

To: All Members of the EXECUTIVE

When calling please ask for:

Fiona Cameron, Democratic Services
Manager & Deputy Monitoring Officer

Policy and Governance

E-mail: fiona.cameron@waverley.gov.uk

Direct line: 01483 523226

Calls may be recorded for training or monitoring

Date: 23 August 2019

Membership of the Executive

Cllr John Ward (Chairman)
Cllr Paul Follows (Vice Chairman)
Cllr David Beaman
Cllr Andy MacLeod
Cllr Mark Merryweather

Cllr John Neale
Cllr Nick Palmer
Cllr Anne-Marie Rosoman
Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 3 SEPTEMBER 2019

TIME: 6.00 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

Agendas are available to download from Waverley's website (www.waverley.gov.uk/committees), where you can also subscribe to updates to receive information via email regarding arrangements for particular committee meetings.

Alternatively, agendas may be downloaded to a mobile device via the free Modern.Gov app, available for iPad, Android, Windows and Kindle Fire.



INVESTOR IN PEOPLE



Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351.

This meeting will be webcast and can be viewed by visiting www.waverley.gov.uk/committees

NOTES FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

Prior to the commencement of the meeting, the Leader, Deputy Leader or an appropriate Portfolio Holder to respond to any informal questions from members of the public, for a maximum of 15 minutes.

[Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.]

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 9 July 2019.

2. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

3. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions from members of the public is 5pm on Tuesday 27 August 2019.

5. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Chairman to respond to any questions received from Members in

accordance with Procedure Rule 11.

The deadline for receipt of questions from Members is 5pm on Tuesday 27 August 2019.

6. CLIMATE EMERGENCY (Pages 7 - 12)

[Portfolio Holder: Councillor Steve Williams]

[Wards Affected: All Wards]

To consider a report requesting that the Council declare a Climate Emergency and to seek the recommendation of the Executive.

Recommendation

1. That the Executive notes that:

- i) **the continuing rise in greenhouse gases, if not addressed, represents an existential threat to our civilisation on this planet.**
- ii) **the impacts of climate breakdown are already causing serious damage around the world.**
- iii) **the recent 2018 IPCC report stated that we had just 12 years to act on climate change if global temperature rises are to be kept within the recommended 1.5 degrees Celsius; this assumes we reduce emissions to net zero by 2050 from the current 40+ billion tonnes.**
- iv) **such a reduction will require (in the words of the IPCC) *“rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings), and industrial systems. These systems transitions are unprecedented in terms of scale, but not necessarily in terms of speed, and imply deep emissions reductions in all sectors, a wide portfolio of mitigation options and a significant upscaling of investments in those options”*.**
- v) **all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies.**
- vi) **strong policies to cut emissions also have associated health, wellbeing and economic benefits.**
- vii) **central government has committed to a zero-carbon national target and has adopted a policy whereby sales of petrol and diesel engine cars and vans, one of the main causes of emissions resulting in climate change, are to be totally phased out.**
- viii) **a growing number of UK local authorities have already**

passed ‘Climate Emergency’ motions in recognition of the urgency of the climate crisis.

- ix) Waverley Borough Council and other local authorities working to ambitious targets for achieving net zero carbon emissions will require additional urgent support from central government in order to achieve their goals.**

2. That the Executive recommends to Council that:

- i) Waverley Borough Council declares a ‘Climate Emergency’ requiring urgent action.**
- ii) Waverley Borough Council aims to become carbon neutral by 2030, taking into account both production and consumption emissions, and takes a leadership role to achieve this working with other councils, including town and parish councils within the borough.**
- iii) Waverley Borough Council recognises that the achievement of the target will require central government to provide the powers, funding and other resources to achieve the target and therefore calls on the government to provide such powers, funding and other resources as appropriate to facilitate achieving the 2030 target.**
- iv) Officers be instructed to provide to the Council’s Executive, within six months of the date of this decision, a report on the actions the Council and the local community can take to address these issues together with an action plan, specifying year on year milestones and metrics to show progress towards achieving the goal of carbon neutrality by 2030 noting any additional costs that might be involved.**

**7. WAVERLEY BOROUGH COUNCIL CORPORATE STRATEGY 2019-2023
(Pages 13 - 16)**

**[Portfolio Holder: Councillor John Ward, Councillor Paul Follows]
[Wards Affected: All Wards]**

Since their election in May, the multi-party Executive, comprising Farnham Residents, Green, Labour and Liberal Democrat councillors, has been working together and with senior managers to agree their shared priorities for their term of office, 2019-23.

