

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 7 JANUARY 2020

SUBMITTED TO THE COUNCIL MEETING – 18 FEBRUARY 2020

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

Present

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

Cllr Mark Merryweather
Cllr John Neale
Cllr Anne-Marie Rosoman
Cllr Steve Williams

Apologies

Cllr Nick Palmer

Also Present

Councillor Julia Potts, Councillor John Gray and Councillor Jerry Hyman

EXE 44/19 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 26 November 2020 were confirmed and signed as a correct record.

EXE 45/19 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

EXE 46/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following question, from Mrs Kathy Smyth of Milford, in accordance with Procedure Rule 10:

“On 22 July 2019 the Ministry of Housing, Communities and Local Government published revised guidance on appropriate assessments. This guidance includes the statement that

“If a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken” and reference is made to Part 6 of the Conservation of Habitats and Species Regulations 2017.

The guidance goes on to state that “An appropriate assessment must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project”. Can Waverley Borough Council please identify and make available and/or publish the appropriate assessment (or assessments) on which they currently rely for the

purpose of taking planning decisions for sites within the Waverley area which are considered to have an effect on the Thames Basin Heath SPA and Wealden Heaths Phases 1 and 2 SPAs?"

Response from the Portfolio Holder, Cllr Andy MacLeod:

"The Council prepares an appropriate assessment in consultation with Natural England when a proposed project is considered likely to have a significant effect on a Special Protection Area. Any such appropriate assessment, together with Natural England's consultation response, are made publicly available via the Council's website.

The Council also relies on the adopted Local Plan Part 1 Habitats Regulations Assessment and the Addendum to that Assessment, which contain appropriate assessments relating to both the Thames Basin Heaths and Wealden Heaths Special Protection Areas. These assessments were prepared by specialist, independent, technical consultants acting in consultation with Natural England. The Council's strategy to avoid harm to the Special Protection Areas was found sound by the Local Plan Inspector and now forms part of its development plan. A copy of the assessments and the Inspector's findings on this issue (as set out in his Examination Report) are also publicly available."

The background documents referred to in the response can be found at the following links:

https://www.waverley.gov.uk/downloads/file/5290/habitats_regulations_assessment_2016

https://www.waverley.gov.uk/downloads/file/5867/waverley_local_plan_part_1_hra_addendum

https://www.waverley.gov.uk/downloads/file/5963/waverley_local_plan_part_1_examination_inspectors_report

EXE 47/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions from Members of the Council.

EXE 48/19 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

There were no updates reported.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

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.

EXE 49/19 BUDGET 2020/21 UPDATE (Agenda item 7)

- 49.1 Cllr Merryweather provided an update on the development of the General Fund Revenue Budget for 2020/21, outlining the challenges to balancing the budget bearing in mind increasing costs and constraints on income. The budget gap at the start of the process had been £1.8m and good progress was being made on proposals to bridge this gap with proposed increases to council tax and fees and charges largely in line with RPI. Cllr Merryweather recommended that work continue to identify options to balance the budget ahead of publication of the draft budget in the agenda for Value for Money Overview & Scrutiny Committee at the end of the week.
- 49.2 Cllr Hyman had a number of questions regarding the likelihood of the negative Revenue Support Grant being implemented within the timeframe of the Medium Term Financial Plan; the proposed use of the New Homes Bonus; whether inefficiencies and waste had been addressed before considering increasing charges, rents and council tax; and, the government guidelines on increases to housing rents. Cllr Merryweather responded that the budget and medium-term financial plan had been developed based on the funding context as it was currently understood; the New Homes Bonus would continue to be earmarked for capital projects; and the proposed budget included £700,000 of efficiency savings but these were not sufficient on their own to off-set the reduction in funding.
- 49.3 The Executive RESOLVED to:
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 to the Executive to prioritise options to balance budget.

Reason: The Budget is a major decision for the Council and setting a balanced budget is a statutory requirement. Scrutiny of the financial plan and budget proposals demonstrate transparency and good governance.

EXE 50/19 BUDGET MANAGEMENT - REQUEST FOR SUPPLEMENTARY ESTIMATE FOR FARNHAM NEIGHBOURHOOD PLAN REVIEW (Agenda item 8)

- 50.1 Cllr Merryweather introduced the report which explained the need for a Supplementary Estimate of £51,000 to meet the actual costs of the Farnham Neighbourhood Plan Review. These were estimated to be £71,000 however only £20,000 could be claimed from the Government.
- 50.2 Cllr Hyman referred to the public question earlier in the meeting and the response given in respect of the Habitats Regulations. The Farnham Neighbourhood Plan Review assumed that the Council had an Appropriate Assessment; without that, proceeding with the referendum was a waste of money. Cllr Follows reiterated that the Local Plan Part 1, including relevant Appropriate Assessments, had been found sound by the Local Plan Inspector.
- 50.3 The Executive RESOLVED to approve a supplementary estimate for £51,000 to cover the costs of the Farnham Neighbourhood Plan Review.

Reason: the Council can only claim for £20,000 in funding from the Government for the Neighbourhood Plan Review and the costs are estimated to be £71,000. There is therefore a shortfall of £51,000.

