

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 8 JULY 2020

SUBMITTED TO THE COUNCIL MEETING – 22 JULY 2020

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

Present

Cllr John Ward (Chairman)	Cllr Mark Merryweather
Cllr Paul Follows (Vice Chairman)	Cllr Nick Palmer
Cllr David Beaman	Cllr Anne-Marie Rosoman
Cllr Peter Clark	Cllr Liz Townsend
Cllr Andy MacLeod	Cllr Steve Williams

Also Present

Councillor Julia Potts, Councillor Carole Cockburn, Councillor Steve Cosser, Councillor Kevin Deanus, Councillor Simon Dear, Councillor Jenny Else, Councillor Mary Forszewski, Councillor John Gray, Councillor Joan Heagin, Councillor Chris Howard, Councillor Jerry Hyman, Councillor Peter Isherwood, Councillor Anna James, Councillor Robert Knowles, Councillor John Robini and Councillor Richard Seaborne

EXE 1/20 WELCOME (Agenda item)

The Leader welcomed Members and the public to the virtual meeting of the Executive, which was being webcast live on YouTube in compliance with the Regulations covering remote attendance at meetings.

The Leader introduced Officers present at the meeting, and welcomed Mr Crowther and Mr Weller, who had submitted written questions which they would read out later in the meeting.

EXE 2/20 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 12 May 2020 were confirmed as a correct record.

EXE 3/20 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest in relation to matters on the agenda.

EXE 4/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following questions in accordance with Procedure Rule 10:

- i) Question received from Simon Crowther, Chairman, Sport Godalming

“With respect to agenda item 10 - Property Matter – Broadwater Golf Course – would the committee confirm that this area of land would remain solely for the purposes of sport and leisure.”

Response from Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial:

“The area of land is classed as D2 (Leisure) under the Town and Country Planning (Use Classes) Order 1987. D2 use includes indoor and outdoor sports and associated recreations. The land is also Green Belt land under Waverley Borough Council’s Local Plan Part 1 (policy RE2). There are no plans to change the use of the land from D2 to another use.”

ii) Question from Bruce Weller of Rowledge:

“As a resident of WBC (resident of Rowledge) and somewhat experienced (30 years) in leisure development and golf course development (Weller Designs Ltd, Sports Pitch Design Build, Golf Land Solutions), I have one question:

Is it wise to spend £50k (which I assume is taxpayers money) on a report that is going to tell you what we already know, ie there are limited options on this site for open space leisure and even more limited if you want a tenant that will make a profitable operation.

Clearly there are the options of:

- Extension of Park, woodland nature, sculpture trail etc etc
Laudable and given my qualification as a landscape architect completely understandable in current climate.
- Football (3G) / other sports pitches (possibly profitable) but limited public access. With most sports apart from football not making much or any money.
- Or golf / range / adventure / cafe...Golf is having a serious renaissance following Covid and the success of Adventure Golf putting courses is well known (there are none in the district)

What is wrong with the current approved application which remedies the uncapped landfill at the same time?

As an experienced golf designer and consultant £50k will tell you what we know would be the case and that is a small scale high end Family Golf or 3G football pitch(s) will be profitable. The rest not so. Extension to naturalistic park in whatever manner would be great (that’s my landscape architect hat talking!) but I assume a cost burden to WBC?

I am based in Farnham and indeed set a few thoughts flying about Brambledon Park possibilities and happy to have a chat (at no cost sometime).

I was involved (some 5years!) with the planning application details to SCC for Broadwater Golf Club so clearly have an interest, but at the same time it's a lot of money to perhaps come to an already known conclusion."

Response from Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial:

"With regard to the process that brought us to this point, we do recognise that the outcome of the process was not what anyone involved, including the Council, aspired to when it was started back in 2018. I'm sure you will understand that the Council has to respect the confidentiality of the plans and the information that the company supplied to us, on which I therefore can't comment now any further.

However, that said, I still hope I can reassure you that the relevant claims you have made in your question regarding the site and the company's plans for it were examined exhaustively in arriving at the conclusion that we did. With regard to the separate process of the company's planning application for this Council-owned site, this was of course without prejudice to the outcome of the lease licence and diligence processes that were still unresolved at the time.

