

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 10 JANUARY 2017

SUBMITTED TO THE COUNCIL MEETING – 21 FEBRUARY 2017

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

Present

Cllr Julia Potts (Chairman)	Cllr Jim Edwards
Cllr Tom Martin (Vice Chairman)	Cllr Jenny Else
Cllr Brian Adams	Cllr Ged Hall
Cllr Andrew Bolton	Cllr Carole King
Cllr Kevin Deanus	

Also Present

Councillor Jerry Hyman

120. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 29 November and of the Special Meeting held on 13 December 2016 were confirmed and signed as a correct record.

121. DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

122. QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following question from Mr Michael Hyman of Farnham in accordance with Procedure Rule 10:

“In the 29 December edition of the Farnham Herald, the Chairman of the SCC-WBC Local (Transport) Committee announced that an “exciting” new proposal, backed by our MP, is about to be unveiled to solve the town’s traffic, pedestrian and air quality problems.

However, it is evident that the traffic modelling for the new ‘solution’ does not include modelling of Crest Nicholson / Sainsbury’s East Street pedestrianisation proposals, and given that SCC cannot be claiming that they intend to implement both Crest’s and Mr Hunt’s plans separately and in isolation, this indicates that SCC Highways accept that they can no longer support or implement CNS’ impractical and discredited road scheme.

Such a major shift in SCC’s position would require a significant redesign of the Brightwells project, and as Waverley’s existing AQAP and Local Plan are both founded upon an assumption that Crest’s scheme will be installed, I ask that you provide a definitive statement of the Executive’s position in respect of whether or not it is still your intention that Crest’s traffic/pedestrianisation proposals will be implemented.”

The response to the question which was delivered by the Leader of the Council was as follows:-

“Surrey County Council as Highway Authority has confirmed that any future town centre highway schemes for Farnham will also need to work in connection with the approved Brightwells development. The scheme is extant and capable of implementation.”

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

123. BUDGET MANAGEMENT REPORT (Agenda item 7)

The Executive considered and noted the report reviewing the 2016/17 budget for the General Fund and Housing Revenue Account against the forecast to 31 March 2017 and

RESOLVED to approve

1. the rescheduling of Development Control RTPI training budget into 2017/18 budget, as set out in paragraph 5 (i);
2. the rescheduling of £12,300 for Agresso works into 2017/18, as set out in paragraph 18 (ii);
3. a virement of £10,000 from the Provision for Urgent Schemes for Bus Shelter Replacement, as set out in paragraph 20 (i);
4. a virement of £3,400 from General Fund Capital Savings for a Vending machine for the Borough Hall, as set out in paragraph 20 (ii);
5. a virement of £11,000 from General Fund Capital Savings for an IT hardware upgrade for Waverley Training Services, as set out in paragraph 20 (iv);
6. a virement from General Fund Capital Savings and usage of PIC funding, totalling £15,000, for the Shamley Green Parking scheme, as set out in paragraph 20 (v);
7. the rescheduling of £40,000 for Waverley Training Services classroom works into 2017/18; and
8. the rescheduling of £40,000 for Continuity works into 2017/18.

The Executive was advised that a number of projects originally planned for 2017/18 could be accelerated due to availability of savings already achieved in the 2016/17 capital programme and through the use of the urgent Schemes Provision. These projects are as follows:-

- i. Bus Shelter replacement in Farnham - £10,000
- ii. Vending Machine purchase for the Borough Hall - £3,400
- iii. Waste & Recycling Container purchase - £42,505
- iv. Waverley Training Services IT hardware upgrade - £11,000
- v. Shamley Green Parking Scheme - £15,000 (£1,733 from PIC funding)

The Executive now

RECOMMENDS that

- 98. approval be given to a virement of £42,505 from General Fund Capital Savings for Waste and Recycling Containers.**

[Reason: to review the 2016/17 budget for the General Fund and Housing Revenue Account against the forecast to 31 March 2017]

124. REPORT OF THE CONSTITUTION SIG (Agenda item 9)

124.1 Following its last report to the Executive on 12 July 2016 recommending changes to the constitution relating to Questions by Members of the Public, the Constitution SIG met again on two occasions to look at Questions by Members and also to propose the structure for the new Overview and Scrutiny arrangements and recommend some principles about how they will operate. The recommendations from the SIG were approved by the Executive, and are now for the Council to consider:

Questions by Members

124.2 The SIG reviewed the section of the Constitution relating to Questions from Members and agreed that where possible it should be consistent with the changes made to the section on Questions by Members of the Public. It therefore recommended that

1. Para 11.3 should be revised to delete '*member of a Committee or Sub-Committee*' and replace with '*any member of the Council*' may ask the Chairman...
2. Para 11.4 (a) should be amended so that members of the Council need to give at least 4 clear working days notice in writing, instead of 7;
3. Para 11.4 (b) add that the question must relate to matters '*that are not already included on the agenda*'.

