

To: All Members of the Council

When calling please ask for:

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Dear Councillors

COUNCIL - 16 JULY 2024, SECOND SUPPLEMENT

I refer to the agenda for the meeting of Council, on Tuesday, 16 July 2024 and now enclose the questions and responses supplement for agenda items 5 and 6:

5 QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 3 - 8)

To respond to questions from members of the public, received in accordance with Procedure Rule 11.

The deadline for receipt of questions was 5pm on Wednesday 10 July 2024.

Copies of all questions and statements, except those that have been rejected, are included in this supplement circulated to all Members and made available to the public via the Council's website. The response to a question will take the form of a written response which is also included in this supplement.

6 QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 9 - 10)

To respond to any questions received from Members of the Council in accordance with Procedure Rule 12.

The deadline for receipt of questions was 5pm on Wednesday 10 July 2024.

Copies of all questions and statements, except those that have been rejected, are included in this supplement circulated to all Members and made available to the public via the Council's website. The response to a question will take the form of a written response which is also included in this supplement.

Yours sincerely

Ben Bix
Democratic Services Manager

Notice of Public Questions (Procedure Rule 11) – Council 16 July 2024

1. Question from Daniel Kuszel

The Council maintains a list of individuals who must only contact a single officer when engaging with the council. This restriction must not be entered into lightly as it impacts on a resident's ability to contact the council with issues that affect them.

Could the Leader confirm that a robust procedure is in place to ensure that individuals who are not subject to this restriction are not wrongly considered as being limited to a single point of contact? And were an error to arise when someone was inappropriately added to this list would it be reasonable for that individual to receive a formal apology from the Council and all officers who wrongly believed they were on such a list?

Response:

First, the Council accepts that any arrangement whereby an individual is given a single point of contact should not be entered into lightly.

The Council has a policy for dealing with dealing with unreasonably persistent complaints and unreasonable complainant behaviour, and the allocation of a single point of contact is just one of a range of options that the Council can take to deal with such an individual in a way that is open, fair and proportionate.

All decisions to designate an individual as either unreasonable or unreasonably persistent and to provide them with a single point of contact are taken by the relevant Assistant Director. The individual concerned will be provided with an explanation of why the decision has been taken, what this means for their future contacts with the council and how long any restrictions on access will remain in place (usually 12 months in the first instance).

If appropriate the individual's details will also be recorded on a Staff Safety Register but this will depend on the way in which the individual has been communicating with the Council.

Aggression to staff is defined by the Health and Safety Executive as:

“Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work”.

Waverley recognises the potential for aggression to council officers and is required under the Health and Safety at Work Act 1974 to protect the health, safety and welfare of its employees. Furthermore, the Council is required under The Management of Health and Safety at Work Regulations 1999 to consider risks to employees (including the risk of reasonably foreseeable violence); decide how significant these risks are; decide what to do to prevent or control the risks; and develop a clear plan to achieve this.

Waverley Borough Council takes its responsibility under health and safety legislation extremely seriously and as part of its responsibilities implemented an [Aggression at Work Policy](#) in 2015 (reviewed May 2022).

This policy, states that where a report of aggression is made, the aggressor will be placed on a Staff Safety Register. This register is only accessible to those persons who are employed by the Council enabling them to take proportionate steps to avoid abuse, threat or assault.

In May 2022 the Aggression at Work Policy and procedures were reviewed by the then Safety and Environment Officer. As part of this review, it was identified that the IT platform used to hold details of aggressive persons was due to fall out of technical support. The Council's IT department therefore initiated development of a new system, and this development took some time to complete

On the 11th of March 2024 a new system for the holding details of aggressive persons was introduced. All data held on the newly implemented register of aggressive persons is being reviewed to ensure that it is up to date and held in accordance with the Council's policy on this matter and will be subject to annual reviews going forward.

The Council remains committed to protecting the health, safety and welfare of its staff and recognises that the aggressive person register is a necessary element for controlling risk. The lack of a robust procedure for the transfer of information from the previous staff safety register to the new aggressive person register meant that expired details were entered incorrectly on to the new register.