Broadwater Park is an important public asset and so as to the alternatives for it going forward, it is important for the Council to engage in appropriate expert and independent advice for the options appraisal to ensure it is securing Value for Money with regards to the use of the site. The property advisors, Montagu Evans, have been asked to identify all options for the site, some of which may not have been considered by the Council or 3rd parties yet. As per the Executive report, a Council delivered development on this site would support the Corporate Strategy's vision to sustain "high quality public services accessible for all, including sports, leisure, arts, culture and open spaces."

EXE 5/20 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions received from Members of the Council.

EXE 6/20 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader and Executive members reported on current issues within their respective Executive portfolios:

6.1 Cllr John Ward, Leader of the Council:

- Following the recent announcement from the Government regarding its White Paper on Devolution to be published in the autumn and subsequent rumours regarding unitary councils, the MJ had reported that Surrey County Council had commissioned a study into how the county council could become a unitary authority. The Government appeared to

be favouring a model of larger authorities with elected mayors, but was also looking for consensus from authorities bringing forward proposals proactively. Waverley's Leadership would keep a close watch on the issue as it developed.

6.2 Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial

- A major focus for the council was the financial impact of the Covid-19 pandemic on the council. A contingency revised budget for 2020/21 had been prepared to address the budget gap of £6.6m in the budget agreed by Council in February 2020, which was equivalent to 60% of the annual Council Tax revenue. The revised budget was detailed in a report for the Value for Money Overview & Scrutiny Committee meeting on 13 July, and Members had received a briefing on 6 July. The Council was still awaiting detail on what further support might be available from the Government, if any, following the announcements of last week. In the meantime, the Contingency Revised Budget for 2020/21 would be considered by the Executive at the end of July, and an Extraordinary Full Council meeting in early August.

6.3 Cllr Steve Williams, Portfolio Holder for Environment and Sustainability:

- Very grateful to Waverley Officers for their work during the lockdown period and beyond, and their relentless focus on keeping essential services going, and protecting the most vulnerable in the community.
- There had been an inevitable pause in the consultation on the Sustainability Strategy and Climate Emergency Action Plan, but this work was now progressing again and comments were welcomed from the general public, organisations concerned about the environment, town and parish councils, and Waverley Members.
- Reducing our carbon footprint was a responsibility of every department and every member of staff in the council, and a culture was being built that put sustainability at the heart of decision-making in each department. The Climate Emergency Action Plan was key to this, and the central core of the Covid-19 recovery strategy was to build back better and not just to return to the way things were but to learn the lessons of lockdown. A green recovery was at the heart of our strategy for moving forward, including investing in greener energy, greener homes, offices and public building, and greener transport, and supporting more sustainable businesses and communities in Waverley.
- In line with that, the Executive was heartened and vindicated in its serious objections to UK Oil & Gas and their plans to drill for fossil fuels in Waverley, when the Surrey County Council planning committee turned down the planning application.

6.4 Cllr Anne- Marie Rosoman, Portfolio Holder for Housing and Community Safety:

- Waverley's Housing Team had responded magnificently to the incredible challenge of supporting the community through the coronavirus pandemic, whether that was tenants, residents who were shielding, or rough sleepers, and making a real difference to individuals.

- The Housing Service had developed a recovery plan to get routine work back on track, to let homes to maximise rental income, to resume responsive repairs and commence the capital works programme.
- 6.5 Cllr Andy MacLeod, Portfolio Holder for Planning Policy & Brightwells
- The Brightwells development had been suspended for about 3 months due to the Covid emergency. Activity on the site had resumed about 3 weeks ago, but with a reduced workforce to meet social distancing and health and safety regulations – work had resumed with around 50 operatives and was now up to around 80, compared with a typical number of 100 pre-Covid. The opening was now likely to be summer 2021, at the earliest.
 - The Brightwells development was likely to be affected by the downturn in the high street, and the town would be looking to the Farnham Infrastructure Project that was recently launched to get local people interested in what is happening.
 - The Woolmead project on East Street had been suspended for about 9 months. Berkeley Homes had submitted a planning application to reduce the car parking in the scheme but this had been unanimously rejected by the council's Planning Committee. We were now waiting to see what they would do with the site.
- 6.6 Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services:
- Echoed previous comments about the amazing performance of Waverley officers, and this gave particular urgency to the need to avoid redundancies as the council confronted the Government's failure to provide for the financial losses incurred by the council.
 - A key part of that was restoration of parking fees, whilst adopting a cautious approach so as not to damage the return to the shops. Charges had been resumed from 1 July at previously announced rates and usage would be carefully monitored. Currently car park usage was around 40% of pre-Covid levels.
- 6.7 Cllr Liz Townsend, Portfolio Holder for Economic Development, Leisure, Parks and Countryside:
- Thank you to Officers for the vital role they have played in awarding business rate relief and paying out business support grants of about £23.5m to over 1,800 businesses.
 - She had been meeting every three weeks with local Chambers of Commerce and the town and parish clerks from the four main settlements, and earlier had chaired the inaugural meeting of the Covid Business Task Group, which would meet again in August.
 - Frensham Pond had attracted national press coverage with unprecedented numbers of visitors during the recent hot weather. This had meant hundreds of additional vehicles spilling over onto rural lanes, an explosion of litter and increased fire risk from disposable BBQs, even though these were banned on site. It had been extremely challenging for officers and local residents, and work was ongoing with partners including Surrey Police, the National Trust, Surrey County Council and Guildford parking enforcement, as well as parish and Ward councillors, to alleviate some of the issues with additional highway signage, installation of