Overview and Scrutiny Arrangements

Timing

124.3 The SIG gave initial consideration to a number of areas to progress the implementation of the review. The SIG did however agree that it was

important to take time over agreeing what the new structure of Committees and arrangements should look like and so the proposed implementation would be in time for the start of the new Council year 2017/2018. Members were keen that the role of Scrutiny Officer was recruited to straight away so that the postholder could help to advise on and shape the new arrangements. At the last meeting, members were informed that the original recruitment exercise had been unsuccessful and officers were taking steps to readvertise the post as soon as possible with some direct targeting of the advert into relevant professional networks.

Training of Members

124.4 A suite of training events to be facilitated by South East Employers had been arranged that would help launch and deliver the necessary messages about good scrutiny and how it would best operate for Waverley. Specific training for Chairmen and Vice-Chairmen of the Scrutiny Committees was identified as an area to be included. It was proposed by the SIG that each training session should be open to all members and relevant officers to jointly attend. Dates had now been finalised and all members and appropriate officers invited.

Members' Allowances

124.5 The SIG was aware that the Members' Allowances Scheme currently included Special Responsibility Allowances (SRAs) for the Chairman and Vice-Chairman of each Overview and Scrutiny Committee. It was identified that consideration would need to be given to the level of SRA payable in the event that the structure of Committees changed and involved the appointment of more (or less) Chairmen and Vice-Chairmen. Officers would include this as part of the considerations by the Independent Remuneration Panel for Members' Allowances which was due to meet again in 2016/2017 to review the current scheme.

Structure of Committees

124.6 The SIG supported the idea of having a structure of four Overview and Scrutiny Committees aligned to the Corporate Priorities. However, it was agreed that because of the service complexities, there should be a specific Committee to deal with housing-related matters. The proposed structure of the Committees is attached at Annexe 1.

124.7 The SIG discussed the Co-ordinating Group which would meet informally and consist of the Chairmen and Vice-Chairmen of the four O and S Committees. It was agreed that this group should be defined as the Co-ordinating Board, and that it could meet informally on its own or with the Executive and Directors as appropriate.

Terms of Reference

124.8 The suggested Terms of Reference for each Committee are set out at Annexe 2. The SIG supported the breakdown of service areas into the Terms of Reference for each Committee as a good starting point from which

the Committees would operate from 2017/18 onwards, and agreed that it was important to keep the Terms of Reference under constant review, and revisit them after six and twelve months. It was also suggested that the Co-ordinating Board would play a role in deciding where matters which were overarching or relevant to more than one Committee should be considered.

124.9 The Terms of Reference of the Committees are set out in the Council's Constitution and so approval is also sought for any amendments to the Terms of Reference to be delegated to the Co-ordinating Board on the basis that if the need arises, there is flexibility to revise the Terms of Reference swiftly. The Terms of Reference would be included in an annual report from each Committee to the Council – and the constitution would be updated at this point with any changes that had taken place during the year. It is therefore recommended that:

4. the structure of four Overview and Scrutiny Committees, as set out in Annexe 1 be agreed, along with the establishment of the informal Co-ordinating Board whose membership would consist of the Chairmen and Vice-Chairmen of the four Committees;
5. the Terms of Reference for the Overview and Scrutiny Committees, as set out in Annexe 2, be agreed;
6. authority be delegated to the Overview and Scrutiny Co-ordinating Board to keep the Terms of Reference under regular review and revise when necessary, subject to an annual report from each Committee to the Council to endorse any changes and amend the constitution accordingly.

Size of Committees

124.10 Members discussed the number of members who should be appointed to each Committee and, in view of the in-depth work they were expected to pursue, suggested a membership of 9, with the exception of the Housing O and S Committee which would have a membership of 11, two of whom would be Tenants' Panel representatives.

124.11 It was clarified that the system of appointing substitutes for absences would be in operation, and that this provision would also extend to the Tenant's Panel representatives. To facilitate the smooth-running of this process, each Group would provide the Democratic Services Team with a priority order list of which members to call to attend as substitutes to ensure that only those members interested in doing so would be contacted. It is recommended that

7. the four Overview and Scrutiny Committees should consist of 9 Waverley members, and that the Housing Overview and Scrutiny Committee also appoints 2 Tenants Panel Representatives as co-optees.

Timing of Meetings

- 124.12 The SIG agreed that the proposed timing of meetings, six per year, seemed appropriate and that because the Committees would become involved in in-depth review work which may necessitate additional meetings in a short period of time, there should be flexibility to arrange extra meetings when necessary, subject to the agreement of the Chairman and Vice-Chairman. It is recommended that
8. the constitution be amended to enable additional meetings of each O and S committee to be arranged with the agreement of the Chairman and Vice-Chairman.

Chairmanships

- 124.13 The SIG agreed the principle that the Chairman and Vice-Chairman of each Committee should not be from the same political group. The SIG received details about how the Chairmen of Overview and Scrutiny Committees were appointed at other authorities, and agreed that with a single party Executive, it was good practice for Scrutiny Committees to be chaired by the opposition. The SIG discussed this in light of the current political composition of the Council and recognised the restrictions that could be placed on a small opposition group when having to find suitable and willing members to fill the Chairman roles on the Committees.
- 124.14 The SIG agreed that the most important consideration was for the best person to be appointed to the role, and accepted that this may not always be an opposition member. It was noted that, subject to the trigger of 10% being reached, the Chairmen of the Committees would be nominated by the largest minority group. To this end, the constitution does not need to be changed but will be clarified to read as follows (new text shown in bold and italic type):-
- “In the event of a single party Executive, the Chairmen of the Overview and Scrutiny Committees should be nominated by the largest minority political group on the Council (this can include non-members of the largest minority group or members of the majority group), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (***in the current composition of the Council, this would equate to 6 members***). ***The Vice-Chairman of the Overview and Scrutiny Committee shall not be from the same political group as the Chairman***”.
- 124.15 This gives clarity that the entitlement to the role of Chairmen remains with the largest minority group, but they are not obliged to take them and can agree to appoint a member who is not part of their group, who could also be from the majority group. In the event that this happens, the largest minority group are still entitled to the Vice Chairman position on the Committee to comply with the principle that the Chairman and Vice-Chairman are not from the same political group. It is recommended that

9. the constitution be amended to agree the revised wording set out above regarding chairmanships of the Overview and Scrutiny Committees.

Attendance by Executive Portfolio Holders

- 124.16 The SIG was in agreement that there was a role for Executive Portfolio Holders in attending Overview and Scrutiny Committees, as long as this role was clearly defined within the constitution. It was agreed that O and S Committees could invite Portfolio Holders along as part of their forward work programme to talk about their service areas, but they could also invite them along to help with deliberations. A protocol setting out how this would be managed is attached as Annexe 3. The protocol also covers the Chairman of an Overview and Scrutiny Committee (or, in his or her absence, the Vice-Chairman) attending the Executive to present reports. It is recommended that
10. the protocol for attendance at meetings of the Executive and Overview and Scrutiny Committees, as set out at Annexe 3, be agreed.

Special Interest Groups (SIGs)

- 124.17 The SIG identified that many of the areas of work currently undertaken by SIGs could be better placed as areas of investigation, policy formulation and in-depth review for the Overview and Scrutiny Committees. Whilst there were some concerns about the ability of the Portfolio Holder to be involved in areas affecting their remit if the Overview and Scrutiny Committees were leading, it was agreed that they could be invited to attend meetings on an ad hoc basis. Subject to this, the SIG agreed that Special Interest Groups should be deleted from the Constitution and that the work of the current Constitution SIG could be picked up by the Standards Panel in future. It was further clarified that the appointed Town and Parish Council representatives would not participate in any discussions at the Standards Panel relating to the Waverley constitution. It is recommended that
11. Special Interest Groups be deleted from the establishment, and the role of the Standards Panel be extended to include keeping the constitution under review and making recommendations for revision.

- 124.18 Having the report of the Constitution SIG, the Executive now

RECOMMENDS that, with regard to Questions by Members at meetings,

99. **Para 11.3 should be revised to delete '*member of a Committee or Sub-Committee*' and replace with '*any member of the Council*' may ask the Chairman...**
100. **Para 11.4 (a) should be amended so that members of the Council need to give at least 4 clear working days notice in writing, instead of 7; and**

101. Para 11.4 (b) add that the question must relate to matters '*that are not already included on the agenda*'; and

with regard to Overview and Scrutiny arrangements:-

102. the structure of four Overview and Scrutiny Committees, as set out in Annexe 1 be agreed, along with the establishment of the informal Co-ordinating Board whose membership would consist of the Chairmen and Vice-Chairmen of the four Committees;

103. the Terms of Reference for the Overview and Scrutiny Committees, as set out in Annexe 2, be agreed;

104. authority be delegated to the Overview and Scrutiny Co-ordinating Board to keep the Terms of Reference under regular review and revise when necessary, subject to an annual report from each Committee to the Council to endorse any changes and amend the constitution accordingly;

105. the four Overview and Scrutiny Committees should consist of 9 Waverley members, and that the Housing Overview and Scrutiny Committee also appoints 2 Tenants Panel Representatives as co-optees;

106. the constitution be amended to enable additional meetings of each O and S committee to be arranged with the agreement of the Chairman and Vice-Chairman;

107. the constitution be amended to agree the revised wording set out in the report regarding chairmanships of the Overview and Scrutiny Committees;

108. the protocol for attendance at meetings of the Executive and Overview and Scrutiny Committees, as set out at Annexe 3, be agreed; and

109. Special Interest Groups be deleted from the establishment, and the role of the Standards Panel be extended to include keeping the constitution under review and making recommendations for revision.

[Reason: to agree the principles of the new arrangements relating to Overview and Scrutiny]

125. UPDATING SCHEME OF DELEGATION FOR ENVIRONMENTAL AND ANTISOCIAL BEHAVIOUR ENFORCEMENT (Agenda item 11)

125.1 There has been a raft of changes to legislation in the areas of Environmental and Antisocial Behaviour Enforcement over the years with the Environment Protection Act 1990, Environment Act 1999, Clean Neighbourhoods and Environment Act 2005, Refuse Disposal Amenity Act 1978, CPAA 1989, and the Anti-social Behaviour Crime and Policing Act amongst them.

125.2 The Scheme of Delegation has been amended several times to accommodate these changes in legislation. In seeking to adopt a clearer, corporate approach and engage teams across the Council in this initiative, a review of the current Scheme of Delegation has identified some inconsistencies and omissions to the scheme of delegation which need to be corrected to enable all relevant officers to participate in the initiative and drive forward the Council's vision and priorities.

125.3 The schedule at Annexe 4 therefore proposes a comprehensive update of the Scheme of Delegation as it relates to Environmental and Anti-Social Behaviour enforcement and a simplification of the delegations by delegating most powers to the appropriate Heads of Service, who are then empowered to further delegate selected powers to their teams or individual officers as deemed appropriate and necessary. It is recommended that the attached Schedule of Anti-Social Behaviour and Environmental enforcement powers is added to the Scheme of Delegation.

RECOMMENDS that

110. the proposed changes to the Scheme of Delegation relating to Environmental and Anti-Social Behaviour enforcement, as set out in the attached schedule, be approved.

[Reason: to update the Scheme of Delegation in line with changing legislation]

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

126. EXECUTIVE FORWARD PROGRAMME (Agenda item 5)

RESOLVED that the Executive Forward Programme be approved, subject to the addition of Safeguarding Policy to the Community Safety portfolio, with an expected date of April 2017.

127. BUDGET 2017/18 - UPDATE (Agenda item 6)

RESOLVED that, in light of the significant budget shortfall, the Executive

1. continue to work with officers to identify options to balance the budget; and
2. ask the Joint Overview and Scrutiny Committee to consider the detailed budget proposals at their January meeting and to make any suggestions back to the Executive to prioritise options to balance budgets.

[Reason: to outline the latest position on the 2017/18 budget and refer it to the O and S Committees for consideration]

128. CUSTOMER SERVICES REVIEW (Agenda item 8)

RESOLVED that the Head of Customer and Corporate Services and the Officer Foresight Group be requested to continue the review of customer services and evaluate/progress the change options specified within the body of the report.

[Reason: to secure the support of the Executive to proceed with the next stage of the Customer Services Review.]

129. CONSULTATION ON REMOVAL OF BT PAYPHONES IN WAVERLEY (Agenda item 10)

RESOLVED that there being no amendments necessary to the initial position of the Council in response to the consultation, the final position be signed off by the Portfolio Holders, taking into account any outstanding representations received between 10 and 20 January, to enable the posting of the final notice by 30 January 2017.

[Reason: to agree the Council's response to the consultation about removal of BT payphones in Waverley]

130. DRAFT CALENDAR OF MEETINGS 2017/2018 (Agenda item 12)

RESOLVED that the Calendar of Meetings for 2017/18 be approved.

The meeting commenced at 6.45 pm and concluded at 7.22 pm

Chairman