

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 2 DECEMBER 2014

SUBMITTED TO THE COUNCIL MEETING – 9 DECEMBER 2014

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

Present

Cllr Robert Knowles (Chairman)
Cllr Julia Potts (Vice Chairman)
Cllr Brian Adams
Cllr Carole King

Cllr Tom Martin
Cllr Donal O'Neill
Cllr Adam Taylor-Smith
Cllr Simon Thornton

Apologies

Cllr Stefan Reynolds and Cllr Keith Webster

Also Present

Councillor Mike Band, Councillor Patricia Ellis, Councillor Simon Inchbald, Councillor Diane James and Councillor Roger Steel

Prior to the start of the meeting, the Executive stood for a minute's silence in memory of Cllr Janet Somerville who had died at the weekend.

94. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 4 November 2014 were confirmed as a correct record and signed.

95. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllrs Stefan Reynolds and Keith Webster.

96. DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

97. QUESTIONS (Agenda item 4)

The Executive received a question from Mr Jerry Hyman in accordance with Procedure Rule 10:-

“The Council has made various claims regarding funding of the East Street scheme over the past decade, though the terms of possible funding and the design of the scheme have never been finalised.

We hear that another such claim is being made, and if the Due Diligence process has been completed and a firm agreement has indeed been reached then as a public project, there should be no honest reason not to publicise the funding institution concerned and the terms of the funding.

If there is a firm, signed commitment of funding, who is supplying that funding?"

The Leader of the Council responded as follows:-

"There is not a signed commitment of funding but Crest Nicholson are in discussions with a funder, the details of which are commercially sensitive".

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.

98. **BUDGET MANAGEMENT REPORT** (Agenda item 6)

[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 or business affairs of any particular person (including the authority holding that information)]

98.1 The Executive considered and noted the budget management report which provided a projection of the expenditure and income position for the 2014/15 budget compared with the approved budget for the General Fund and Housing Revenue Account. The Executive

RESOLVED that

1. the virement requests from the additional planning income be approved to cover additional legal fees of £20,000 and consultants costs of £10,000 within Development Control appeal costs, as detailed in paragraph 2.4 of the agenda report;
2. the employment of consultants be approved at an estimated cost of £15,000, to be met from the identified WTS surplus, to carry out a review of the service as detailed in paragraph 2.12 of the agenda report;
3. approval be given to slip the £35,000 capital provision for the Farnham Maltings from 2014-15 to 2015-16 as detailed in paragraph 3.2 of the agenda report;
4. the work for the properties in (Exempt) Annexes 6 and 7 attached to the agenda report be approved; and
5. the expenditure of £14,200 to be met from the HRA required to separate the two areas of ex-Rowland House/Rowleys

accommodation be approved, as detailed in paragraph 4.10 of the agenda report.

- 98.2 Throughout this financial year the toilets at Broadwater have been vandalised on several occasions taking the facilities out of use for the users of Broadwater Park. This park is one of Waverley's most prominent and well visited sites and it is felt that these facilities are needed to serve those visitors. To this end capital needs to be made available from this year's budget to allow for the toilets to be refurbished with vandal proof fittings in time for users of the park next spring, the budget sum identified for these works is £63,000.
- 98.3 The finance team has been under review to ensure that the service is resilient. It has a succession risk around key posts due to a number of staff approaching retirement. The recent retirement of a long-serving member of staff (post BD04) on part-time (15 hours) at band 5 has presented an opportunity to recruit a full-time accounting technician on band 8 at 37 hours. Post BD04 will provide technical accounting capacity to complete reconciliation and systems support work currently being covered by more senior accountants. The post can be funded from the existing budget. However, as there is an increase in establishment from 15 to 37 hours the Council is asked to approve this increase.
- 98.4 The Executive therefore also

RECOMMENDS that

- 47. the addition of £63,000 within the 2014-15 General Fund Capital Programme be approved for the refurbishment of Broadwater Toilets, as detailed in paragraph 98.2 above;**
- 48. the change in accountant post BD04 from 15 to 37 hours within existing budgets, as described in paragraph 98.3, be approved and the staffing establishment be amended accordingly; and**
- 49. the post of Temporary Elections Assistant (Post AI13) be made permanent because of the likely ongoing increase in workload resulting from the implementation of Individual Elector Registration and the combined elections to be held in May 2015, with the additional cost of £9,000 being met from government grant for Individual Elector Registration.**

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

99. WAVERLEY INITIATIVES LIMITED (Agenda item 10)

- 99.1 Following the background work carried out on the viability of a Local Authority company and the Council's decision in July 2009 to incorporate Waverley Initiatives as a wholly-owned local authority company, the advantages that the Company appeared to offer are no longer relevant and

the Company has been dormant since soon after its creation. The Board of the Company has now reviewed the situation and agreed that it is now appropriate to wind the Company up and request Companies House to strike-off the Company as it no longer offers any advantages for the further provision of affordable housing in the Borough.