wooden posts to protect green spaces, and contact-less charging for car parking. For the longer-term, the County Council was looking to implement double-yellow lines that would help alleviate longstanding problems in the area.

- Waverley's Rangers and Enforcement Officers, and Surrey Police, had all put considerable resources into managing the problems at the site, and at times had experienced unacceptable and confrontational behaviour from visitors.

6.8 Cllr David Beaman, Portfolio Holder for Health, Wellbeing and Culture:

- Recorded great appreciation of the contribution of the voluntary sector during the current crisis.
- The council was actively looking at ways and means of repairing Wilmer House, which housed the Farnham Museum, although there was concern about the Government's lack of attention to the cultural sector, like the Farnham Maltings. Farnham had recently been declared a Craft City, and this needed to be supported.

6.9 Cllr Peter Clark, Portfolio Holder for Business Transformation, IT and Customer Service:

- Waverley's IT team had had to support hundreds of Waverley officers who had suddenly been required to work from home. They had significantly increased the number of incoming phone lines and also the capacity of the broadband connection to cope with the increase traffic. The Support Desk had provided support and advice to many staff who had no experience in setting up their equipment to enable them to work from home.
- The IT team had also responded to the Government announcement allowing committee meetings to be held remotely, and procured video-conferencing equipment to set up Zoom Rooms at The Burys and licences that enabled up to twelve meetings to be held concurrently.
- The IT team had risen to the challenge and allowed council business to carry on and resident services to be maintained.
- Looking forward, a new IT Strategy was being developed and would be considered by the Executive by the end of the year.

6.10 Cllr Paul Follows, Deputy Leader of the Council:

- Thanks to the Communications Team who kept residents and councillors informed about what was going on during the Covid period, despite a challenging communication strategy from central Government. They had extraordinarily well in getting the messages out clearly and concisely, working with almost every council department and with the wider Local Resilience Forum in Surrey.
- Cllr Follows commended the inclusion of this item on the Executive agenda, which allowed Executive Members to engage on matters of importance and policy, beyond the specific agenda items.
- He thanked the Democratic Services Team and the IT Team for enabling virtual committee meetings, and for allowing vital connections with the wider community to keep going throughout the emergency period.
- Finally, work was now starting on the Corporate Strategy, version 2, which would act as a spine for the Covid recovery efforts and ongoing

strategic direction of the council. More details, and the timeline for engaging with the scrutiny process would be available soon.

The Leader thanked Executive Members for their reports, which he hoped had provided an idea of topical issues in addition to those on the rest of the meeting agenda.

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 specified in the reports included in the original agenda papers.

EXE 7/20 HOUSEHOLD RECYCLING CENTRE ISSUES AND PROPOSALS (Agenda item 7)

- 7.1 Cllr Steve Williams introduced the report, which proposed the removal of the Household Recycling Sites ('Bring sites') due to mis-use and fly-tipping, which resulted in high levels of contamination of recyclables and additional collection costs. The forthcoming introduction of kerbside collections for textiles and small electrical items would mean that everything currently collected at the Bring Sites would be collected kerb-side.
- 7.2 Whilst the removal of the Bring Sites would release additional space in the car parks, it was not intended to create additional parking spaces for cars, but to use the space to promote sustainability by providing facilities for cyclists that encourage alternative active transport in line with the post-Covid recovery strategy.