Recent experience has highlighted the need for tighter control on the management of the new register and Waverley Borough Council is committed to implementing that tighter control in the future.

2. Question from Alex Page

My question refers to the splendid Housing development 13-22 Springfield, Elstead, specifically the recreational open green space (LAP), and any other green spaces large enough to warrant that are not reserved as residential gardens. Could they be classified as Common land to provide legal protection against development and maintain that right mix of rural and urban the current design has created? Similar to how the different islands of land on St Christopher Green have maintained their Common land status. This should still allow the development of community activities as laid out in the publicly available documentation.

Response:

Local Area for Play (LAP) designation as part of a comprehensive approved residential housing scheme provides significant protection for against future redevelopment.

The site is constrained by below ground structures and services and likely to be incapable of redevelopment due to its position close to a road junction. This will provide a significant impediment to future, alternative redevelopment.

Creating common land over the LAP area brings with it inappropriate and unnecessary legal rights and privileges which is entirely at odds with the purpose of a LAP.

The creation of common land would prejudice the area's potential to contribute to Biodiversity Net Gain on a scheme that needs areas of this with its elements present to contribute to the scheme's overall BNG score.

Therefore, it will be designated as a LAP in the approval of the scheme and not have Common Land status: LAP status will give it sufficient protection against future redevelopment.

3. Question from Richard Benson

At the Annual Council Meeting on 21st May 2024, the Opposition Leader told the meeting that “a total saving for the three years between 2021 to 24 of the collaboration was only £188,000”. In response Councillor Follows said “... the figures you are quoting there I don’t believe are accurate...I do think you are conflating revenue and capital and I do think you are conflating structural costs for things like redundancies into your figures...” It should be noted that the net saving of £188,724 came from a Spend & Savings statement dated 8th March 2024, which was prepared by the Council’s own Finance officers.

Bearing in mind the Nolan Principles of Honesty and Integrity,

1. What evidence does Cllr Follows have to support his claim that the net savings of £188,000 are not accurate?
2. What evidence does Cllr Follows have to support his claim that the Officers have conflated revenue and capital?
3. What evidence does Cllr Follows have to support his claim that the Officers have conflated structural costs for things like redundancies?
4. Does Cllr Follows now agree that the net savings of £188,000 prepared by the Council’s own Finance officers is indeed accurate? If not, why not?

Response:

A statement can be rendered inaccurate just as much by excluding information from it as by including it.

In his response to the Opposition Leader in May, Cllr Follows was absolutely not contradicting Officers but rather was quite rightly challenging the Opposition Leader’s use of the words “total” and “only” to mischaracterise one metric quoted from a detailed analysis of the actual and expected collaboration savings.

Certainly, and even by Mr Benson’s own account, Cllr Follows did not make the claims Mr Benson alleges in his question, and the detail in that March analysis was - and remains – accurate and important.

1. *The first detail is to make it clear that the figures presented relate only to Waverley’s share of the financial benefits of the collaboration across the 2 Councils.*
2. *Second is to rehearse the principle of investing to save itself, which is as everyday as buying a season ticket to commute to London by train: an up-front one-off cost yields recurring savings over time that yield a net benefit compared to the alternative. In our case, of course there are one-off restructuring costs but as of March 2024 that gross total investment of £388k was yielding £352k in recurring annual savings for the years ahead.*

3. *The third detail relates to timeframe. The £188k being quoted is the cumulative net saving as of March 2024. Less than 2.5 years into the programme it had generated £577k in total gross savings from a standing start and had already paid for itself. Even more importantly, the second half of the analysis that the Opposition Leader chose to ignore demonstrates that we are actually on target to deliver over £700k in annual recurring total net savings from 2026 and into the years beyond.*
4. *Last but by no means least is the detail of funding. Our powers to generate income are strictly regulated and every penny we do generate brings with it conditions as to how it can be spent. A key funding driver for the collaboration was that even pre-Covid our costs were inflating faster than our income could keep up and if we hadn't embarked on this programme then we would still have to now. We can fund the up-front investment precisely because we had the foresight to set up the necessary funding sources when we did.*

Local Partnerships have recently been engaged to independently review the collaboration savings to date and the future opportunities for the collaboration. This will be reported to Council in the Autumn.