- 99.2 Soon after the establishment of Waverley Initiatives, the apparent advantages it gave to helping the Council provide social housing failed to materialise as a result of Government changes to regulations on void transfers. The HRA self-financing framework has also enabled Waverley to develop and deliver its own new affordable house building programme.
- 99.3 Since then the Company has been maintained as a dormant company and the appropriate returns made to Companies House. There has been no activity or spending under the Company's umbrella. The Board consists of three Councillors; the Leader and the Portfolio Holder for Housing and the former Portfolio holder for Finance. The Monitoring and Returning Officer is the Company Secretary.
- 99.4 The Companies Act provides for processes to wind-up the Company through asking Companies House to strike it off. There will be some small amount of staff time spent on the process and a fee of £20. After that the Company is removed from the Companies House Register.
- 99.5 In conclusion, the benefits that setting up Waverley Initiatives seemed to offer have not materialised and it is appropriate now to wind up the Company so that the Council is no longer responsible for maintaining it. Officers have researched whether setting up a similar company in the future could offer some benefits to the Council, and by using the existing company documents as a base, a new company could be established within a few months and at a cost of around £5,000 for external legal advice. The Executive now

RECOMMENDS that

50. Waverley Initiatives Limited be wound up; and

51. officers be asked to make the arrangements to achieve this and apply to Companies House for striking off the Company.

[Reason: To seek approval to strike-off the Company as it has been dormant since soon after its creation.]

100. ENFORCEMENT POLICY FOR REGULATORY SERVICES (Agenda item 11)

- 100.1 This report informs councillors about the progress on the introduction of the proposed Enforcement Policy for Regulatory Services following the consultation process.
- 100.2 The updated Enforcement Policy reflects current legislation, guidance and best practice. It helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on business and others subject to regulation. The policy sets out the approach to regulation across a wide

range of functions and service areas and explains the principles aimed at securing compliance. The emphasis is on advice and guidance, with escalation to formal enforcement sanctions dependant on each individual situation. The policy identifies and explains the sanctions that may be used by the Council.

- 100.3 To comply with the law and set out how we will enforce legislation, the Council must publish an enforcement policy. A new Regulators' Code came into effect on 6 April 2014 which replaces the previous Regulatory Compliance Code. Regulators whose functions are specified under the Act must have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators.
- 100.4 The areas of the Council's work in which regard must be had to the new Code are:
- Environmental Protection
 - Food Safety
 - Public Health
 - Licensing
 - Health and Safety
 - Environmental Services (Fly Tipping, Littering, etc.)
 - Private Sector Housing
- 100.5 The proposed enforcement policy sets out how the services responsible for ensuring compliance and its officers will conduct themselves and how other parties can expect to be treated as we discharge our key duties. An enforcement policy is required in order to guide those responsible for enforcement, and those who are regulated. Unjustified departure from an enforcement policy's provisions could be the subject of legal challenge.
- 100.6 The draft policy was taken to the Executive on 2 September and the Licensing and Regulatory Committee on 18 September. It received the support of both Committees. The formal public consultation on the policy opened on 3 September and closed on 15 October 2014. The consultation documents were made available on the Council website, on the homepage under 'Have your say/Consultations' with a link to the draft policy inviting response. No responses were received from the public as a result of the consultation.
- 100.7 The Licensing and Regulatory Committee requested clarification regarding some wording in respect of the cost of compliance. This has been incorporated into the revised policy document attached at [Annexe 1](#). Waverley Legal Services suggested the addition of financial penalties as an enforcement action. This action is included in the current Environmental Health Enforcement Policy. The suggestion has been incorporated into the revised policy document and the wording reflects the template enforcement policy included within the Toolkit produced by Better Regulation Delivery Office to accompany the Regulators Code.

