the proposed CPO seeks to deprive of their property.

There are other central issues due scrutiny. In responses to recent Formal Question the Council has claimed that an assessment of the main traffic and air quality implications from the Royal Deer reconfiguration does now actually exist, and furthermore that the 'Planning Condition' in CNS' expiring contract has been satisfied. Being fundamental to WBC's AQAP and a necessary part of the Environmental Statement of any planning consent, any existing 'Royal Deer Report' would have to be available, but Waverley say they don't have a copy. Members also need to know how the Contract's 'Planning Condition' can be claimed to have been met when the 2009 consent can be demonstrated to have expired - and whether a lawful consent can ever exist given the development partners' refusal to provide the mandatory data necessary to assess likely traffic, air quality and flood risk consequences.

Having been told by Odeon that a new planning application will be submitted in due course with a revised Flood Risk Assessment, Members can be confident that the WBC/Crest planning saga is far from over. Hence my question is:

**Will the Leader please now confirm that you will enable new Councillors to properly assess the background to Officers' coming 'East Street' recommendations, by assessing the risk through scrutiny at a Community O&S meeting as appropriate, BEFORE Council is asked to make further decisions relating to East Street, i.e. before risking another £170,000 of public funds on it?"**

6. EXECUTIVE FORWARD PROGRAMME [Page 13]

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

7. GENERAL FUND BUDGET ISSUES 2012-13 [Page 17]

[Portfolio Holder: All]

[Wards Affected: All]

The report at Appendix B outlines the Executive's proposed approach to be taken to the 2012/2013 Budget. Members are reminded of the extent of the likely budget shortfall and the need to achieve savings as indicated within the Financial Strategy.

Recommendation

**The Executive is invited to take the observations from the Overview and Scrutiny Committees into account during the forthcoming budget-setting process.**

8. HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME 2011-12 UPDATE [Page 23]

[Portfolio Holders: Cllrs Mike Band and Keith Webster]

[Wards Affected: All]

The purpose of the report at Appendix C is to advise the Executive of the latest anticipated position on the HRA capital programme for 2011-12.

Recommendation

**It is recommended that**

1. **the likely slippage of £1m on the HRA 2011-12 Capital Programme into 2012-13 be noted; and**
2. **the additional resource of £30,000 for the replacement doors/windows at Wyatts Close, Godalming be approved, to be funded from the proceeds of open-market sales of HRA properties.**

9. SETTING OF COUNCIL TAX BASE 2012-2013 [Page 27]

[Wards Affected: All]

The purpose of the report at Appendix D is to seek approval of the 2012/2013 council tax base which, under the provisions of the Local Government Finance Act 1992, the Council is required to determine prior to approval of the Council's budget for 2012/2013.

Recommendation

**It is recommended that the Executive approves that, pursuant to the foregoing report and in accordance with the Local Authorities (Calculation of Tax Base) (Amendment) Regulations 2003, the council tax base for Waverley and for each of the Town/Parish Council areas for the year 2012/2013 shall be as shown in Annexe 1.**

10. NATIONAL NON-DOMESTIC RATES DISCRETIONARY RATE RELIEF POLICY [Page 33]

[Portfolio Holder: Cllr Mike Band]

[Wards Affected: N/A]

The report at Appendix E is the four-yearly review of Waverley's policy for awarding discretionary rate relief and Members are asked to agree the approach for 2012/13 and beyond.

## Recommendation

**That the Executive thanks the Corporate Overview and Scrutiny Committee for their comments and recommends to the Council that**

- 1. the policy for the granting of discretionary rate relief for 2012/13 remains the same as the current policy and officers are requested to report back to Members when the details of the Government's changes to rate relief are known, at which point the Executive will be presented with further options for the period 2013 to 2016;**
- 2. the policy on the use of the provision for granting discretionary council tax reductions under S13a of the Local Government Act 2003 is that reductions will only be considered if it is clearly in the wider interests of Waverley's council taxpayers; and**
- 3. in relation to recommendation 2, delegation will be given to the Deputy Chief Executive, in conjunction with the Finance Portfolio Holder, to make decisions about applications for council tax reductions and that only if an objection is received would the Executive need to consider the case.**

**11. EAST STREET DEVELOPMENT, FARNHAM [Page 43]**

[Portfolio Holder: Cllr Adam Taylor-Smith]

[Wards Affected: All Farnham Wards]

In preparation for the Council making a decision on whether to proceed to make a Compulsory Purchase Order (CPO), the report at Appendix F sets out a series of procedural steps necessary to put the Council in a position to proceed with a CPO if it wishes. The report is also to appropriate the necessary land for planning purposes and to identify the land to be leased if Council agrees to Crest Nicholson/Sainsburys (CNS) to enable the East Street Development to take place.