Three Members had registered to speak on this item:

- 7.3 Cllr Carole Cockburn, speaking as Chairman of the Environment Overview & Scrutiny Committee and personally, wholeheartedly supported the proposal finally to remove the Bring Sites, after many years of discussing and trying to resolve the issues they caused. She particularly wanted to draw attention to the need to be sensitive to and respect special areas in Waverley towns, notably the Farnham Conservation Area, when considering how to use the space going forward. However, she had some concerns at the proposal to introduce cycle parking facilities, without any consultation, and asked that there be proper engagement locally and consideration of the right proposals for each location that had due regard to special circumstances.
- 7.4 Cllr Mary Forszewski welcomed the proposals. The issues described in the report were apparent to anyone using the car parks and who saw the overflowing bins, heaps of recycling and black bags around the bins, and clear evidence of no personal responsibility. Under the previous administration a SIG had been formed to look at the procurement of a new waste and recycling contract. The SIG had explored all aspects of the service and had encouraged the removal of the Bring Sites. She encouraged

Members to look at the work of the SIG and to take the opportunity to educate residents about taking personal responsibility for the waste they produced and being accountable for it. Cllr Foryszewski paid tribute to the key workers who had continued to collect waste and recycling throughout the Covid emergency and had done a fantastic job. And, she urged consultation and engagement on how the space freed up by removal of the Bring Sites was used in future.

- 7.5 Cllr Peter Isherwood echoed the previous speakers' support for the proposals. He had also been on the SIG in 2018, and the Members had recommended unanimously the removed of the Bring Sites due to their misuse. Only recently, the bins at Beacon Hill had been set on fire and burnt out, but the following day six black bags of rubbish were left on the ground beside them for someone else to clear up. He looked forward to rapidly progressing the actions to end this abuse of council facilities.
- 7.6 The Leader thanked Members for their support for the proposals and assured them there would be wide consultation on the possible future use of the sites.
- 7.7 Cllr Williams welcomed the support, and Members' own experience of the misuse of the Bring Sites confirmed that removing them was the right action. With regard to future use, the intention of the Bring Sites had been to promote recycling, and so he felt that it was appropriate that the future use should be for something that promoted sustainability in the borough and he was open to suggestion about this. With regard to the communications plan, this was an important opportunity to educate the general public about waste and recycling, and about reducing and re-using as well.

7.8 The Executive RESOLVED that:

- 1. The containers for co-mingled recycling at the Household Recycling Centres listed in Annexe A of the agenda report be removed as soon as possible to avoid any ongoing additional payments to Biffa.**
- 2. The banks for textiles and WEEE (waste electrical and electronic equipment) be removed following the introduction of the kerbside textiles and WEEE collections from households (Autumn 2020)**
- 3. An effective communications plan be developed to promote the additional kerbside recycling collection services and the reasons for removing these sites.**

Reason: The household recycling sites had historically suffered widespread abuse and increasingly high levels of contamination with non-recyclable items by residents and businesses. This had resulted in high levels of rejection at the materials recycling facilities. This had now reached a level of contamination where collections from these sites could no longer be made in conjunction with household kerbside collections and an additional vehicle and crew had to be used to service them as additional cost to the council which had not been budgeted for.

EXE 8/20 PROPERTY MATTER - THE BRITISH RED CROSS SOCIETY SITE WEY COURT FARNCOMBE - PURCHASE (Agenda item 8)

8.1 Cllr Mark Merryweather introduced the report which recommended the purchase of the British Red Cross Society site in Wey Court, Farncombe for the purchase price set out in the Exempt annexe to the report. The investment would be funded from capital receipts, and had been recommended by the Property Investment Advisory Board.

Cllr Jerry Hyman had registered to speak on this item:

8.2 Cllr Hyman expressed his view that there did not appear to be sufficient information on which to make a decision on spending public money; there was no map, no information on yield from the sitting tenant, size or condition of the property, a vision for the area, and a reliance on commercial and residential values and returns holding up in what could be a very deep recession.

8.3 Cllr Paul Follows responded that, as a Godalming councillor, he felt that this was a sensible acquisition, and the council was well aware of the position of the building in relation to neighbouring businesses such as the football.