This report accordingly sets out a new draft Corporate Strategy with a stronger focus on housing affordability, climate and public engagement.

It is recommended that the Executive recommend the corporate strategy set out at Annexe 1 to Full Council for adoption at its 18 September Full Council meeting.

Recommendation

That the Executive recommends the adoption of the Waverley Borough Council Corporate Strategy 2019-2023 (attached as Annexe 1 to this report) to Full Council.

8. BUDGET MANAGEMENT - REQUEST FOR SUPPLEMENTARY ESTIMATE REGARDING INJUNCTION AT POLLINGFOLD PLACE, RUDGWICK, HORSHAM (Pages 17 - 22)

[Portfolio Holder: Councillor Mark Merryweather, Councillor Nick Palmer]
[Wards Affected: Alfold Cranleigh Rural and Ellens Green]

To request a supplementary estimate to continue to seek an injunction to require the known occupants to cease the unlawful occupation of the site and to clear the site of all structures and hardstanding.

Recommendation

It is recommended that the Executive approves a supplementary estimate of £20,000 to meet the costs of continuing to seek an injunction. This figure may need to be revised depending on the works associated with the application, and any subsequent proceedings.

9. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

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 following item(s) 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 these items, 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.

10. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone
Fiona Cameron, Democratic Services Manager & Deputy Monitoring
Officer, on 01483 523226 or by email at
fiona.cameron@waverley.gov.uk**

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 3 SEPTEMBER 2019

COUNCIL - 18 SEPTEMBER 2019

Title:

CLIMATE EMERGENCY

[Portfolio Holder: Cllr Steve Williams]

[Wards Affected: All Wards]

Summary and purpose:

To consider a report requesting that the Council declare a Climate Emergency and to seek the recommendation of the Executive.

How this report relates to the Council's Corporate Priorities:

The declaration of a Climate Emergency and the subsequent action plan will reduce the impact of carbon emissions on the environment, enhancing Waverley as a Place and improving the health and well-being of the People in accordance with the Council's corporate priorities.

Equality and Diversity Implications:

Any equality and diversity implications will be assessed as the action plan is developed.

Financial Implications:

Budget implications will be determined for all actions identified.

Legal Implications:

Further work is required before the legal implications of a Climate Emergency declaration can be established. This work will be undertaken as part of the preparation of the six-month report to the Executive referred to in the Recommendation below, and as part of the supporting action plan.

1. Background – The need to limit global warming

1.1 IPCC report and context

1.1.1 The Intergovernmental Panel on Climate Change (IPCC) released a special report in October 2018¹ on the subject of 'Global Warming of 1.5°C'. The report is an international effort to summarise the current scientific consensus on how society might limit global warming to 1.5 degrees, as well as the likely consequences of this and greater levels of warming. The report states that:

- human activity has already caused 1°C of warming to the earth.
- to limit warming to 1.5°C it will be necessary to halve global carbon emissions² by 2030 and to achieve near-zero net emissions by 2050.
- the consequences of 2°C warming are significantly worse than 1.5°C warming across all areas considered in the report.

1.1.2 At present, humanity is falling far short of the action necessary to limit warming to even 2°C. The likely global failure to achieve this target would result in increasingly

severe consequences including very large scale water and food shortages, widespread flooding, heat-related morbidity and large scale destruction of the natural world and its bio-diversity.

- 1.1.3 These would result in substantial political and economic instability. The magnitude of the changes is difficult to quantify exactly, but the likely results are grave, both internationally and more locally. These changes are already in progress, and unless curtailed are likely to severely affect all of society before the end of the century.

