

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 10 APRIL 2018

SUBMITTED TO THE COUNCIL MEETING – 24 APRIL 2018

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

Present

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

Also Present

Councillor Mike Band, Councillor Jerry Hyman and Councillor Robert Knowles

110. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 6 February 2018 and the Special Meeting held on 20 February 2018 were confirmed and signed as a correct record.

111. APOLOGIES FOR ABSENCE (Agenda item 2)

There were no absences.

112. DECLARATIONS OF INTERESTS (Agenda item 3)

The following declarations were made in respect of items on the agenda:

Cllr Tom Martin declared a Non-Pecuniary interest in relation to Item 14, Property Issue – Godalming Cricket Club, as he is a Director of Holloway Hill Recreation Ground, where Godalming Cricket Club is based.

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

There were none.

114. LOCAL PLAN PART 2: PREFERRED OPTIONS CONSULTATION (Agenda item 5)

The Executive received a report that set out the context for the Preferred Options Consultation Document. The report described the background and progress to date of the Local Plan Part 2 and the main issues pertinent to this stage of the Plan's development. It also set out the views of the Environment Overview and Scrutiny Committee which had discussed and supported the content of the consultation document at its meeting on 19 March 2018.

Before considering the report on the Preferred Options Consultation, the Leader invited Cllr Mike Band to make a statement of clarification with regard to the Surrey Hills AONB Board's position in relation to the legal challenges to Waverley's adopted Local Plan Part 1.

Cllr Band reiterated the statement made by the Board, that the Surrey Hills AONB Board has no role whatsoever in publically challenging the policies of its constituent councils. Cllr Band confirmed that he had robustly defended queries by the Board in relation to Waverley's Local Plan Part 1, and these discussions had been minuted.

The Leader thanked Cllr Band for clarifying again the position and stance of the Surrey Hills AONB Board.

Cllr Knowles had given notice to speak in accordance with Procedure Rule 23, and outlined his major safety concerns in relation to the Key Site Haslemere (DS07), which showed the potential loss of two car parks with no increase in off-street parking elsewhere, and also the loss of the fire station; and, 38 Petworth Road (DS14) where a planning appeal had been dismissed recently on traffic safety grounds.

Cllr Hyman had also given notice to speak in accordance with Procedure Rule 23, and referred to the legal challenges to the Local Plan Part 1: he asked if the Council intended to defend the challenges, and what impact the pending challenges would have on determination of planning applications.

The Leader advised that she would be making a statement with regard to the defence of the legal challenges, but invited the Portfolio Holder for Planning to respond to the other points raised.

Cllr Storey reassured Cllr Hyman that the legal challenges to Local Plan Part 1 would have no impact on the Council's ability to make planning decisions based on the strategic policies set out in the adopted Local Plan, or the progress of Local Plan Part 2.

Cllr Storey added that in relation to the Haslemere Key Site, this had been in the public domain since August 2016 and proposed by a Haslemere Town Councillor in the 2014 Call for Sites. Whilst the site did include the fire station, it did not necessarily mean that it would be included in any redevelopment. With regard to land at 38 Petworth Road, the Planning Inspector's comments had been taken account of in the Preferred Options Consultation Document. As part of the consultation, he welcomed comments in relation to either of these sites, and any others.

Cllr Storey advised that the intention had been to commence the consultation on 23 April, but would now be delayed until after the by-election for Farnham Castle Ward on 24 May, to avoid the 'purdah' period.

On the recommendation of Cllr Storey, Portfolio Holder for Planning, the Executive APPROVED the Local Plan Part 2 Preferred Options document for consultation.

[Reason: To enable the public consultation on the Local Plan Part 2 Preferred Options document to commence in accordance with the agreed timeline.]

The Leader then made a statement in relation to the legal challenges to Waverley's adopted Local Plan Part 1:

"I am asking the Executive to agree £200k (£100k with a further £100k to be approved by Full Council) as we now have to defend our decision to adopt a sound Local Plan to protect our residents and our communities;

- An excellent plan that protects Waverley from in appropriate ad hoc development
- An excellent plan that has been approved by an independent inspector
- An excellent plan that has been through three years of public consultation and scrutiny
- A plan that is Government requirement.

"I am tired of this council and our residents being bullied, and having to defend the lawful, democratic decisions of this council in the High Court.