8.4 In conclusion, Cllr Merryweather confirmed that the Property Investment Advisory Board had satisfied itself that this was a sound recommendation to make to the Executive.

8.5 The Executive RESOLVED that the purchase of the British Red Cross Society site at the value set out in Exempt Annexe 1 to the agenda report be approved, and that the purchase be funded from the Capital Receipts Reserve.

Reason: The Red Cross wished to sell the site and the Council had a right of first refusal. The site had potential for continuing with the existing nursery lease if they wished to stay, or site accumulation for a bigger development project. The purchase proposal was reviewed by the Property Investment Advisory Board which recommended the purchase to the Executive.

EXE 9/20 PROPERTY MATTER - WEY HILL, HASLEMERE - FEASIBILITY STUDY INTO DEVELOPMENT POTENTIAL OF THE SITE (Agenda item 9)

9.1 Cllr Merryweather introduced the report, including the Exempt annexe, and recommendation to approve the use of up to £35,000 to commission a detailed feasibility study for a council-owned and operated open market residential rental development. The site had previously been targeted for site assembly and then capital sale to the private sector for development. However, the results of the preparatory work by the council's Housing team, supplemented by a high-level review by the council's external advisors, had concluded that the council could undertake the development itself and achieve more of the council's strategy goals. The funding now required was for preparation of the detailed development scheme, and would be funded

from the Investment Advisory Board Reserve, which had been established for this purpose.

Two Members had registered to speak on this item:

- 9.2 Cllr Simon Dear expressed his opinion that the proposed budget was an absurd amount for the work being commissioned. Given the recent Member briefing that had set out the extent of the Council's budget pressures, he recommended that it would be better to continue the involvement of the council's in-house housing team. He had dealt with them on a number of occasions and had been profoundly impressed with their level of expertise and practicality. Cllr Dear noted that if the land was sold off it would need to be a price that was 'best consideration'; if it was retained, was there a similar test of 'best exploitation' or getting the best economic use from it?
- 9.3 Cllr Jerry Hyman was critical of the quality of the memorandum in the Exempt Annex, and agreed with Cllr Dear that the work should be carried out in-house rather than spending residents' money on feasibility studies that assumed that residential and commercial returns would hold up. He was not sure that this was something the council should be doing, and that there was sufficient information to make a decision.
- 9.4 Cllr Merryweather responded by pointing out that the Medium Term Financial Plan currently projects a need to increase property investment returns by £1.2m by 2023-24, and the Investment Advisory Board Reserve was established to fund the exploration of projects for that purpose. The Housing Team had done a tremendous job in assembling and packaging the land and getting outline planning permission so that it could be sold to a private developer. The decision to develop the site directly as part of the council's investment strategy was on the proviso that due diligence would be carried out by external professional advisors.
- 9.5 Cllr Anne-Marie Rosoman also commended the work of the Housing team so far in assembling the site, and assured Cllr Dear and Cllr Hyman that the feasibility study would build on that work, and would not ignore it and start again. The budget sought was for up to £35k and the council would not be making the most of the opportunity for this site if it did not explore it thoroughly.
- 9.6 The Executive RESOLVED that up to £35,000 from the Investment Advisory Board Reserve be used to commission the Council's external property advisers, Montagu Evans, to undertake a detailed feasibility study and due diligence on the development potential of the Wey Hill site in Haslemere.**

Reason: In 2017/2018 the Wey Hill site was targeted for land assembly, packaging and capital sale. The site had since been identified as a potential opportunity for development by the Council under the Property Investment Strategy. The high-level assessment of the development potential of the site concluded that there was more than likely a viable residential scheme for the Site whilst providing the policy compliant level of affordable housing. Therefore, funding was required to engage Montagu Evans to undertake

further due diligence into the development potential and prepare a detailed development scheme for the site.

EXE 10/20 PROPERTY MATTER - BROADWATER GOLF COURSE - OPTIONS APPRAISAL
(Agenda item 10)

10.1 Cllr Mark Merryweather briefly introduced the report which requested a budget of £50,000 to commission and detailed options appraisal from the Council's external advisors for the Broadwater Park golf course, and £20,000 for legal fees to obtain the site back from the lessee. The site had not been operational as a golf course for over 18 months. There were constraints on what could be said publicly about the detailed outcome of the lease renewal process that had led to the current position, although local Members had been briefed as far as was possible. The land use designations had been referred to in the response to the public questions, and the council had a duty to seek value for money from this public asset.