## Recommendation

**The Executive recommends to the Council that:**

- 1. the progress made by CNS in securing anchor commercial tenants and progressing lettings to retailer and restaurant businesses be welcomed;**
- 2. it resolves to exercise its powers under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the creation of new rights required for the purpose of carrying out the East Street Development;**
- 3. the statutory notice procedure in sections 122 and 123 of the Local Government Act 1972 be implemented in respect of the land currently used as open space within the East Street Development site as shown on the plans at Annexe 7 and Annexe 8 to the report and within the Riverside development site; and**

4. **officers be authorised to commence informal discussions with the Department for Communities and Local Government on the requirements for the Compulsory Purchase Order.**

12. AMENDMENTS TO CONTRACT PROCEDURE RULES AND FINANCIAL REGULATIONS [Page 67]

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

Waverley's Contract Procedure Rules and Financial Regulations have been reviewed and revised with changes proposed to increase financial limits, strengthen controls in some areas and to improve flexibility and ease of use. The report at Appendix G refers.

Recommendation

**It is recommended to the Council that the revised Contract Procedure Rules and Financial Regulations be adopted.**

13. CAR PARK REVIEW – WAVERLEY OFF STREET PARKING ORDER  
[Page 129]

[Portfolio Holder: Cllr Carole King]  
[Wards Affected: All]

The purpose of the report at Appendix H is to receive and consider objections and replies in respect of the making of a new Off-Street Parking Order 2012.

Recommendation

**The Executive is recommended to**

1. **thank those who made representations on the Car Park Order; and**
2. **give consideration to the representations made and approve the responses given at Annexe 2; and**
3. **instruct Officers to proceed with the implementation timetable for the Waverley Off-Street Parking Order 2012 to come into effect from February 2012.**

14. TRANSFER OF CRANLEIGH PUBLIC CONVENIENCES [Page 147]

[Portfolio Holder: Cllr Bryn Morgan]  
[Wards Affected: Cranleigh East & Cranleigh West]

To present an update on the proposed devolution of Cranleigh Public Conveniences to Cranleigh Parish Council, and to seek formal approval to transfer the facilities on the basis set out in the report at Appendix I.

Recommendation

**It is recommended that the Executive:-**

1. **formally authorises the transfer of the freehold interest in Village Way Public Conveniences on the basis set out in Paragraph 1 (a)-(c) of the report; and**
  2. **authorises the transfer of the Cranleigh Common Public Conveniences under a long-term lease on the basis set out in Paragraph 1 (a)-(c) of the report.**
15. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS [Page 151]  
[Portfolio Holder: Cllr Stephen O’Grady]  
[Wards Affected: All]

The report at Appendix J reminds members of the Council’s role and responsibilities in relation to safeguarding children and its duties under the Children Act 2004, and its responsibilities for helping to protect vulnerable adults. The report outlines some of the activities undertaken by the Council during 2010/11 and also asks the Executive to approve the revised ‘Safeguarding Children and Vulnerable Adults Policy’.

Recommendation

**It is recommended that:**

1. **the Council affirms its commitment to safeguarding children and vulnerable adults;**
  2. **confirms that:**
    - **the Portfolio-holder for IT and Children and Young People, Cllr Stephen O’Grady, is the lead councillor for safeguarding;**
    - **the Chief Executive, Mary Orton, is the Council’s named lead officer for safeguarding; and that the Head of Community Services, Kelvin Mills, acts as deputy in this area;**
  3. **endorses the work being undertaken by the Council to help keep children and vulnerable adults safe, and will actively support colleagues, staff and contractors where they believe there is a need to make a referral to Social Services;**
  4. **endorses the Waverley ‘Safeguarding Children and Vulnerable Adults Policy’ for adoption by the Council.**
16. UPDATE ON THE LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY [Page 207]  
[Portfolio Holder: Cllr Adam Taylor-Smith]  
[Wards Affected: All]

The purpose of the report at Appendix K is to bring members up-to-date with the preparation of the Local Development Framework (LDF) Core Strategy and to identify the work that needs to be carried out to take it forward.



