

To: All Members of the EXECUTIVE

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Date: 27 January 2012

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 Julia Potts
Cllr Stefan Reynolds
Cllr Adam Taylor-Smith
Cllr Keith Webster

Dear Councillor

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

DATE: TUESDAY, 7 FEBRUARY 2012

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>

[In the event that adverse weather conditions prevent this meeting from proceeding, the meeting will be held instead at 2.00 pm on Tuesday 14 February 2012]

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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. **LOYAL ADDRESS**

The Leader to read the Loyal Address to Her Majesty the Queen agreed by the Council and sent to Buckingham Palace on the occasion of the Diamond Jubilee of Her Majesty the Queen's Accession:-

“May it please your Majesty,

We, the Mayor, Freeman and Citizens of the Borough of Waverley (at a Council meeting on 13 December 2011) wish to offer your Majesty our most loyal and hearty congratulations upon the completion of the Sixtieth year of your reign and to express our sincere gratitude and pleasure that your Majesty has for so long occupied the throne of our Country with distinction and selfless service.

We are deeply grateful for the wisdom and example of service that the people of Waverley in common with all your Majesty's loyal subjects have enjoyed under your rule, and of the inestimable value of the influence of your Majesty's dedication to your vocation and calm guidance to the nation in a period of our history of rapid and unprecedented change. You have been a stabilising influence and personified all the best qualities of the people of this country.

We earnestly pray that your Majesty will enjoy good health and continue long to reign over the nation.”

3. **MINUTES**

To confirm the Minutes of the Meeting held on 10 January 2012 (to be laid on the table half-an-hour before the meeting).

4. **APOLOGIES FOR ABSENCE**

To advise the Executive of any apologies for absence.

5. 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.

6. 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 Mrs Celia Sandars of Farnham

Which Council Members have been present at face to face meetings with representatives from Crest Nicholson since September 2011 to date, on what meetings have any such meetings been held, and how many meetings have been held with Crest Nicholson over the same period without any Members present?

ii. from Mrs Ann Thurston of Farnham

By 31st December 2011 (the long-stop date agreed by Council), the conditional East Street contract did not have the benefit of 'viability' or 'land assembly', and therefore could not become unconditional. There were no outstanding planning appeals, judicial challenges or public enquiries relating to the East Street development.

Since 31st December Waverley Borough Council has had the opportunity to terminate the East Street contract with CNS. Why has WBC chosen not to terminate the contract and has this decision been put to a Council meeting? Is it now the intention to continue with the conditional East Street contract indefinitely without an end-stop date agreed by Council?

iii. from Mr Richard Sandars of Farnham

The Portfolio holder for East Street has previously named a small number of retailers who have apparently agreed to take up tenancies on commercial premises on the East Street development. Will he now, please, similarly name those retailers who have entered into legally binding tenancy contracts, as against having merely written letters of intent.

iv. from Mr David Cooper of Farnham

At the meeting of the Executive 10 January, I asked an informal question about whether the Council had any alternative funders to underwrite the East Street scheme for the CPOs, as Crest Nicholson Sainsbury have so far failed to produce sufficient finance for the development. The Leader assured me that no other bodies or organisations were involved in financing the scheme.

Waverley has linked the fact that the CNS contract was not extended at 31 December 2011 with the statement that “*the Compulsory Purchase Process was in train*” (Farnham Herald 20.01.2012).

I now refer to:

Government Circular 06/2004 Compulsory Purchase and the Criche Down Rules Page 7 Resource implications of the proposed scheme

Paragraph 19 “*If a local authority.....cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest...*” and **Paragraph 21** “*It would only be in exceptional (and fully justified) circumstances that it might be reasonable to acquire land where there was little prospect of implementing the scheme for a number of years. Even more importantly the confirming Minister would expect to be reassured that it was anticipated that adequate funding would be available to enable the authority to complete the compulsory acquisition within the statutory period following the confirmation of the order.*”

Taking all this into account, can the Council confirm categorically that the funding for the East Street scheme to enable the CPOs to go ahead, will not be at local Council Tax payers’ expense?

v. from Mr David Wylde of Farnham

What contingency plans have Waverley made, as a responsible and far-seeing council, in the event of Crest Nicholson pulling out of the East Street Scheme?