100.8 The Executive now

RECOMMENDS that

- 52. the Waverley Borough Council Enforcement Policy for Regulatory Services, attached at Annexe 1, be approved to come into effect at the earliest opportunity.**

[Reason: To seek approval for the draft Waverley Borough Council Enforcement Policy for Regulatory Services]

101. WAVERLEY BOROUGH COUNCIL - REVIEW OF STREET TRADING POLICY
(Agenda item 12)

- 101.1 Street Trading is defined as the selling or exposing or offering for sale of any article (or living thing) in a street. Such activity may cause nuisance and may be controlled by local authorities. In 1991, Waverley Borough Council adopted powers under the Local Government (Miscellaneous Provisions) Act 1982, to control Street Trading by the designation of 'prohibited', 'licensed' and 'consent' streets.
- 101.2 In September 2009 the Council published the current "Street Trading In Waverley Policy" which covers general guidelines, applications, decision-making, appeals, fees and conditions. It should be reviewed if there are major changes to the street trading regime or after 5 years, whichever is sooner.
- 101.3 A 'Prohibited' street means a street in which street trading is prohibited. A 'Licensed' street means a street in which street trading is prohibited unless a licence has been granted by the Council. A 'Consent' street means a street in which street trading is prohibited unless the Council has given consent. A licensed street designation is appropriate for the more formalised, market type of trading in a street where the strict control of a limited amount of space is required. Currently there are no licensed street designations in Waverley; only Prohibited Streets and Consent Streets.
- 101.4 Designation of a street as a consent street covers a more infrequent type of trading. The Council is under no duty to grant consent to trade on a street which has been designated as a consent street. Neither is the Council required to specify grounds for refusal. Similarly, there is no right of appeal against the refusal of consent or the application of conditions attached to a consent. However, current good practice is for Street Trading Policies to include a hearing mechanism and for reasons to be given for any refusal.
- 101.5 The 'Consent' designation of a street is appropriate where it is necessary to limit the numbers and types of traders, their location along a street, their hours of operation and the measures they employ to remove their waste. These can all be specified as conditions to the Consent in a location.
- 101.6 A number of community-led locally organised events benefit from the existing regime – there are no proposals to alter this. For example, since 2009, Consents have been granted for events in Castle Street, Farnham, in High Street and Church Street, Godalming, in High Street and West Street,

Haslemere and on The Common, Cranleigh. Individuals may also apply for Consents, either for specific occasions or on an annual basis. There is currently one consent granted in Waverley to a sole-trader.

101.7 The main changes proposed in the draft policy document attached as Annexe 2 are:

- To introduce a procedure for varying Consents during their life
- To clarify the Council's approach to ensuring transparency in dealing with applications

101.8 Public Consultation took place for a six-week period ending on 12 September 2014. Consultees specifically included agencies and partners already involved in the Street Trading regime (for example, Police, Fire and Rescue, Highways, local chambers of commerce) and was published on the Council's website.

101.9 The Licensing and Regulatory Committee considered the report, draft policy and the following responses to the consultation:

a) – **response from individual of 11 August 2014**, requesting clarification on procedures for Charitable Street Collections, etc. This topic is not covered by Street Trading legislation – a response was issued on 29 August 2014 detailing the relevant procedures and code of practice. No further action required.

b) – **response from Godalming Town Council of 8 August 2014**, requesting that Bridge Street, Godalming be included in the list of consent streets which for some events would save closing the whole of the High Street as often.

c) **response from Cranleigh Parish Council of 12 September**, (i) - agreeing that prohibited streets in Cranleigh should be as per Appendix I of the Policy document and (ii) – supporting events that enhance the vibrancy and attractiveness of Cranleigh and therefore that the three consent streets listed should remain.

The Parish Council suggested that for clarity, Horseshoe Lane is included as a prohibited street and that the Bank Buildings and the roadway to the post office frontage are part of the consent designation for High Street. The Parish Council has received a reply confirming the Old Bank Buildings and Post Office situation (the areas to the front are part of the High Street consent designation) and that Horseshoe Lane is not designated at all, but that parts of it abutting The Common will be part of that designation as consent street.

d) **response from Cranleigh Chamber of Commerce of 12 September**, requesting that the list of consent streets for Cranleigh (High Street, The Common and Rowland Road) be redesignated as prohibited streets. This was responded to on 16 September, asking if the Chamber of Commerce wanted to submit supporting comments. Further details were received on 17 September and are summarised below:

“The chamber actively supports the businesses in Cranleigh who have permanent places of business and pay their rates and contribute to the life of the village that is uniquely Cranleigh. It has a history and a conservation area that is highly unique and we wish to protect our members from occasional traders who set up in competition on the streets and around the common, subject to agreement we realise, but they do not contribute effectively or financially to the life of Cranleigh—some of them actually contribute noise, pollution, litter and anti social behaviour directly or indirectly from their trading practices so we would recommend the change to prohibition in the remaining streets in Cranleigh to ensure our members have an unencumbered and level playing field to trade within.