1.2 IPBES report and context

- 1.2.1 In its recent report the Intergovernmental Science – Policy Platform on Biodiversity and Ecosystem Services³ highlighted nature’s dangerous decline and unprecedented rates of species extinction that are accelerating. It identified that the current global response is `insufficient` and transformative changes were needed to restore and protect nature.
- 1.2.2 These concerns are echoed in the Government’s 25-year plan for the environment⁴ which states that “We are in danger of presiding over massive human-induced extinctions when we should instead be recognizing the intrinsic value of the wildlife and plants that are our fellow inhabitants of this planet.”
- 1.2.3 In recognition of this crisis the former Prime Minister has stated the ambition to “become the first generation to leave the environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future.”
- 1.2.4 Waverley Borough Council has a critical role in helping to achieve this locally.

2. Becoming a Carbon Neutral Council

- 2.1 To become a Carbon Neutral Council by 2030 is a very ambitious target and will require the Council to work in partnership with a wide range of partners.
- 2.2 The changes required over the next 11 years to become carbon neutral are already well documented. They are, by and large, the changes required nationally and across every other part of the UK to move to a low carbon economy, as documented in official Government national strategies and plans as well as in various reports by Non-Governmental Organisations (NGOs).
- 2.3 It is clear that the ambitious targets involved cannot be realised by local government acting alone; it will require concerted effort from national government, national network operators, national and local business and finance working together. However, there are a number of crucial roles that a council can play working in partnership with their citizens, key statutory and non-statutory partners and, most importantly, with businesses. These include leadership and delivery, coordination, engagement, policy, and planning.

3. Our place in reducing CO2 emissions and biodiversity decline

- 3.1 Carbon emissions reporting from local authority operations has been a requirement for Local authorities since 2008 as part of the Nation Indicators introduced at the

time. After the NI withdrawal, it became a requirement to monitor and reduce greenhouse gas (GHG) emissions under the Greenhouse Gas Protocol.

- 3.2 Monitoring and reducing carbon emissions is not new to Waverley. Carbon emissions are monitored and reported annually. In 2010 Waverley adopted a Carbon Management Plan 2010-2015, that committed the Council to reducing carbon emissions from its own operations and buildings by 25% by 2015 from 2008 levels. This Plan was replaced by the Energy Efficiency Plan 2015-2020⁵ which committed the council to reducing its energy and carbon emissions by 3% year on year from 2014/15 levels, in line with the GHG reporting.
- 3.3 Over the past 9 years Waverley has implemented a number of energy efficiency projects including, installations of LED lighting in all car parks and part of the offices at the Burys, efficient boiler replacements, installation of a combined heat and Power plant at Haslemere leisure centre, solar photovoltaic installation at the Burys, Godalming, Cranleigh and Haslemere leisure centres as well as looking at ways to increase the fuel efficiency of contractor vehicles.
- 3.4 Waverley is serving in increasing number of people every year by delivering a variety of services. In 2017-18, the council offices at the Burys have seen a 13% reduction in net emissions. The emissions per visitor from the leisure centres have reduced by 17% although there was an increase in the actual emissions and number of visitors. These reductions are in relation to 2014-15 levels.
- 3.5 Waverley Borough Council must acknowledge the urgent need for global society to reduce carbon emissions and conserve biodiversity. We need to recognise the part that we have to play and commit to taking an active role in achieving this, by:
 - leading by example by proactively reducing our CO₂ emissions as an organisation and improving biodiversity across our estate;
 - seeking to encourage and enable our community to decrease their emissions and improve their resilience to climate change and to enhance wildlife;
 - raising awareness of the impact on the environment of purchasing animal products derived from livestock where the intensive breeding of such livestock, generates significant levels of methane which in turn increases levels of carbon dioxide in the atmosphere;
 - seeking to influence the policies of other organisations such as the parish and town councils and Surrey County Council to encourage them to reduce their emissions and enhance biodiversity and also support any decisions they might take to pursue a similar policy.
- 3.6 The Council must acknowledge that 'business as usual' is not an option in the face of this climate and biodiversity emergency, and that society in its current form is unsustainable. Therefore, to meet our obligations above, we will need to assess and adjust our current activities both in terms of their scope, and how we are undertaking them.

