

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE EXECUTIVE – 2 SEPTEMBER 2014

SUBMITTED TO THE COUNCIL MEETING – 14 OCTOBER 2014

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

- | | |
|------------------------------------|--------------------------|
| * Cllr Robert Knowles (Chairman) | * Cllr Donal O’Neill |
| * Cllr Julia Potts (Vice-Chairman) | * Cllr Stefan Reynolds |
| * Cllr Brian Adams | * Cllr Adam Taylor-Smith |
| * Cllr Carole King | * Cllr Simon Thornton |
| * Cllr Tom Martin | * Cllr Keith Webster |
- * Present

39. MINUTES

The Minutes of the Meeting held on 8 July 2014 and of the Special Meeting held on 12 August 2014 were confirmed and signed.

40. DECLARATION OF INTERESTS

There were no declarations of interest raised under this heading.

41. QUESTIONS

The Executive received the following questions from members of the public in accordance with Procedure Rule 10:-

i. from Mr David Beaman of Farnham:

“On 31 July the Department of Communities and Local Government issued a 98 page consultation document outlining a number of proposed changes to “improve” the planning system with a closing date of 26 September for representations to be made. Since a number of the proposed changes are significant what action is WBC taking to make Town and Parish Councils and individual residents aware of the implications of the proposed changes and seek their views and opinions for inclusion in any representation that WBC submits?”

As Mr Beaman was not able to attend the meeting in person to ask his question, the following written response was sent:-

“Waverley Council is a consultee on this document and a response will be sent by the Council before the deadline of 26 September. A copy of our response will be placed on the website.

It is the Government’s consultation and they would have decided who to consult. It is open for you or any other individual or body to respond to the consultation yourselves.”

- ii. from Mrs Kathy Smyth of Milford:

“Please can the Council confirm:-

The number of residential units in Waverley to which the Council has given prior approval pursuant to the changes introduced to Permitted Development rights in May 2013 allowing for the change of use of buildings from B1 (a) (offices) to C3 (dwelling houses) to date and the number of residential units for which prior approval for change of use has been applied for but not yet granted.”

The Portfolio Holder for Planning gave the following response:-

“As of 21 August 2014, the total number of residential units permitted under the prior approval change of use from Offices to Dwellings is 192 and the number of residential units for these applications still awaiting a decision amounts to 29.

- iii. from Mr David Wylde of Farnham:

“A letter in the Herald of 15th August 2014 asked a series of questions about East Street, CNS and Waverley. When will the Council reply?”

The Portfolio Holder for Brightwells and Major Projects responded as follows:-

“I must admit I have not seen the letter you refer to but generally, this Council does not deal with its official business through the local media and letter pages of local papers and therefore I will not be responding to the question.”

PART I - RECOMMENDATIONS TO THE COUNCIL

42. PURCHASE OF FORMER COUNCIL PROPERTY IN FARNHAM

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial of business affairs of any particular person (including the authority holding that information)]

- 42.1 On 2 July 2013, the Executive agreed a framework for the purchase of land or property by the Council and set criteria for purchasing former Council properties.
- 42.2 The owner of a three-bedroom property in Farnham purchased their property four years ago from the Council. They now wish to sell their property but there is a clause within the transfer that if they sell within 10 years of the purchase they have to offer the Council the right of first refusal to purchase the property. They will also have to pay back a small proportion of their discount as they are selling within 5 years of the purchase.

- 42.3 This property has been valued by the Valuation and Estates Team at £220,000. Details of the property are contained at (Exempt) Annexe 1 to this report.
- 42.4 There are currently 197 applicants on the Housing Register with a 3-bedroom need, of which 46 households currently living in Farnham. The property is in good condition throughout and therefore only health and safety checks would be required.
- 42.5 The cost of the purchase and repair of this property would be met from the New Affordable Homes Budget reserve for 2014/15 and falls within the threshold set by the framework.
- 42.6 The Executive now