Certainly the area around the common actively affects the residents and we are mindful of their opinions of businesses which could again affect our relationship with them.”

101.10 The Committee considered those responses which related to the designation of streets and noted this had not formed part of the previous policy. The Committee agreed that the designation of streets should be kept as a separate issue in order that amendments could be made at any time without the need to go through a policy amendment procedure. Officers were therefore asked to instigate a review of the street trading designations in response to the representations received as part of the consultation. This is underway.

101.11 The Licensing and Regulatory Committee supported the revised policy and the Executive accordingly

RECOMMENDS that

53. the revised Street Trading Policy be adopted.

[Reason: To seek approval for the revised Street Trading Policy following a public consultation process.]

102. REVIEW OF PARLIAMENTARY POLLING DISTRICTS AND POLLING PLACES 2014 (Agenda item 14)

102.1 This item addresses outstanding enquiries relating to the Review of Parliamentary Polling Districts and Polling Places 2014. The Council at its meeting on 14 October 2014 agreed a small number of changes and this report puts forward further late requests for changes.

102.2 The Headteacher of Grayswood C of E Infant School, Lower Road has advised that the School is undergoing expansion and building work in 2015 which will reduce the school hall in size by half. Officers have made enquiries as to the availability and suitability of any other suitable venues.

102.3 Grayswood Village Hall, Grayswood Road, Grayswood has been visited and the ground floor hall has been assessed as a suitable polling station. The hall is situated on the village green, adjacent to Grayswood Road. The venue has 22 parking spaces and the lower floor of the hall is completely

accessible to wheelchair users. There are good facilities and the venue is in a good accessible location within the polling district. The Hall is however used by a nursery on weekdays. The nursery has been approached and has agreed to vacate the premises on polling day by having an away day. There is a longstanding booking each Thursday evening by a bridge club – the booking is made years in advance. The Village Hall's Committee has been asked if the bridge club could vacate the premises for polling day or use the upstairs room only and the Committee has agreed.

102.4 Representations have also been received regarding St. Peter's Primary School, Little Green Lane, Farnham and the school has asked if Waverley could find an alternative polling station. St. Peter's Primary School is currently used as a triple polling station. Wrecclesham Community Centre, Greenfield Lane, Farnham is situated just round the corner from St Peter's Primary School and is already a designated polling station. This venue already has 2192 BP Wrecclesham electors allocated to it and it would not be possible for the venue to accommodate the additional 1132 BK Boundstone and 2137 Shortheath electors from St. Peter's Primary School in addition.

102.5 The Leverton Hall is situated behind the Church in Beales Lane, Wrecclesham but is unsuitable. The hall provides a small room with disabled access through double doors and kitchen facilities. Parking is limited. This venue does not provide sufficient space to accommodate either a triple or a double polling station. Officers have been unable to identify any other suitable venues in the area.

102.6 The Executive therefore

RECOMMENDS that

54. Grayswood Village Hall, Haslemere be approved as a polling station venue as an alternative to Grayswood C of E Infant School; and

55. St. Peter's School be advised that it had not been possible to find a suitable alternative polling station and that accordingly the school would have to be used as a polling station.

[Reason: To seek approval for some outstanding enquiries relating to the Review of Parliamentary Polling Districts and Polling Places 2014]

103. JOINT PLANNING COMMITTEE - APPOINTMENT OF SUBSTITUTES (Agenda item 15)

103.1 In December 2007 the Council reviewed the structure of its Planning Committees and introduced the current arrangements of a Joint Planning Committee and four Area Planning Committees.

- 103.2 When the new structure was implemented in January 2008, the membership of the Joint Planning Committee consisted of the combined membership of the four Area Planning Committees, creating a total of 48 members. After a period of operation, and in the interest of improved efficiency in decision-making, the size of the Committee was subsequently reviewed in March 2011 when it was agreed to halve the representation from each Area Planning Committee to create a Joint Planning Committee of 23 members.
- 103.3 The Joint Planning Committee historically met on an ad hoc basis, but more recently has been scheduled into the calendar of meetings. However, following an amendment to the Council's constitution in February 2014 requiring planning applications that propose housing schemes with a net increase of more than 25 dwellings to be determined by the Joint Planning Committee and not the Area Planning Committee, the Joint Planning Committee has now been required to meet much more frequently.
- 103.4 Since the beginning of the current Council year, the Joint Planning Committee has met on 7 occasions, with further dates in the diary before the end of the calendar year. This is having an impact on the attendance levels at meetings, as set out below:-