In other words, does the council have a Plan B and what is it?

7. EXECUTIVE FORWARD PROGRAMME [Page 13]

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

8. CORPORATE PLAN 2012-2015 [Page 17]

[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]

The report at Appendix B presents the Executive with the draft Corporate Plan for Waverley Borough Council from 2012 until the next Council elections in May 2015. The Executive is requested to consider the draft and recommend the Plan to Council for approval.

Recommendation

The Executive is requested to consider the draft Corporate Plan 2012 – 15 and recommend it to the Council for approval and adoption.

9. FINANCIAL STRATEGY 2012/13 – 2015/16

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

9.1 General Fund Budget 2012/2013 [Page 29]

The report at Appendix C.1 outlines the General Fund Budget position for 2012/13. The Executive is reminded of the extent of the shortfall identified at the Finance Seminar and the need to achieve savings throughout the four-year period covered by the Financial Strategy. Information is provided on the details of the provisional Local Government Finance Settlement 2012/13 and the Council's financial position resulting from this and taking account of Foresight savings and the outcomes of the Star Chamber process.

The report advises the Executive of the latest position regarding the General Fund Revenue Estimates. Observations from the Overview and Scrutiny Committees are expected to follow in due course. The Executive is requested to make recommendations to Council regarding Waverley's Budget and its element of the Council Tax for 2012/13.

9.2 Draft General Fund Capital Programme 2012/2013 [Page 95]

The report at Appendix C.2 puts forward proposals for the draft 2012/2013 Capital Programme in respect of the General Fund services for consideration by the Executive. The purpose of this report is to agree the final recommendation to Council regarding the General Fund Capital Programme for 2012/2013. Observations from the Overview and Scrutiny Committees are expected to follow in due course.

9.3 Housing Revenue Account (HRA) Business Plan 2012-2041 [Page 103]

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

The report at Appendix C.3 introduces the new HRA Business Plan, detailing the move to self financing, recommending the repayment profile and outlining investment priorities.

9.4 Housing Revenue Account Business Plan – Revenue Budget 2012/2013
[Page 127]

The report at Appendix C.4 forms an integral part of the 30 year Housing Revenue Account (HRA) Business Plan (Appendix C.3 refers) and outlines the HRA position for 2012/13. Information is provided of the effect of the Government's Self-Financing Determinations on the HRA and the financial position resulting from this and taking account of Foresight savings and the outcomes of the Star Chamber process.

The report advises the Executive of the latest position regarding the HRA Revenue Estimates. Observations will follow from the Community Overview and Scrutiny Committee.

The Executive is requested to make recommendations to Council regarding Waverley's landlord service and the level of rents for 2012/2013.

9.5 Housing Revenue Account Business Plan - Capital Programme 2012/2013
[Page 141]

The report at Appendix C.5 puts forward proposals for the 2012/2013 Capital Programme element of the Housing Revenue Account (HRA) Business Plan for consideration by the Executive. The purpose of this report is to agree the final recommendation to Council regarding the Programme for 2012/2013. The report will be updated with observations from the Overview and Scrutiny Committees (to follow).

Recommendation

It is recommended that the Executive considers comments from the Overview and Scrutiny Committees and makes the following recommendations to Council:

- 1. to approve a 0% increase for Waverley's element of Council Tax for 2012/13;**
- 2. approval of the List of Star Chamber/Foresight Reductions and Growth Items as shown at Annexe 3 to Appendix C.1;**
- 3. approval of the changes to Fees and Charges as shown at Annexe 5 to Appendix C.1;**
- 4. approval of the General Fund Budget for 2012/13, as amended by the above changes;**
- 5. that the Executive carries out a mid-year review of the General Fund Budget and takes any appropriate action in the light of the position at that time;**
- 6. approval of the 2012/13 General Fund Capital Programme in the sum of £5,034,640;**
- 7. the financing proposals for 2012/13 be agreed in accordance with Annexe 2 to Appendix C.2;**
- 8. approval of the Housing Revenue Account (HRA) 30 year Business Plan at Annexe 1 to Appendix C.3;**
- 9. authorisation to the Deputy Chief Executive to raise debt up to the borrowing cap, currently £193m, subject to the final Self-Financing Determination and on terms to be agreed in consultation with the Leader, Deputy Leader and the Chief Executive, having regard to the advice of the Council's treasury management advisors;**
- 10. that the HRA debt can include internal borrowing from the General Fund of up to £5million;**

11. **authorisation to the Deputy Chief Executive to agree the debt repayment profile in consultation with the Leader, Deputy Leader and the Chief Executive having regard to the advice of the Council's treasury management advisors;**
 12. **to request that officers report to the Executive in March with a headline delivery action plan for the developments referred to in the Business Plan;**
 13. **the average actual rent level of Council dwellings be increased by 5.9% from 2nd April 2012;**
 14. **the weekly charge for garage rents at Wagon Yard, Farnham be increased by £2.50 week from 2nd April 2012 to reflect their location;**
 15. **the weekly charge for garages at Meadow, Latimer Road and Peperharow Road, Godalming; Hillhouse and Sunbrow, Haslemere be increased by £1.15 week from 2nd April 2012 to reflect the demand for garages in these areas;**
 16. **the remaining garages rented by both Council and non-Council tenants be increased by 5.9% from 2nd April 2012;**
 17. **the resultant HRA Revenue Budget for 2012/13 be approved which includes the above changes;**
 18. **the total spend proposed in the 2012/13 Housing Revenue Account Capital Programme as shown at Annexe 1 to Appendix C.5 be approved;**
 19. **the financing of the programme be approved in line with the resources shown at Annexe 1 to Appendix C.5; and**
 20. **the Financial Strategy be updated to take account of the decisions taken.**
10. DECEMBER BUDGET MONITORING 2011-2012 [Page 149]
[Portfolio Holder: Cllr Mike Band]
[Wards Affected: All]

The report at Appendix D provides an update of the expenditure and income position as at December 2011 compared with the budget for the General Fund and the Housing Revenue Account. It also gives an update on the Capital Programme for the General Fund and Housing Revenue Account.

Recommendation

1. **the budget position as at 31 December 2011 be noted;**

2. a supplementary estimate of £50,000 be approved for the Godalming Key Site Appeal with a further £10,000 being approved but only spent subject to the agreement of the Chief Executive and Portfolio Holders for Finance and Planning;
 3. the provision for emergency schemes in the Capital Programme be used for the purchase of replacement bins at £40,230; and
 4. the General Fund and HRA Budgets continue to be monitored closely during the remainder of 2011/12.
11. TREASURY MANAGEMENT 2012/13 [Page 165]
[Portfolio Holder: Cllr Mike Band]
[Wards Affected: All]

The purpose of the report at Appendix E is to approve the revised Treasury Management Policy, the 2012/13 Treasury Management Strategy and Investment Strategy and the Prudential Indicators for 2012/13 to 2014/15

Recommendation

The Executive recommends that the Council approves:

- the Treasury Management Policy
- the 2012/13 Treasury Management Strategy (including the TMPs and the requirements of the latest CIPFA code of practice)
- the Annual Investment Strategy for 2012/13
- and the Prudential Indicators for 2012/13 to 2014/15.

12. WAVERLEY COMMUNITY PARTNERSHIP – APPLICATIONS FOR REVENUE FUNDING 2012-13 [Page 189]
[Portfolio Holders: Cllrs David Munro & Mike Band]
[Wards Affected: All]

The purpose of the report at Appendix F is to consider the applications to the Waverley Community Partnership for revenue funding in 2012/13, taking into account the observations made by the Community O&S Committee and Grants Sub-Committee.

Recommendation

It is recommended that the Executive

1. agrees that £744,530 be made available for the grants budget in 2012/13 (the same amount as in 2011/12);
2. considers the applications for Waverley Community Partnership Funding in 2012/13 and, having regard to the comments of the Overview and Scrutiny Committee and Sub-Committee, recommends grant levels for each organisation to the Council; and

3. **considers the Service Level Agreements with the three nominated organisations at the Executive meeting on 6 March 2012 and decides upon the final grant allocations to those organisations.**

13. HR POLICY REVIEW [Page 203]

[Portfolio Holder: Cllr Mike Band]
[Wards Affected: N/A]

The purpose of the report at Appendix G is to advise Members of the HR Policies which have been reviewed as a result of the cessation of the default retirement age, specifically, Retirement Policy, Fit for Work Policy (previously Absence Management Policy), Disciplinary Policy, Capability Policy, Grievance Policy, Collective Grievance Policy and Redeployment Policy.

Additionally, the report advises Members of the new Car Allowance Policy which applies to new staff who join Waverley from 1 January 2012 and existing staff who take up new contracts from that date, together with the Restructuring Policy.

Recommendation

It is recommended that the HR Policies attached to the report be approved and recommended to the Council for adoption.

14. ANNUAL PAY POLICY STATEMENT [Page 267]

[Portfolio Holder: Cllr Mike Band]
[Wards Affected: N/A]

The purpose of the report at Appendix H is to advise Members of the Annual Pay Policy Statement required by the Localism Act 2011.

Recommendation

It is recommended that the Pay Policy be approved and recommended to the Council for adoption.

15. LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY – REVISED PREFERRED OPTIONS AND DRAFT POLICIES [Page 277]

[Portfolio Holder: Cllr Adam Taylor-Smith]
[Wards Affected: All]

The purpose of the report at Appendix I is to identify the main changes that officers consider need to be made to the draft Local Development Framework (LDF) Core Strategy and to seek approval from the Council to consult on the revised Plan.

Recommendation

That the Executive:-

1. **recommends to the Council that the Core Strategy Revised Preferred Options and Draft Policies be approved as the basis for public consultation; and**
2. **authorises the Head of Planning Services, in consultation with the Planning Portfolio Holder, to agree any final amendments to the document prior to consultation and to approve the detailed arrangements for the consultation, including the consultation material.**

16. CONSTITUTION - PROPOSED CHANGES [Page 283]

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

To consider the report at Appendix J on proposed changes to the constitution to clarify the public question provisions and seek guidance on changes under the Localism Act 2011.

Recommendation

The Executive is asked to

1. **consider whether it wishes Officers to draw up proposals to review the petition scheme;**
2. **note that Officers will report on other proposals for changes to the Constitution; and**
3. **recommend the Council to adopt the proposed changes to Procedure rules on questions and amend the Constitution accordingly.**

17. TOWN AND PARISH REPRESENTATIVE ON THE STANDARDS COMMITTEE

At the last meeting of the Council on 13 December 2011, it was agreed not to appoint Town and Parish Representatives to the Standards Committee pending the new ethical standards regime which is soon to be implemented. However, a complaint has now been received by the Council's Monitoring Officer which relates to a Town Councillor and therefore in order for the matter to be considered, a Town and Parish Representative must be present at any meeting of the Standards Committee or its Sub-Committees which is dealing with the complaint.

It is therefore proposed that the Town and Parish Council Representative who received the most votes in the recent ballot be appointed to the Standards Committee until the end of the current Council year to attend any meetings relating to this complaint. The councillor with the most votes was Cllr Patrick Stewart from Witley Parish Council. Cllr Kevin Deanus from Alfold Parish Council received the second most votes and should be appointed as reserve in case Cllr Stewart can not attend a meeting.

Recommendation

It is recommended that Cllr Patrick Stewart of Witley Parish Council be appointed to the Standards Committee as the Town and Parish Representative for the remainder of the current Council year, with Councillor Kevin Deanus as reserve.

18. 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.

19. WINDOWS AND DOORS CONTRACT – ACTION TAKEN

To note the following action taken by the Deputy Chief Executive:

“A single tender contract has been awarded to Dorwins Ltd. The contract is for the replacement of the windows and doors to sixty properties within the borough. Approval to seek a single tender contract was obtained from the Deputy Chief Executive in his role as Section 151 Officer in accordance with Rule 2.4 of the Contract Procedure Rules, as an exception to seeking competitive tenders.”

20. 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 appropriate paragraph(s) of the revised Part I of Schedule 12A to the Act (to be identified as appropriate at the meeting).

21. 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.**