"In the last two years Waverley has had to face a number of very costly challenges on lawful decisions that have benefited the community. We have had to defend our decisions on:

- **Undershaw** – which we won! That is now an independent school for children with special needs – referred to by **OFSTED** "as a school that aims to 'change lives for the better and strive to ensure that every child can realise their potential and make their unique contribution to society.
- **Brightwells** – which we won! A regeneration scheme that will bring homes, jobs and a new retail and leisure offer to a run down, under utilised area of Farnham.
- **The Farnham Neighbourhood Plan** – which we won! A plan that was led by the community following years of hard work – was voted for by the community at a referendum. Our decision to hold the referendum was challenged. Our decision to adopt the plan was challenged. And the challenges failed.
- **Dunsfold** – Eventually quashed by Secretary of State but after Waverley and the developer had to spend thousands of pounds defending the planning decision and being threatened with a JR; which was then withdrawn before it reached the courts.

"This administration is really proud of our new Local Plan. It has been found to be sound, we have adopted it and it has already fended off significant unwanted and inappropriate development in this borough. Just last week the Secretary of State published his long-awaited decisions on four key planning applications, backing Waverley's adopted Local Plan.

"I am appalled that we have to spend money on legal expenses again, when we could be spending it on services - £200k at a time when as a council we face enormous financial challenges and are doing our utmost to deliver and protect key frontline services for our residents and many of our most vulnerable members of the community.

"The adopted Local Plan is Waverley's lawfully adopted framework for development and planning decisions. The plan will continue to be our guide for all future development in the borough despite these challenges and will be our guide for the life of the plan – as I am confident that we will successfully defend the plan against all **three** challenges.

"This council will instruct the court that we will pursue full reimbursement of all legal costs we incur and will not accept anything less. These campaigning pressure groups must understand that this irresponsible abuse of public money will not be tolerated by Waverley Borough Council and its' residents."

On the recommendation of the Leader, and seconded by Cllr Hall, the Executive APPROVED a Supplementary Estimate of £100,000 and RECOMMENDS to the COUNCIL that a further Supplementary Estimate of £100,000 be approved, for external legal costs to defend the Council's position on the Judicial Review challenges to Waverley's adoption of Local Plan Part 1, to be met from the Revenue Reserve Fund.

[Reason: to enable the Council to defend the legal challenges to Waverley's adopted Local Plan Part 1.]

Recommendation submitted to Council on 24 April 2018.

115. COMMUNITY INFRASTRUCTURE LEVY: APPROVAL TO SUBMIT DRAFT CHARGING SCHEDULE FOR EXAMINATION (Agenda item 6)

The Executive received a report providing feedback on the public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule, and seeking approval to submit the Draft Charging Schedule for Examination.

Cllr Hyman had given notice to speak in accordance with Procedure Rule 23, and raised his continuing concerns about the charging treatment for SANG in Farnham and also in relation to developments in the Wealden Heaths.

Cllr Storey advised that SANG was included within the definition of infrastructure and therefore had to be covered by CIL. The Council's proposals had been through two rounds of consultation, and were now ready to be submitted for Examination. There would an opportunity at Examination to explore further any concerns.

On the recommendation of the Portfolio Holder for Planning, the Executive AGREED to RECOMMEND to the COUNCIL that:

- 1. the Draft Charging Schedule and the Schedule of Minor Modifications be approved for submission to the Planning Inspectorate for Examination; and**
- 2. authority be delegated to the Head of Planning Services, in consultation with the Portfolio Holder for Planning, to**

- **approve any subsequent minor changes to the Draft Charging Schedule and schedule of minor modifications, and**
- **approve supporting documents to be submitted, including the Draft Regulation 123 list, policies on instalments, phasing and payment in kind, the Statement of Representations and the Viability Addendum Report.**

[Reason: to enable Draft Charging Schedule to be submitted for Examination.]

Recommendation submitted to Council on 24 April 2018.

116. DEVELOPMENT MANAGEMENT IMPROVEMENT PLAN - PROGRESS UPDATE
(Agenda item 7)

The Executive received an update report on completion of the actions set out in the Development Management Improvement Plan since it was agreed by the Executive in November 2018. Progress had been made on all actions with many completed. Timescales had been provided for the likely completion of outstanding actions and explanatory comment provided.

Cllr Hyman had given notice to speak in accordance with Procedure Rule 23, and asked if there would be training provided to officers and Members on Environmental Impact Assessments and the Habitat Regulations. The Leader responded that some training had already been provided and Cllr Hyman's comments would be considered when further training was planned.

Cllr Storey advised the Executive that he was very pleased with the number of actions that had been completed or were on track. There had been some reservations about the development of a bespoke IT system, but this had been forced on the Council due to the lack of suitable systems generally available. The system would be ready to demonstrate shortly, and the Audit Committee would be invited to attend this in order to provide assurance about the system.

Cllr Martin endorsed the approach for procuring a suitable IT system and advised that the main risk was delay, rather than costs.

On the recommendation of the Planning Portfolio Holder, the Executive NOTED the good progress being made on the Development Management Improvement Plan.

[Reason: to review performance against actions set out in the Improvement Plan.]