RECOMMENDS that

- 17. the property identified in (Exempt) Annexe 1 be purchased, subject to final agreement by the Executive Director and Portfolio Holder for Finance; and**
- 18. the purchase be subject to a satisfactory structural survey and be funded from the New Affordable Homes capital programme from the various contributing resources, as appropriate.**

[Reason: To seek approval to purchase a former Council property that was purchased under the Right to Buy]

Background Papers

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

43. SCHEME OF DELEGATION – HOUSING OPTIONS

- 43.1 Part 7 of the Housing Act 1996 places a general duty on the Council to ensure that advice and information about homelessness, and preventing homelessness, is available to everyone in the Borough free of charge. The Act also requires the Council to assist individuals and families who are homeless or threatened with homelessness and who apply to the Council for assistance.
- 43.2 The Council must ensure that suitable accommodation is available for people who have priority need, if they are eligible for assistance and unintentionally homeless. This is known as the main 'Homelessness Duty'. The Council can provide accommodation from within its own housing stock, or it can arrange for it to be provided by another landlord, for example, a housing association or a landlord in the private-rented sector.

- 43.3 The Council must give proper consideration to all applications for housing assistance, and if it has reason to believe that an applicant may be homeless or threatened with homelessness, the Council must make inquiries to see whether it owes them any duty under Part 7 of the 1996 Act.
- 43.4 Where authorities have reason to believe an applicant may be homeless or threatened with homelessness and make inquiries into the case, they must give the applicant written notification of their decision on the case, and the reasons for it insofar as it goes against the applicant's interests. Applicants can ask the Council to review most aspects of its decisions, and, if still dissatisfied, an applicant can appeal to the County Court. The County Court can confirm or quash the Council's decision.
- 43.5 All of the above, together with other functions and powers, are contained within Part 7 of the 1996 Act. At present the Council's Scheme of Delegation to Officers does not cover the entirety of the functions contained in Part 7, which it should do in order to enable Officers to carry out the Council's functions in accordance with the Homelessness Duty.
- 43.6 It is therefore proposed that a new paragraph '131b' be inserted into the Scheme of Delegation in order to delegate those functions, as follows:

"131b. Authority to discharge the duties and functions of the Council under Part 7 of the Housing Act 1996, having regard to published guidance, including in relation to:

- (a) the publication of a housing allocation scheme and the administration of that scheme including nominations to registered providers of social housing, transfers;
- (b) the provision of housing advice and assistance;
- (c) all matters relating to homelessness and the prevention of homelessness and people in housing need; and
- (d) authority to undertake a review of any decision taken under delegated power paragraph 131b above and to nominate other appropriate officers to carry out such reviews.

Responsible Officers – Head of Housing Delivery and Strategy; Housing Needs Manager; Housing Options Manager."

- 43.7 The Executive now

RECOMMENDS that

- 19. the Scheme of Delegation be amended to delegate the Council's functions under Part 7 of the Housing Act 1996, as set out in paragraph 43.6 above.**

[Reason: To update the scheme of delegation in accordance with the Housing Act 1996]

Background Papers

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

Part II – Matters of Report

44. EXECUTIVE FORWARD PROGRAMME

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted, subject to the format of the programme being improved and revised for the next meeting and to the addition of an item on the Brightwells Scheme, with the earliest anticipated date of November 2014.

45. BUDGET MANAGEMENT REPORT – JUNE 2014

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial of business affairs of any particular person (including the authority holding that information)]

RESOLVED that the following be approved:-

1. the sum recovered from HM Revenue and Customs of £55k be transferred to the Revenue Reserve Fund;
2. the Microfiche Scanning Project in the sum of £48,000 as detailed in paragraph 3.5 and Annexe 2, to be met from the Planning Delivery Grant £21k and the urgent schemes capital budget £27k;
3. the allocation of £30,000 to the Museum of Farnham scheme from the Provision for Urgent Schemes as detailed in paragraph 3.6;
4. the HRA work to be undertaken as detailed in (Exempt) Annexe 5;
5. the proposal regarding bathroom pod as detailed in (Exempt) Annexe 6;
6. the drawdown of £10k from the Homelessness Prevention Fund as detailed in paragraph 4.11 of the report;
7. the supplementary estimate of £225k from the New Affordable Homes reserve as detailed in paragraph 4.12 of the report;
8. the purchase of subsequent batches of garden waste bins as triggered by additional demand up to the threshold of 12,000, as set out in paragraph 2.4 of the report, to be funded from the unbudgeted additional income arising from the service; and

9. a virement from the additional planning income to cover a dedicated planning lawyer at the appropriate grade, on a one-year fixed term contract.

