

To: All Members of the EXECUTIVE

When calling please ask for:

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Date: 29 May 2015

Membership of the Executive

Cllr Brian Adams
Cllr Kevin Deanus
Cllr Carole King
Cllr Robert Knowles
Cllr Tom Martin

Cllr Julia Potts
Cllr Wyatt Ramsdale
Cllr Stefan Reynolds
Cllr Stewart Stennett
Cllr Simon Thornton

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 9 JUNE 2015

TIME: 6.45 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

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This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting www.waverley.gov.uk

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 Chairman to receive any informal questions from members of the public, for a maximum of 15 minutes.

AGENDA

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of the Leader of the Council as Chairman of the Executive for the Council year 2015/2016.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of the Deputy Leader of the Council as Vice-Chairman of the Executive for the Council year 2015/2016.

3. **MINUTES**

To confirm the Minutes of the Meeting held on 31 March 2015 (to be laid on the table half-an-hour before the meeting).

4. **APOLOGIES FOR ABSENCE**

To advise the Executive of any apologies for absence.

5. **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.

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

The Chairman to respond to the following question received from a member of the public for which notice has been given in accordance with Procedure Rule 10:-

Mr Jerry Hyman of Farnham

Council Leader,

My question addresses the core principles of the EIA Directive, which are,

- (i) that the EIA legislation defines planning consent as being the decision which allows the project to commence, as was confirmed authoritatively by the Grand Chamber in the White City Case, C-508/03 (*Commission v UK*) which at paragraph 100 states that,

“... it should be noted that Article 1(2) of that directive defines ‘development consent’ for the purposes of the directive as the decision of the competent authority or authorities which entitles the developer to proceed with the project.”

(ii) that the parallel ‘Barker’ Case, C-290/03 at paragraph 48 further established the principle that the implementing decision

“... cannot extend beyond the parameters set by the principal decision ...”, and

(iii) that the Directive precludes the granting of consent in the absence of a complete and up-to-date Environmental Statement, which the ‘Barker’ Case also established,

“... must be of a comprehensive nature, so as to relate to all the aspects of the project which have not yet been assessed or which require a fresh assessment.” ;

so in view of those principles, does Waverley therefore accept that when determining an Application for an implementing consent for an EIA Project, and where it is known that the Environmental Statement is flawed, outdated, incomplete and/or would enable commencement of development on terms that alter the parameters of the original approval, then the Application cannot be considered to be non-material and cannot be lawfully granted ?

7. EXECUTIVE FORWARD PROGRAMME (Pages 11 - 16)

To adopt the forward programme of key decisions for Waverley Borough Council.

8. REVENUE OUTTURN 2014/15 (GENERAL FUND AND HOUSING REVENUE ACCOUNT) (Pages 17 - 28)

[Portfolio Holder: Councillor Wyatt Ramsdale]
[Wards Affected: All Wards]

The report provides a summary of the 2014/15 Revenue Outturn for the General Fund and The Housing Revenue Account (HRA). The Statement of Accounts, which contains the detailed figures in a format compliant with Audit requirements, will be presented for approval by the Audit Committee later in the Summer.

Recommendation

It is recommended that the Executive:

1. notes the Revenue Outturn position for 2014/15;

2. approves Revenue Carry Forwards of £136,000 on the General Fund from 2014/15 to 2015/16 as detailed at Annexe 3;

3. **approves an additional budget of £7,500 from the 2014/15 General Fund underspend to meet the cost of the enhanced recycling information campaign as set out in paragraph 16;**
4. **approves the transfer of the net General Fund underspend, after identified commitments, to the Revenue Reserve Fund;**
5. **approves Revenue Carry Forwards on the HRA of £170,000 from 2014/15 to 2015/16, including £150,000 to fund the fitting of Smoke Alarms in 2015/16 as detailed at Annexe 3; and**
6. **requests officers to undertake a mid-year budget review for 2015/16 and report to the Executive in October.**

9. CAPITAL PROGRAMME OUTTURN 2014/15 (GENERAL FUND AND HOUSING REVENUE ACCOUNT) (Pages 29 - 52)

[Portfolio Holder: Councillor Wyatt Ramsdale]
[Wards Affected: All Waverley Wards]

The report presents the outturn for the Council's 2014/15 Capital Programme. It also seeks approval to add rescheduled expenditure and minor slippage from the 2014/15 Programme to the 2015/16 Programme.