117. PROPERTY INVESTMENT STRATEGY (Agenda item 8)

The Executive received the revised Property Investment Strategy, which provided a strengthened framework within which the Council would be able to carry out property investment activity.

Cllr Band had given notice to speak in accordance with Procedure Rule 23. He advised that he had chaired the Value for Money Overview and Scrutiny Committee

that had developed the Strategy. The original brief had been to develop the governance arrangements for a proposed property investment company but Members had realised that before that, a revised Property Investment Strategy was needed. The proposed Property Investment Strategy was more restrictive than previously, but included delegated powers to the Executive to enable responsive investment decisions in line with the Strategy and on the recommendation of the Investment Advisory Board. Cllr Band thanked Anne Cains for her support of the Member Working Group.

Cllr Hyman had also given notice to speak in accordance with Procedure Rule 23, and asked for more clarity about the legal basis for a property investment company. He was pleased to see that it was proposed to expand the membership of the Investment Advisory Board to include non-Executive Members, and asked if it was intended to allow Opposition Group Members as members.

Daniel Bainbridge, Borough Solicitor advised that the legal basis for establishing a property investment company was set out within the Strategy. Whilst the Council had not set up a company, it was still an available option.

Cllr Hall, Portfolio Holder for Finance, endorsed the Strategy which set out the parameters for future property acquisitions, and was a real building block for the future. Cllr Edwards echoed the comments and commended the good work of the Overview and Scrutiny Committee.

On the recommendation of the Portfolio for Finance, the Executive AGREED to RECOMMEND to the COUNCIL that:

- 1. the General Fund Property Investment Strategy be approved, as set out in Annexe 1 with a commitment to review it again after 6 months;**
- 2. subject to a positive recommendation from the Investment Advisory Board and agreement from the Chief Executive and Strategic Director, authority be delegated to the Executive:**
 - a. to bid, negotiate and complete on property acquisitions and investments with a total individual cost of up to £10m, within a total aggregate sum of £30m over the period 2018/2019 to 2020/21, subject to the decision fully satisfying all criteria and process requirements set out in this Strategy;**
 - b. to appoint advisors and undertake appropriate due diligence for each property acquisition and investment proposal as necessary; and**
 - c. to complete the legal matters and signing of contracts to execute the transactions referred to above; and**
- 3. the proposed composition of the Investment Advisory Board be approved and revised Terms of Reference take effect immediately.**

[Reason: to agree the revised Property Investment Strategy and delegations to the Executive to progress General Fund investment opportunities; to agree a revised composition and Terms of Reference of the Investment Advisory Board.]

Recommendation submitted to Council on 24 April 2018.

118. TREASURY MANAGEMENT FRAMEWORK (Agenda item 9)

The Executive received the Treasury Management Framework for 2018/19, comprising the revised Treasury Management Policy, the 2018/19 Treasury Management Strategy, the 2018/19 Treasury Management Investment Strategy, and the Prudential Indicators for 2018/19 to 2020/21. The Treasury Management Framework for 2018/19 contained only minor changes, but it was a requirement that the Council formally agreed the Framework every year.

Cllr Hyman had given notice to speak in accordance with Procedure Rule 23, and queried whether the wording of TMP4 (in Annexe 2) allowed the use of derivative instruments, contrary to the CIPFA Code.

Cllr Hall, Portfolio Holder for Finance, assured Cllr Hyman that there was no plan to amend the strategy to allow the use of derivatives.

On the recommendation of the Portfolio Holder for Finance, the Executive AGREED to RECOMMEND to the COUNCIL that the proposed Treasury Management Framework for 2018/19 be approved.

[Reason: to agree the the Treasury Management Framework for 2018/19.]

Recommendation submitted to Council on 24 April 2018.

119. SERVICE PLANS 2018/19 (Agenda item 10)

The Executive, after considering the observations of the Overview and Scrutiny Committees, has AGREED that:

1. a. **in future years, where Service Plans refer to a specific budget implication, this be cross-referenced to the appropriate line of the budget report;**
 - b. **proposals be included in the Communities Service Plan to identify issues of loneliness and isolation experienced by Waverley residents; and**
 - c. **the strategic review of off-street car parking provision looks at the potential to maximise the use of Waverley's car parks through, for example, building on levels above the car parks to provide homes for rent; and whether chevron parking in some car parks would improve layout;**
2. **the Service Plan objectives for 2018/19 be approved; and**
3. **all Heads of Service review their Service Plans for 2018/19 once the new Corporate Strategy is agreed.**

[Reason: to agree the Service Plans for 2018/19.]