EXE 51/19 PROPERTY MATTER - THE BURYS INVESTMENT OPPORTUNITY (Agenda item 9)

- 51.1 Cllr Merryweather set out the proposal to use up to £40,000 from the Property Investment budget to commission an Options Appraisal assessing the investment opportunities of key Waverley- and Surrey-owned sites in Godalming, including Council Offices, Crown Court car park and The Wharf car park. The Council Offices required £6-700,000 per annum to maintain, with an additional need for significant capital investment in the longer term. An initial appraisal had identified development options for the sites, and a further appraisal was now required to explore further the potential for investment that would provide a revenue return for Waverley as well as re-provide office space for the council.
- 51.2 Cllr Hyman asked whether the previous Options Appraisal was available to Councillors, as it was difficult to make a substantive comment without any background information. Cllr Follows reported that he was pleased with the intention that the council offices remain in Godalming, as this was fundamental to the success of the High Street. Whilst Godalming Town Council had already announced its plans to move out of the building, he hoped that Waverley would liaise with the Town Council as any development plans would have a material impact on Godalming. He noted that most of the sites in scope were owned by Waverley, with the exception of the sites around the library, and emphasised the importance of the Crown Court car park to the operation of the Wilfrid Noyce Community Centre.
- 51.3 Cllr Merryweather confirmed that Surrey County Council owned the library site. The previous administration had commissioned the earlier Options Appraisal; the proposed further appraisal would follow up on some of the options identified, and in particular look at the potential for an investment project to generate housing, revenue income, and office space in a high-quality development.
- 51.4 The Executive RESOLVED to approve the use of up to £40,000 from the Property Investment budget to produce a further Options Appraisal assessing the investment opportunities of key Waverley and Surrey owned sites in Godalming.

Reason: A previous outline Options Appraisal on the key sites indicated a significant return could be generated and a major improvement to customer experience achieved by developing the sites sympathetically. Such a return on investment would support the projected budget shortfall in the future.

EXE 52/19 HOUSING RESPONSIVE REPAIRS AND VOIDS CONTRACT (Agenda item 10)

- 52.1 Cllr Rosoman outlined the current position regarding the Responsive Repairs and Voids contract following the early termination by MPS Housing Ltd on 9 December 2019. It was proposed to appoint an alternative contractor on an interim basis, and commence procurement of a long-term contract.
- 52.2 The Executive RESOLVED to:

1. authorise the Council's Section 151 Officer to waive the Council's Contract Procurement Rules in accordance with paragraphs 9.3.1 and 9.3.3 of the CPRs in order for the Council to appoint an interim responsive repairs and voids contactor.
2. delegate authority to the Head of Housing Operations in consultation with the Portfolio Holder for Housing and the Strategic Director (s151 Officer) to:
 - a) appoint consultants to provide advice and undertake such work as is required to achieve an interim contract within agreed budgets and in accordance with the Council's Contract Procedure Rules;
 - b) select and appoint an interim contractor for 12 to 24 months within agreed budgets and in accordance with the Council's Contract Procedure Rules
 - c) appoint consultants to assist with procurement for the permanent contractor, within agreed budgets and in accordance with the Council's Contract Procedure Rules; and
 - d) draw down up to £200,000 from the HRA contingency reserve to achieve these recommendations.
3. note that officers would report performance and procurement progress to the Housing Overview and Scrutiny Committee and the Executive.

Reason: To provide the essential responsive repair and voids service whilst a full procurement project can be developed and implemented.

EXE 53/19 POLICY ON CONSENT FOR THE USE OF COMMON LAND AND COUNCIL OWNED LAND AND PROPERTY (Agenda item 11)

- 53.1 Cllr Merryweather introduced the proposed policy that set out at a high level the approach the Council would take in considering requests for consent to use common-land and council-owned land and property. Having a formal policy would ensure that proper consideration was given to all potential impacts of granting consent.
- 53.2 Cllr Hyman raised a number of concerns regarding the proposed policy, especially its scope in relation to common land, and referred to the email Executive members had received from the Open Spaces Society setting out detailed concerns. Cllr Hyman noted that the draft policy had not been considered by Overview & Scrutiny, and had not been consulted on.
- 53.3 In response to Cllr Hyman, Cllr Follows proposed that delegated authority be given to the Head of Service in consultation with the Portfolio Holder to address any necessary drafting issues, including inserting definitions of key terms. The amendment was seconded by Cllr Beaman and agreed by the Executive.
- 53.4 The Executive thus RESOLVED to:
 1. approve the Land Use Consent Policy, and

2. delegate authority to the Head of Finance and Property, in consultation with the Portfolio Holder, to address drafting issues with the Policy, including definitions of key terms.

Reason: The Council has responsibilities as guardian for common land and as land and property owner and in seeking to protect its interests in all land and property assets within the Borough. The Policy is to ensure consideration is taken of all impacts granting consent could cause.

EXE 54/19 TAX STRATEGY 2020 - 2022 (Agenda item 12)

- 54.1 Cllr Merryweather introduced the revised Tax Strategy, which acknowledged the Council's responsibilities with regards to tax under the Legislation in Criminal Finances Act 2017 and the Corporate Criminal Offence guidance issued by HMRC in September 2017.
- 54.2 In response to comments from Cllr Hyman, Cllr Merryweather explained that the Strategy was consistent with HMRC guidance.
- 54.3 The Executive RESOLVED to approve the revised Tax Strategy 2020-22.

Reason: The Council is required to have in place a Tax Strategy to fulfil its responsibilities under the Legislation in Criminal Finances Act 2017, and to respond appropriately to the Corporate Criminal Offence guidance from HMRC issued September 2017.

The meeting commenced at 6.00 pm and concluded at 6.50 pm

Chairman