### Recommendation

**It is recommended that the Executive endorse the programme of dates set out at paragraph 10 and the key issues at Annexe 2 to take the Core Strategy forward.**

17. UPPER TUESLEY (LAND ADJACENT TO MILFORD HOSPITAL) DEVELOPMENT BRIEF – CONSULTATION [Page 217]  
[Portfolio Holders: Cllrs Adam Taylor-Smith (Planning)  
and Keith Webster (Housing)]  
[Wards Affected: Bramley, Busbridge & Hascombe]

The purpose of the report at Appendix L is to gain authorisation to undertake a formal public consultation on the draft development brief for Upper Tuesley (land adjacent to Milford Hospital). The long-term objective is to adopt the document as a Supplementary Planning Document (SPD) to be used when determining future planning applications. This document seeks to amplify the requirements of saved policy RD6 of the Waverley Local Plan 2002.

The site is owned by the Homes and Communities Agency and the Brief has been prepared in partnership with them.

### Recommendation

**It is recommended that the Executive approve the draft Upper Tuesley (Land Adjacent to Milford Hospital) Development Brief for the purposes of public consultation which will be accompanied by an associated Strategic Environmental Assessment.**

18. 5-21 WEYHILL, HASLEMERE – PLANNING APPEAL DECISION AND COSTS APPLICATION [Page 273]  
[Portfolio Holder: Cllr Adam Taylor-Smith]  
[Wards Affected: Haslemere Critchmere and Shottermill]

The report at Appendix M details the decision of the Planning Inspector regarding the appeal against Waverley's refusal of planning application WA/2010/1568 at 5-21 Weyhill, Haslemere; and in particular the decision to award partial costs against the Council. Approval of a Supplementary Estimate is sought together with authority to make payment of the costs determined.

### Recommendation

**The Executive is requested to recommend to Council that:**

1. **a Supplementary Estimate of £35,000 be approved to cover the award of costs against the Council arising from Planning Application WA/2010/1568, with the cost being met initially by an allocation from the Inflation Provision within the 2011/12 Budget; and**

2. **the Chief Executive be authorised to make final settlement of the amount due on behalf of the Council.**

19. IN-DEPTH REVIEW OF POLICING IN THE BOROUGH [Page 279]

[Portfolio Holder: Cllr Carole King]

[Wards Affected: All]

At a meeting of Surrey County Council's Community Safety Select Committee on 14 July 2011, Councillor Carole King, Portfolio Holder for Community Safety and Chairman of the Safer Waverley Partnership, raised the concerns being expressed by victims and members of the public about the time taken by the Police Response Teams to respond to emergency calls, especially at night in the more rural communities and in communities on the border of the County.

Councillor King requested that the Select Committee to ask the Surrey Police Authority (SPA) to investigate the Police's response times, from notification of an incident to their arrival on the scene within the borough of Waverley, and specifically in Haslemere where recently there had been a spate of domestic and retail burglaries.

The purpose of the report at Appendix N, which was considered by the Community O&S Policing Review Sub-Committee at its meeting on 25 October 2011 and the Community Overview and Scrutiny Committee on 7 November 2011, is to inform the Executive of the findings of the Surrey Police Authority's investigations and the Committee's observations and recommendations.

Recommendation

**It is recommended that:**

1. **as the response from the Surrey Police Authority to the Safer Waverley Partnership Executive Group addressed the key questions in the scope of the review there was no need to proceed with the review at the present time;**
2. **the Community Safety Training session be repeated on 8 February 2012; and**
3. **should any issues arise from the training session another meeting of the Sub-Committee be convened.**

20. PERFORMANCE MANAGEMENT EXCEPTION REPORT, QUARTER 2 (JULY-SEPTEMBER) 2011-12 [Page 287]

[Portfolio Holders: All]

[Wards Affected: All]

Waverley's Performance Management Framework (PMF) contains a number of indicators that assist Members and officers in identifying current improvement priorities and progress against targets.

The indicators in Waverley's PMF are reviewed quarterly by the Executive. The report at Appendix O details performance for the second quarter of 2011/12. The Performance Indicators (PIs) are listed on an exceptions basis, where performance has been particularly good or where it has fallen significantly under target.

The Overview and Scrutiny Committees and their respective sub-committees have considered the full list of indicators. Their comments on the indicators are set out in the report and their recommendations are also included.

#### Recommendation

**It is recommended that the Executive:**

- 1. notes the performance figures for quarter 2 as set out in Annexe 1;**
- 2. thanks the Overview & Scrutiny Committees for their observations regarding the quarter 2 performance as detailed in the report; and**
- 3. considers the recommendations of the Overview and Scrutiny Committees as detailed in the report.**

#### 21. CHIEF EXECUTIVE'S ACTION

To note any 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.

#### 22. 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 item(s) 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 item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the following paragraph(s) of the revised Part I of Schedule 12A to the Act, to be identified as appropriate.

#### 23. DISABLED AIDS AND ADAPTATIONS [Page 313]

To consider the report at (Exempt) Appendix P.

24. 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.**