120. HOUSING STRATEGY - STRATEGIC HOUSING AND DELIVERY (Agenda item 11)

The Executive received the revised Housing Strategy for Strategic Housing and Delivery, which set out the direction of travel for strategic Housing Services for the next 5 years, in the context of current policy and practice.

Cllr King, the Portfolio Holder for Housing, highlighted the overarching goal for every Waverley resident to have a decent, sustainable and affordable home. She drew attention to the Housing Need and Local Affordability Analysis annexed to the Strategy which provided evidence of the scale of the challenge for residents in securing affordable housing in Waverley.

Cllr King thanked the Housing Overview and Scrutiny Committee for its input to the development of the Strategy. The Strategy would be reviewed annually, and updated to reflect any changes in government housing policy. Cllr King thanked Andrew Smith, Head of Housing Strategy and Delivery, and his team for their hard work in preparing the revised Strategy.

On the recommendation of the Portfolio for Housing, the Executive RECOMMENDS to the COUNCIL that the Housing Strategy 2018-23 – Housing Strategy and Delivery be adopted.

[Reason: to adopt the Housing Strategy 2018-23 – Housing Strategy and Delivery]

Recommendation submitted to Council on 24 April 2018.

121. HOMELESSNESS STRATEGY 2018-2023 (Agenda item 12)

The Executive received Waverley's proposed Homelessness Strategy and Action Plan for 2018-2023, along with a report that highlighted Waverley's excellent track record in preventing homelessness, and the challenges presented by the changes in homelessness legislation being introduced from April 2018 by the Homelessness Reduction Act 2017.

Cllr King, Portfolio Holder for Housing, endorsed the revised Homelessness Strategy which built on previous successes and set out the approach for meeting the considerable challenges of the new legislation.

On the recommendation of the Portfolio for Housing, the Executive AGREED to NOTE the Council's continued success in preventing homelessness and RECOMMENDS to the COUNCIL that the Homelessness Strategy 2018-23 be adopted.

[Reason: to adopt the Homelessness Strategy 2018-23.]

Recommendation submitted to Council on 24 April 2018.

122. PERFORMANCE MANAGEMENT REPORT Q3 2017/2018 (OCT - DEC 2017)
(Agenda item 13)

The Leader introduced the Performance Management Report for Quarter 3 of 2017/18, and reported that performance had been very good overall. She was particularly pleased to report the good performance on satisfaction with housing repairs, homelessness prevention, void re-lets, and processing of Housing Benefit claims.

The number of planning appeals allowed remained an area of concern, but the adoption of the Local Plan Part 1 and the Secretary of State's recent decisions on three called-in appeals for sites in Farnham, provided some grounds for confidence looking forward.

The Leader thanked the Overview and Scrutiny Committees for their consideration of the Performance Management Report and advised that there were no recommendations for changes to targets.

The Executive, having considered the performance figures for Quarter 3 and the observations of the Overview and Scrutiny Committees thereon, AGREED to NOTE the performance and progress towards targets in Quarter 3 of 2017/18.

[Reason: to review performance against key indicators and make any amendments as necessary]

123. PROPERTY ISSUE - GODALMING CRICKET CLUB (Agenda item 14)

The Executive considered a report proposing to enter into a 30 year lease with Godalming Cricket Club of the two cricket squares, cricket nets and garage at Holloway Hill Recreation Ground on terms set out in the Exempt Annexe to the report.

Cllr Hall stated that the Council was a strong supporter of local sports clubs and the benefits they provided to local communities, and he endorsed the proposals which reflected the Cricket Club's long-term commitment to Holloway Hill recreation ground. Cllr Martin added his wholehearted support for the Cricket Club who were one of the principal users of the Recreation Ground.

On the advice of officers, the Cllr Hall proposed a revised recommendation, that excluded the garage from the 30-year lease, and this was seconded by the Leader.

Therefore on the recommendation of the Portfolio Holder for Finance, and seconded by the Leader, the Executive AGREED that a lease of two cricket squares and the cricket nets at Holloway Hill Recreation Ground be granted to Godalming Cricket Club, for a period of 30 years, on terms and conditions as set out in the (Exempt) Annexe and with other terms and conditions to be agreed by the Estates and Valuations Manager.

[Reason: to provide the Cricket Club with long-term lease arrangements and enable the club to apply for grant funding for improvements to facilities.]

124. OUTSTANDING DEBT WRITE-OFFS FOR DECISION (Agenda item 15)

On the recommendation of the Portfolio Holder for Finance, the Executive AGREED to write-off the debts detailed in (Exempt) Annexe 1 to the agenda report, in accordance with Financial Regulation D203.

[Reason: to agree to write-off irrecoverable bad debts of more than a £7,500 individual value, in accordance with the Council's Financial Regulations.]

The meeting commenced at 6.45 pm and concluded at 8.52 pm

Chairman