Recommendations

1. That the Executive notes that:
 - i) the continuing rise in greenhouse gases, if not addressed, represents an existential threat to our civilisation on this planet.

- ii) the impacts of climate breakdown are already causing serious damage around the world.
- iii) the recent 2018 IPCC report stated that we had just 12 years to act on climate change if global temperature rises are to be kept within the recommended 1.5 degrees Celsius; this assumes we reduce emissions to net zero by 2050 from the current 40+ billion tonnes.
- iv) such a reduction will require (in the words of the IPCC) “*rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings), and industrial systems. These systems transitions are unprecedented in terms of scale, but not necessarily in terms of speed, and imply deep emissions reductions in all sectors, a wide portfolio of mitigation options and a significant upscaling of investments in those options*”.
- v) all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies.
- vi) strong policies to cut emissions also have associated health, wellbeing and economic benefits.
- vii) central government has committed to a zero-carbon national target and has adopted a policy whereby sales of petrol and diesel engine cars and vans, one of the main causes of emissions resulting in climate change, are to be totally phased out.
- viii) a growing number of UK local authorities have already passed ‘Climate Emergency’ motions in recognition of the urgency of the climate crisis.
- ix) Waverley Borough Council and other local authorities working to ambitious targets for achieving net zero carbon emissions will require additional urgent support from central government in order to achieve their goals.

2. That the Executive recommends to Council that:

- i) Waverley Borough Council declares a ‘Climate Emergency’ requiring urgent action.
- ii) Waverley Borough Council aims to become carbon neutral by 2030, taking into account both production and consumption emissions, and takes a leadership role to achieve this working with other councils, including town and parish councils within the borough.
- iii) Waverley Borough Council recognises that the achievement of the target will require central government to provide the powers, funding and other resources to achieve the target and therefore calls on the government to provide such powers, funding and other resources as

appropriate to facilitate achieving the 2030 target.

- iv) Officers be instructed to provide to the Council's Executive, within six months of the date of this decision, a report on the actions the Council and the local community can take to address these issues together with an action plan, specifying year on year milestones and metrics to show progress towards achieving the goal of carbon neutrality by 2030 noting any additional costs that might be involved.

Background Papers

1. www.ipcc.ch/report/sr15/
2. "Scope 1 and 2 cover direct emissions sources (e.g., fuel used in company vehicles and purchased electricity), scope 3 emissions cover all indirect emissions due to the activities of an organization." www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions/
3. www.ipbes.net/news/Media-Release-Global-Assessment
4. [A Green Future: Our 25 Year Plan to Improve the Environment](#)
5. Waverley Energy Efficiency Plan 2015-2020

CONTACT OFFICER:

Name: Richard Homewood
Head of Environmental &
Regulatory Services

Telephone: 01483 524311
E-mail: richard.homewood@waverley.gov.uk

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 3 SEPTEMBER 2019

COUNCIL - 18 SEPTEMBER 2019

Title:

WAVERLEY BOROUGH COUNCIL CORPORATE STRATEGY 2019-2023

A PROGRAMME FOR WAVERLEY DEVELOPED BY THE EXECUTIVE OF WAVERLEY BOROUGH COUNCIL

**[Portfolio Holder: Cllr John Ward, Cllr Paul Follows]
[Wards Affected: All]**

Summary and purpose:

Since their election in May, the multi-party Executive, comprising Farnham Residents, Green, Labour and Liberal Democrat councillors, has been working together and with senior managers to agree their shared priorities for their term of office, 2019-23.

This report accordingly sets out a new draft Corporate Strategy with a stronger focus on housing affordability, climate and public engagement.

It is recommended that the Executive recommend the corporate strategy set out at Annexe 1 to Full Council for adoption at its 18 September Full Council meeting.

How this report relates to the Council's Corporate Priorities:

This report recommends a new set of Council corporate priorities.

Equality and Diversity Implications:

An equality impact assessment has been undertaken. No negative equality and diversity implications were identified. The vision statement within the proposed draft strategy refers to promoting and sustaining the worth of all residents, 'regardless of income, wealth, disability, race, gender or sexual orientation'.