Recommendation

It is recommended that the Executive:-

1. **notes the Capital Outturn position for 2014/15;**
2. **approves the transfer of budgets totalling £963,895 as shown in Annexe 1, from the 2014/15 General Fund Capital Programme to the 2015/16 General Fund Capital Programme;**
3. **approves the transfer of budgets totalling £1,273,125 (in addition to the £550,000 already approved) as detailed in Annexe 2 from the 2014/15 HRA Capital Programme to the 2015/16 HRA Capital Programme;**
4. **approves the transfer of budgets totalling £4,858,809 as detailed at Annexe 3 from the 2014/15 New Affordable Homes programme into 2015/16;**
5. **approves the transfer of budgets totalling £55,000 as detailed at Annexe 4 from the 2014/15 Stock Remodelling programme into 2015/16; and**
6. **approves the capital financing set out in paragraph 16.**

10. AFFORDABLE HOUSING AND INFRASTRUCTURE CONTRIBUTION THRESHOLDS (Pages 53 - 56)

[Portfolio Holder: Councillor Brian Adams]
[Wards Affected: All Waverley Wards]

The Government has set new thresholds that affordable housing and pooled infrastructure contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 sq. m. These new thresholds are below those that are currently adopted in the Waverley Borough Local Plan 2002. This means that Waverley can no longer require new residential development to provide the level of new affordable homes that was previously required by Policy H5.

However, the new Government policy guidance also allows Councils to choose to apply a lower threshold of five dwelling units or less for seeking affordable housing contributions and pooled infrastructure contributions in Areas of Outstanding Natural beauty (AONB). Given the existing high level need for affordable homes across the whole of the Borough and the limited opportunity for appropriate sites to deliver more than 10 new homes in rural locations, the Council is requested to endorse the application of this lower threshold in the AONB.

Recommendation

It is recommended that the Executive:

- 1. notes the changes in the National Planning Policy Guidance (NPPG) on seeking contributions for affordable housing and tariff-style planning obligations; and**
- 2. agrees the approach to apply a lower threshold for affordable housing or tariff style contributions on sites within the AONB.**

11. WITLEY CONSERVATION AREA APPRAISAL (Pages 57 - 116)

[Portfolio Holder: Councillor Brian Adams]
[Wards Affected: Witley and Hambledon]

The purpose of the report is to recommend that the Witley Conservation Area Appraisal (CAA) be adopted by the Council as a material consideration and used in the determination of any application for planning permission and listed building consent within the Conservation Area (CA).

Recommendation

It is recommended to the Council that the CAA for Witley be adopted as a material planning consideration, to include the following amendments to the boundary:

- a) Inclusion of Enton Mill Area**
- b) Inclusion of the Gardens at Witley Lodge**
- c) Removal of The Tree Nursery to the rear of Churchfields and All Saints Church**

- d) **Removal of George Eliot Close (in part)**
- e) **Removal of the South-west corner of CA on Church Lane.**

12. THE ELSTEAD AND WEYBURN NEIGHBOURHOOD AREA APPLICATION
(Pages 117 - 134)

[Portfolio Holder: Councillor Brian Adams]
[Wards Affected: Elstead and Thursley]

Elstead Parish Council and PeperHarow Parish Meeting intend to prepare a neighbourhood development plan (known as a Neighbourhood Plan) for Elstead and Weyburn. Under the neighbourhood planning legislation the first stage of the process is for each Parish Council to apply to Waverley for the Borough Council to agree the neighbourhood area that their neighbourhood plan should cover. This report considers the neighbourhood area application.

Recommendation

It is recommended that the Executive approves the neighbourhood area application from Elstead Parish Council for the purposes of the Elstead and Weyburn Neighbourhood Plan.

13. AMENDMENT TO MILFORD CONSERVATION AREA BOUNDARY (Pages 135 - 142)

[Portfolio Holder: Councillor Brian Adams]
[Wards Affected: Milford]

The purpose of the report is to recommend that a small amendment to the boundary of the Milford Conservation Area be adopted.

Recommendation

It is recommended to the Council that the amendment to the Milford Conservation Area boundary is adopted.

14. POLICY FOR DEALING WITH 'UNREASONABLY PERSISTENT' AND 'UNREASONABLE' COMPLAINTS (Pages 143 - 152)

[Portfolio Holder: Councillor Robert Knowles]
[Wards Affected: All Waverley Wards]

The report proposes the introduction of a 'stand-alone' policy for dealing with unreasonably persistent and unreasonable complainants, in accordance with guidance published recently by the Local Government Ombudsman to help local authorities to develop a proportionate approach when responding to unreasonable complainant behaviour.

Recommendation

It is recommended that the Executive considers the observations of the Corporate Overview and Scrutiny Committee, and recommends to the Council that the draft policy for dealing with unreasonably persistent and unreasonable complainants be approved to come into effect at the

earliest opportunity.

15. PROPERTY MATTER - EASEMENT OF ACCESS AT RICARDO COURT, BRAMLEY (Pages 153 - 158)

[Portfolio Holder: Councillor Tom Martin]

[Wards Affected: Bramley Busbridge and Hascombe]

Authorisation is sought to enter into an easement of access across land at Ricardo Court to service a proposed new development of 24 dwellings, 15 of which will be affordable.

Recommendation

It is recommended that an easement of access be granted over Waverley-owned land as shown on the plan annexed, on the terms and conditions set out in the (Exempt) Annexe, other terms and conditions to be negotiated by the Estates and Valuation Manager.

16. APPOINTMENT OF EMPLOYER'S NEGOTIATING TEAM 2015/2016

To appoint the Members of the Employers' Negotiating Team whose role is to conduct negotiations with the staff through the Waverley Joint Negotiating Committee for Pay and Conditions and all matters concerning local pay and conditions of service. The meetings of the Joint Negotiating Committee are usually held in November/December each year. The Employers' Negotiating Team comprises 6 councillors members and the proposed membership is as follows:-

Cllr Robert Knowles (Leader)
Cllr Pat Frost
Cllr Peter Isherwood

Cllr Julia Potts (Deputy Leader)
Cllr Stefan Reynolds
Cllr Simon Thornton

17. APPOINTMENTS TO SURREY COUNTY COUNCIL LOCAL COMMITTEE TASK GROUPS 2015/16

The County Council has requested that Waverley nominates to a number of Task/Sub-Groups of the Waverley Local Committee and the proposed membership of each is as follows:

Farnham Task Group (3 members)

Cllrs Wyatt Ramsdale, Julia Potts and a Farnham Town Council representative (tbc)

Godalming, Milford and Witley Task Group (2 members)

Cllrs Simon Thornton and Denis Leigh

Haslemere and Western Villages Task Group (2 members)

Cllrs Brian Adams and Stephen Mulliner

Cranleigh and Eastern Villages Task Group (2 members)

Cllrs Simon Inchbald and Brian Ellis

Youth Task Group (2 members)

Cllrs Carole King and Jeanette Stennett

Recommendation

It is recommended that the nominations to the Waverley Local Committee Task Groups for 2015/2016 be agreed.

18. APPOINTMENTS TO OUTSIDE BODIES 2015-2017 (Pages 159 - 162)

Appointments to outside bodies are made on a two-yearly basis and the proposed appointments for 2015-2017 are attached.

Recommendation

It is recommended that the appointments to Outside Bodies for 2015-2017 be agreed, as attached.

19. EXECUTIVE DIRECTOR'S ACTIONS

To note the following actions taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting. The Register of Decisions will be laid on the table half an hour before the meeting:

i. A3 Litter Picking

To authorise an urgent litter-pick of the verges of the stretch of the A3 through Waverley for which the Council is responsible, at a cost of £17,000 to be met from a virement from the unused inflation provision for 2015/16.

ii. Riverside Improvement Works

To authorise the following improvements to the Riverside Car Park, Farnham:-

- a. construction of four speed humps to be installed at intervals on the main roadway of Riverside Car Park, to reduce the possibility of cars travelling too fast in an area in which pedestrians will be present;
- b. the construction of wooden knee-rails between parking bays to lessen the ability for anti-social driving in large open spaces; and
- c. the provision and installation of CCTV cameras.

The costs of these works being £9,400 to be met from the underspend on the capital programme.

iii. Museum of Farnham

To authorise urgent repair works to the brickwork and carry out a survey of the front façade of the Museum of Farnham at an estimated cost of £9,500, to be met from the urgent Capital Schemes Budget in 2015/16.

20. 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.

21. PROPERTY MATTERS (Pages 163 - 174)

To consider the attached (Exempt) report.

22. 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
Emma McQuillan, Democratic Services Manager, on 01483 523351 or
by email at emma.mcquillan@waverley.gov.uk**

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