[Reason: To provide an indication of the expenditure and income position for the 2014/15 budget as at June 2014 compared with the approved budget for the General Fund and the Housing Revenue Account]

46. TREASURY MANAGEMENT PERFORMANCE

RESOLVED that

1. the Treasury Management Performance for 2013/14 and 2014/15 to date be noted; and
2. the approach to Treasury Management activity be endorsed.

[Reason: To summarise Waverley's investment performance for the year 2013/14 and the period 1 April 2014 to date]

47. CONSULTATION ON THE DRAFT GUILDFORD LOCAL PLAN STRATEGY AND SITES

RESOLVED that the response to the consultation from Guildford Borough Council be agreed as set out in Annexe 2 to the report.

[Reason: To seek approval for the proposed response to the Guildford Borough Council consultation on the draft local plan strategy and sites]

48. DRAFT ENFORCEMENT POLICY FOR REGULATORY SERVICES AT WAVERLEY

RESOLVED that

1. the draft Waverley Borough Council Enforcement Policy for Regulatory Services be agreed as a basis for consultation; and
2. the timetable outlined in the report be agreed for consulting on and setting the policy.

[Reason: To approve the draft Enforcement Policy for Regulatory Services for the purpose of consultation]

49. CRANLEIGH TOWN TEAM – ADJUSTMENT TO SPENDING PLAN

RESOLVED that Cranleigh Town Team's amended spending plan be approved.

[Reason: To seek approval to change the Cranleigh Town Team's spending plans]

50. HOUSING DELIVERY BOARD ANNUAL REPORT

RESOLVED that the work carried out by the Housing Delivery Board in 2013/14 endorsed.

[Reason: To receive a summary of the work carried out by the Housing Delivery Board in 2013/14]

51. PROPERTY MATTERS

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial of business affairs of any particular person (including the authority holding that information)]

RESOLVED that

1. a lease be granted to Farnham Town Youth Football Club for a period of 15 years, on terms and conditions described in (Exempt) Annexe 1A to the report, with other terms and conditions to be agreed by the Estates and Valuation Manager;
2. the existing lease to the Godalming Lawn Tennis Club between the parties dated 1 May 2005 be surrendered and a new lease of a maximum term of up to 30 years be granted upon the terms proposed in (Exempt) Annexe 2A;
3. a licence be granted to the Haslemere Preparatory School Trust for the land outlined in red on the plan at Annexe 3 for a period of 10 years, on terms and conditions as set out in (Exempt) Annexe 3A, with other terms and conditions to be agreed by the Estates and Valuation Manager;
4. Waverley enters into a 10-year management agreement with the National Trust to manage the land shown outlined on the plan at Annexe 4 in connection with Waverley's adjoining land; and
5. the land at Moons Hill, shown outlined in red on the plan at Annexe 5, be offered for sale on the open market on the terms and conditions as set out in (Exempt) Annexe 5A and with other terms and conditions to be agreed by the Estates and Valuation Manager.

[Reason: To consider a number of property-related issues in the Borough]

52. OUTSTANDING DEBTS WRITE-OFF FOR DECISION

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial of business affairs of any particular person (including the authority holding that information)]

RESOLVED that, under Financial Regulation D203, the debts put forward for write-off as listed in the (Exempt) Annexe to the agenda report, be approved.

[Reason: To seek approval to write-off irrecoverable bad debts]

The meeting commenced at 6.45 p.m. and concluded at 7.19 p.m.

Chairman