Financial Implications:

The financial implications of the new strategy, if adopted, will need to be worked through in line with the refresh of the Medium Term Financial Plan in the course of this year.

Legal Implications:

There are no legal implications associated with this report.

Recommendation

That the Executive recommends the adoption of the Waverley Borough Council Corporate Strategy 2019-2023 (attached as Annexe 1 to this report) to Full Council.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Robin Taylor
Head of Policy and Governance

Telephone: 01483 52 3108
E-mail: robin.taylor@waverley.gov.uk

Waverley Borough Council Corporate Strategy 2019-2023

A programme for Waverley developed by the Executive of Waverley Borough Council

Our Vision

Waverley Borough Council is a council which promotes and sustains:

- **open, democratic and participative governance**
- **a financially sound Waverley, with infrastructure and services fit for the future**
- **the value and worth of all residents, regardless of income, wealth, disability, race, gender or sexual orientation**
- **high quality public services accessible for all, including sports, leisure, arts, culture and open spaces**
- **a thriving local economy, supporting local businesses and employment**
- **housing to buy and to rent, for those at all income levels**
- **responsible planning and development, supporting place-shaping and local engagement in planning policy**
- **a sense of responsibility for our environment, promoting biodiversity and protecting our planet.**

In our four-year term of office, we shall:

- develop a more open, inclusive approach to communications and decision-making
- protect, support and empower Waverley's communities by changing the way that the council is organised and operates, seeking the delivery or devolution of responsibilities from Surrey County Council to Waverley and to Waverley's towns and parishes;
- encourage the development of small businesses and support for local employment;
- review charging policies to ensure that they are consistent with our vision;
- encourage affordable access to sports and leisure facilities and the arts for all; and ensure local residents have access to local countryside and are not excluded through high parking charges;
- improve leisure services across the borough, focusing on health inequalities in the borough and seeking to ensure that no area is disadvantaged;
- improve facilities for young people;
- work to maximise the availability of housing that meets the needs of local people at all income levels, as well as reviewing arrangements for preventing homelessness and providing accommodation for vulnerable people, such as those experiencing domestic abuse;
- take steps towards our aim of becoming a net zero-carbon council by 2030 encouraging carbon reduction and carbon offsetting and the promotion of biodiversity and sustainable homes, businesses and transport;
- promote reduction and re-use as well as recycling;
- work with partners to promote a pedestrian-friendly and cycle-friendly road system taking action on air quality especially those caused by vehicle emissions;
- tighten planning guidance so that it is consistent with meeting local needs and protecting the Green Belt, engaging with government to promote rebalancing the planning system in favour of localism;
- implement the Community Infrastructure Levy fully and allocate funds fairly and transparently;
- engage with all stakeholders to better control crime and anti-social behaviour;
- press the government for appropriate funding to meet local needs as reflected in our vision for Waverley.

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

3 SEPTEMBER 2019

Title:

**BUDGET MANAGEMENT – REQUEST FOR SUPPLEMENTARY ESTIMATE
REGARDING INJUNCTION AT POLLINGFOLD PLACE, RUDGWICK, HORSHAM**

**[Portfolio Holder: Cllr Mark Merryweather, Cllr Nick Palmer]
[Wards Affected: Alfold, Cranleigh Rural and Ellens Green]**

Note pursuant to Section 100B(5) of the Local Government Act 1972

This report 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 the following paragraphs of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely;

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

Summary and purpose:

To request a supplementary estimate to continue to seek an injunction to require the known occupants to cease the unlawful occupation of the site and to clear the site of all structures and hardstanding.

How this report relates to the Council's Corporate Priorities:

This relates to the Corporate Priority of 'Place' as all costs will be incurred due to the planning Service seeking to uphold the highest quality of public and private realm.

Equality and Implications:

The site is occupied by a Gypsy family. Gypsies and Travellers are a separate ethnic group for the purposes of the Equality Act 2010 and are protected from discrimination by equality legislation.

Consideration must also be given to the Council's duty in exercising its functions to comply with the Equality Act 2010 and to the needs of any disabled person(s) on the site.