4. Question from Robert Baker

I note that the Regulator for Social Housing (RSH) said the social landlord for around 5,200 homes is “failing” on a number of legal health and safety requirements at Guildford Borough council, including 1,700 homes without an up-to-date electrical condition report and another 1,000 with unsatisfactory certificates. GBC has stated to RSH it does not have evidence of a current electrical condition report for more than 100 communal blocks, and could not provide evidence it had completed around 1,300 fire safety actions.

Given the progressing collaboration between GBC and WBC which includes the merging of housing departments and shared workforce, please confirm for homes which WBC is social landlord:

1. How many homes at WBC do not have an up to date electrical condition report?
2. How many WBC social rented homes have unsatisfactory certificates?
3. How many WBC social rented homes do not have evidence of an electrical condition report?
4. How many incomplete fire safety actions are there at WBC for their housing stock?

Response:

1. *How many homes at WBC do not have an up-to-date electrical condition report?*
470
2. *How many WBC social rented homes have unsatisfactory certificates?* **301**
3. *How many WBC social rented homes do not have evidence of an electrical condition report?* **169**
4. *How many incomplete fire safety actions are there at WBC for their housing stock?* **574** including High 33, Medium 431, Low 110

The Council has a remedial plan to ensure that all overdue electrical inspections are carried out as soon as possible. All Fire Risk Assessments are in date, and recruitment to a Senior Fire Safety Officer is underway. Part of the role is to ensure that all remedial actions are completed.

Notice of Member Questions (Procedure Rule 12) – Council 16 July 2024

1. Question from Councillor Austin

69 High Street Godalming - two years after WBC acquired this vacant building the retail tenant Loungers has recently signed an agreement for lease.

Therefore, please confirm:

1. Expected date of occupation of the retail tenant which is we understand expected to be not before June 2025, so over 3 years after the building was acquired by WBC?
2. Strength of covenant of the tenant - does it have a parent company guarantor to cover the rent in the event the tenant does not trade well?
3. Please confirm expected date of occupation for residential occupiers for the residential scheme for which a planning application has just been submitted, two years after the WBC acquired the building?

Response:

The Council purchased 69 High Street to develop much needed housing in central Godalming, whilst offering the opportunity to bring regeneration to the high street by providing a smaller, more suitable unit for a commercial tenant.

On completion of the purchase the Council has worked to follow good project processes and governance requirements that adhere to our Asset Investment strategy.

Firstly, a design team were appointed to assess the option of delivering the scheme that the previous owner had planning permission for, and then to look at options to see how that scheme could be improved and how to maximise residential properties on the site further.

In August last year an options appraisal and outline Business Case was brought to full council that included an option to bring forward 10 homes on the site with a commercial unit that would cater for the interested tenant Loungers.

The Business Case set out the objectives of the project, and brought forward a comprehensive financial case setting out how the development would be funded, and how the project would be delivered and the procedures required for a planning application and procurement of a design team and subsequently a contractor to complete the works.

The scheme has now been submitted to the Local Planning Authority for determination and the procurement process is underway for a contractor to complete the demolition works and build out the commercial unit. The likely occupation by the tenant is summer 2025.

As you can see from this summary, the work completed to get to this stage has been in line with our Contract Procedure Rules and our planning processes.

Loungers PLC are the tenant with whom the Agreement for Lease has been signed with. Due diligence was completed when entering into the lease agreement, the details of which are commercially sensitive.

A planning application for the residential part at the rear of the site has not yet been submitted. As outlined in the Council decision to proceed with 69 High Street, a full business case will need to be brought forward for the housing development proposals – it is anticipated this will be at the end of summer/ early autumn.

Work has been underway designing the residential scheme so that it is of sufficient quality and suitability for the site, and it is anticipated a full planning application will come forward in the new year.