Date of Meeting	Possible Attendance	Actual Attendance
28 May 2014	23	14
27 August 2014	23	14
22 September 2014	23	14
24 September 2014	23	15
28 October 2014	23	15
12 November 2014	23	17
17 November 2014	23	14

- 103.5 It is therefore proposed that substitute members are introduced onto the Joint Planning Committee to ensure that the Committee is well represented by members from across the Borough when dealing with large-scale planning applications, particularly when a number of apologies have been received. It is envisaged that the arrangements will maintain the political balance and the geographical spread on the Joint Planning Committee.
- 103.6 The suggested arrangements to be followed for the appointment of substitutes is set out below:-
1. all members of the Area Planning Committees who are not already members will be listed as substitutes of the Joint Planning Committee;
 2. upon receipt of any apology from a member of the Joint Planning Committee by 12 noon on the day of the meeting, substitute members will continue to be arranged by the Democratic Services Team;
 3. a substitute will be called from the same Area Planning Committee as the member giving their apology from the Joint Planning Committee; and

4. the substitute member must be from the same political group as the member giving the apology and in the event that no substitute is available, no substitution will be made for that member.

103.7 The Executive accordingly

RECOMMENDS that

- 56. substitute members be introduced for the Joint Planning Committee with effect from January 2015, to be arranged as set out in paragraph 103.6 above.**

[Reason: to seek approval to introduce substitute members onto the Joint Planning Committee with effect from January 2015]

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.

104. **EXECUTIVE FORWARD PROGRAMME** (Agenda item 5)

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted.

105. **TREASURY MANAGEMENT PERFORMANCE** (Agenda item 7)

RESOLVED that

1. the Treasury Management Performance for 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 period 1 April 2014 to date]

106. **SETTING OF COUNCIL TAX BASE AND BUSINESS RATE BASE FOR 2015/16**
(Agenda item 8)

RESOLVED that

1. the council tax base for Waverley for the year 2015/16 be approved, as shown in Annexe 1; and
2. the business rate estimates for 2015/16 be approved, as set out in Annexe 2 to the agenda report, and authority be delegated to the Director of Finance and Resources, in conjunction with the Finance Portfolio Holder, to make any final changes necessary before the return is submitted to the Government on the 31 January 2015.

[Reason: To seek approval for the 2015/16 Council Tax base and Business Rate forecast]

107. SENIOR MANAGEMENT RESTRUCTURE - ONE YEAR ON (Agenda item 9)

RESOLVED that the report be noted.

108. WITLEY AND GODALMING CROWNPITS CONSERVATION AREA APPRAISALS
(Agenda item 13)

RESOLVED that the draft Conservation Area Appraisals for Witley and Godalming Crownpits be approved for the purposes of public consultation.

[Reason: to gain authorisation to undertake a formal public consultation on the draft Conservation Area Appraisals for the Conservation Areas of Witley and Godalming Crownpits]

109. REQUEST FOR OVERVIEW AND SCRUTINY SUB-COMMITTEE (Agenda item 16)

The Executive recognised that a Corporate Overview and Scrutiny Sub-Committee would be useful to investigate further the issue of PV Panels on Council Houses but

RESOLVED that, because of the time involved in conducting the work to investigate further the issues of PV Panels on Council Houses, the Sub-Committee should be formed in the next administration, after May 2015.

[Reason: to seek approval to establish a Sub-Committee to look into how the issue of PV Panels on Council houses could be progressed]

110. EXECUTIVE DIRECTOR'S ACTIONS (Agenda item 17)

The Executive noted the following actions taken by the Executive Director after consultation with the Chairman and Vice-Chairman since its last meeting:-

i. Service of Notices under Regulation 18 Private Water Supplies Regulations 2009 in Cases of Urgency

Until amendment of the Scheme of Delegation to include authorisation to serve notices under Regulation 18 Private Water Supplies Regulations 2009, to authorise Environmental Health Officers to exercise the power to serve notices under Regulation 18 Private Water Supplies Regulations 2009 on relevant persons in relation to private water supplies.

ii. Joint Investment Project: Dairy Crest Site, Weydon Lane, Farnham

To authorise officers to progress the proposal, as per the Council decision of 14 October 2014, resulting from detailed negotiations.

The meeting commenced at 6.45 pm and concluded at 7.14 pm

Chairman