Resource/Value for Money Implications:

Members of the Executive approved supplementary estimates of £15,000 on 7 March 2017 and £25,000 on 4 December 2019, to fund the cost of pursuing an injunction as there was no budget provision for the expenditure. This funding has since been spent and the matter has not yet reached full trial due to numerous adjournments to allow the Defendants to file various statements and evidence.

Due to officer capacity constraints and the specialist knowledge required, the Council has engaged a planning consultant, alongside Counsel's advice and representation in the High Court. Officers are requesting a further supplementary estimate of £20,000 to cover the additional costs of proceeding to a full trial in late-2019.

Legal Implications:

There may be a financial risk if the application for an injunction is not successful. Should the Court find that it were not proportionate to make an injunction, it could dismiss the application and award costs against the Council. Any award of costs against the Defendants would only be enforceable if they were able to demonstrate funds to meet the costs.

The Court will decide whether it is proportionate to grant an injunction taking into account human rights considerations and the best interest of any children as a primary consideration. The Court will only make an injunction if it considers it would be ultimately appropriate to commit to prison should the injunction be breached/not complied with.

Punishment for breach of an injunction could be imprisonment for contempt of court rather than the physical removal of the travellers from the site. The Council has a duty under the Equality Act s.149 to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations with Gypsies. This duty to have due regard applies to any decision taken.

Introduction/Background

1. The budgets from which previous costs for this matter have been paid have been exhausted. Action in the overall Enforcement case for this site started in September 2005, with enforcement notices served in respect of the land at Pollingfold Place, Horsham Road, Ellens Green, Rudgwick.
2. Both Notices were appealed but the appeal was dismissed, the Notices corrected and varied and planning permission refused, by an Inspector in October 2006. A further appeal was lodged at the High Court against the Inspector's decision and, in December 2008, the Court dismissed the appeal and upheld the Notices in their amended forms.
3. Compliance with the Notices was due in June 2009 but to date compliance has not been achieved. In seeking to achieve compliance with the Notices, in 2010 the Council prosecuted the person recognised as having control of the land (Mr William Newland (senior)). Mr Newland was found guilty of carrying on activities that are required to cease by the Notices and ordered to pay a fine of £4,000, together with the Council's legal costs of £4,000.
4. Following this successful prosecution, in 2011 the Council proceeded with a second prosecution as no attempts had been made to comply with the requirements of the Notices. Mr Newland (senior) was sentenced to a two-year conditional discharge but no order for costs was made because the court determined that the defendant had no capacity to pay further costs in addition to those already awarded following the first prosecution.
5. In December 2010, the Council secured an injunction in the High Court against Mr Newland, preventing the bringing on of additional mobile homes and touring

caravans. In light of a threat of further occupation of the land, the Council obtained an amended injunction against Mr Newland in 2013.

6. Between October 2014 and March 2016, the number of mobile homes on the land increased to nine, together with four touring caravans. The Council sought advice from Counsel and that advice is summarised in (Exempt) Annexe 1.
7. As the overriding objective is the clearing the land, this was felt to be achievable by way of a new injunction. On 13 July 2017, the Eastern Area Planning Committee resolved to seek an injunction against all known occupants in order to cease the residential occupation of the site and the matter was heard in the High Court.
8. An interim injunction order was granted against all adult occupants residing on the land to prevent the bringing onto the land of further mobile homes and/or caravans but the deadline of 8 January was not complied with. Further Court hearings have taken place and the Defendants made a further planning application which was refused by the Council on 7 December 2018. This decision has been appealed and at the time of writing, a start date has not been confirmed by the Planning Inspectorate.

Considerations

9. Whilst the Planning Service budget includes sums for both consultants and legal expenses, it would not cover the legal costs of continuing to seek an injunction.

Recommendation

It is recommended that the Executive approves a supplementary estimate of £20,000 to meet the costs of continuing to seek an injunction. This figure may need to be revised depending on the works associated with the application, and any subsequent proceedings.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Beth Howland-Smith

Telephone: 01483 523114

Email: beth.howland-smith@waverley.gov.uk

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank