

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE SPECIAL EXECUTIVE - 24 MAY 2016

SUBMITTED TO THE EXTRAORDINARY COUNCIL MEETING – 24 MAY 2016

(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 Andrew Bolton	Cllr Carole King
Cllr Kevin Deanus	Cllr Ged Hall

Apologies

Cllr Brian Adams

Also Present

Councillor Maurice Byham, Councillor Brian Ellis, Councillor Patricia Ellis, Councillor John Gray, Councillor Stephen Hill, Councillor Simon Inchbald, Councillor Peter Isherwood, Councillor Andy MacLeod, Councillor Stephen Mulliner, Councillor Wyatt Ramsdale, Councillor Richard Seaborne, Councillor Liz Wheatley, Councillor Nick Williams and Councillor John Williamson

1. APPOINTMENT OF CHAIRMAN (Agenda item 1)

RESOLVED that Councillor Julia Potts be appointed as Chairman of the Executive for the council year 2016-17.
2. APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2)

RESOLVED that Councillor Tom Martin be appointed as Vice-Chairman of the Executive for the council year 2016-17.
3. APOLOGIES FOR ABSENCE (Agenda item 3)

Apologies for absence were received from Cllr Brian Adams.
4. DECLARATIONS OF INTERESTS (Agenda item 4)

Cllr Julia Potts declared a non-pecuniary interest in the report as a member of Farnham Town Council.

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.

5. BRIGHTWELLS REGENERATION SCHEME (Agenda item 5)

The Executive considered a report updating Members on the significant progress the Council has made on the Brightwells Farnham Regeneration Scheme, including information on the current financial and planning arrangements and the delivery position relating to this key corporate priority. The report had been circulated to all members of the Council in advance of the special meetings.

Members asked questions and sought clarification about a number of issues, which included:

- i. benefits of the long term revenue stream for the Council and the boost to the local economy;
- ii. the appropriateness of the scheme going forward;
- iii. the opportunity for the scheme to join parts of the town together;
- iv. future sales growth of the restaurant economy;
- v. the use of communications to inform and engage as many local residents as possible who were keen to see the scheme get underway, along with the establishment of a Stakeholder Group;
- vi. the ability of the scheme to be disability friendly; and
- vii. the welcome mix of housing, including shared ownership.

At 6.14 pm it was

RESOLVED 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 item 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 this item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3); and

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 5).

Members asked a number of detailed questions about the legal and financial advice provided in the (Exempt) Annexe to the report and received clarification from officers on a number of issues. At 7.09 pm the meeting resumed in open session.

In summary, the Executive agreed that the benefits of the scheme far outweighed any uncertainties and recognised the various opportunities that would be forthcoming for the town, including an end to the neglect suffered to the area of the town in recent years, the provision of health and wellbeing benefits for residents, affordable housing for those most in need, employment both short and long term and the ability to attract residents from outside of the area to the town for what it would have to offer.

Having considered the proposed financial and funding arrangements and the consequential variations to the Development Agreement, had regard to legal and financial advice, the Executive now makes the following recommendations to Council about how to proceed with this scheme, and

RECOMMENDS that

- 1. the Best Consideration report from GVA be received and be noted that the financial proposals represent best consideration;**
- 2. the legal advice from Leading Counsel and the Borough Solicitor be received regarding the potential for legal challenge and the importance of this advice be acknowledged in relation to the decision about proceeding with the amendments to the Development Agreement;**
- 3. in relation to recommendation 2 above, recommendation 1 included in the (Exempt) Annexe be approved and authority be delegated to the Executive Director and Borough Solicitor in consultation with the Leader of the Council and Portfolio Holder for Finance to negotiate with the developer appropriate measures to provide mitigation against the costs of robustly defending any legal challenge on an equal share basis;**
- 4. as landowner, the change of Affordable Housing accommodation mix within the Scheme to 72 Shared Ownership units be approved;**
- 5. Officers' analysis of the financial appraisal and the evaluation of risks included be noted and acknowledge that the financial appraisal be predicated on the approval of the changes to Development Agreement and the Section 106 Agreement as set out in the report;**
- 6. authority be delegated, in line with Counsel's advice at paragraphs 36 and 37, to the Executive Director and Borough Solicitor to execute the Compulsory Purchase Order in respect of the Marlborough Head Pub in Farnham, the remaining CPO Order Lands set out within the CPO, and all other rights of access and oversailing set out within the CPO;**
- 7. the changes to the Development Agreement necessary to enable the Scheme to proceed be approved, as summarised in paragraph 72 of the report and detailed in the paragraph 9 of the (Exempt) Annexe;**
- 8. subject to resolution of the issues set out in the (Exempt) Annexe to this report, authority be delegated to the Executive Director, Director of Finance and Borough Solicitor, in consultation with the Leader of the**

Council and the Portfolio Holder for Finance, to agree the detailed legal terms necessary to achieve an unconditional Development Agreement; and

- 9. the commercially sensitive recommendation 2 regarding Stamp Duty Land Tax be approved, as set out in the (Exempt) Annexe to the report.**

PART II - MATTERS OF REPORT

There were no matters for consideration under this heading.

The meeting commenced at 5.00 pm and concluded at 7.12 pm

Chairman