Six Members had registered to speak on this item:

- 10.2 Cllr Julia Potts advised that her concerns were about the process by which the Executive had come to the decision before it this evening. The previous administration had agreed on 4 December 2018, subject to the usual legal caveats to grant a new lease to Broadwater Park Golf Course. Cllr Potts asked why that decision of the Executive, which had been noted by Full Council later in December 2018, had not been implemented; when the current administration decided to overturn that decision; and at what public meeting of the Executive had it been made? There was no evidence of a public decision, no scrutiny by councillors or the public, and no record of the decision. The fact that an Executive decision of 18 months ago could be overturned seemingly behind closed doors raised very serious concerns around transparency in governance, and she looked forward to being provided with some answers.
- 10.3 Cllr Steve Cosser echoed the concerns raised by Cllr Potts regarding transparency around dealings on the site, but in addition he did not believe that the agenda report made a clear and credible case for approval of up to £70,000. It appeared that the council had already spent £20,000 on legal advice to assist in securing the site and was now seeking approval retrospectively, so again there was a very unclear process. There was also a suggestion of the need for further legal advice, and apparently no certainty about securing the site. Against that background and taking account of the unspecified amount paid for the initial assessment, how could the Executive justify the risk of further possible abortive expenditure of up to £50,000 for yet more work on options? Given the council's current financial position, wouldn't this expenditure be better deferred? Cllr Cosser went on to ask when the public might be given a say on the future of this site; and whether Cllr Merryweather could clarify his earlier comments that no change of land use was proposed, yet it was still intended to spend £50,000 to look at options.
- 10.4 Cllr John Gray referred to the apparent retrospective approval sought for £20,000 of legal fees and the process being followed, which was contrary to paragraphs 4.27 to 4.30 of the Finance Regulations on Supplementary

Estimates. These regulations were introduced to improve transparency and to give justification to supplementary estimates on the basis of value for money, including noting and considering other options available to the council including that of taking no action. There was a responsibility on the Section 151 Officer to produce this information either in a separate paper or as part of the report, and this information had not been provided. The Financial Regulations had been updated in March 2019 when Cllr Gray was chairman of the Audit Committee, and the provisions were drawn up by the Section 151 Officer and the Monitoring Officer to address the transparency issue on Supplementary Estimates, and Cllr Gray asked why the process had not been followed before spending the £20,000; and if that money had not yet been spent why the process was not being followed now?

- 10.5 Cllr Jenny Else reported that she had received a number of communications from residents asking what had happened to the decision taken by the previous Executive which now appeared to have been rescinded. She was particularly concerned at an email from a resident who felt that the directors of Broadwater Golf Club had been treated disgracefully and dishonourably, and that reflected on the ethics of all Members of the council; and another who felt that the directors had been misled into spending on planning and consultants fees to redesign and recap the course. She asked what the reason was for the change in direction, after there had been no objection to the planning application to Surrey County Council from Waverley's Parks and Countryside Team, and County Councillor Penny Rivers had commented on the golf course being a much loved community space.
- 10.6 Cllr Jerry Hyman noted that this recommendation was for £50,000 and the breakdown of this sum was shown in the Exempt report. He was not against exploring options, but was not impressed by the quality of the consultants' work based on the reports provided.
- 10.7 Cllr Robert Knowles agreed with Cllr Hyman that the quality of the reports was poor and did not acknowledge the change in circumstances caused by the coronavirus pandemic, and were out of date in their analysis of the economic prospects. He was concerned that decisions were being taken on incomplete information, and it was a reckless use of public funds. He was also unhappy to hear the comments relayed by Cllr Else, and that councillors' ethics were being questioned when they had had no knowledge of what was happening.
- 10.8 Cllr Ward noted that the decision was clearly not popular with Opposition Members, but the underlying objection seemed to relate to process: the decision taken by the Executive in December 2018 had a number of caveats on it and these had not been fulfilled, therefore the decision had fallen away. There had now been time to look at it properly and make a different decision. He did not accept that an Executive could not change a previous decision.
- 10.9 Cllr Follows noted that the Leader of the Opposition Group had stated that the decision was subject to the usual legal caveats, and that highlighted the real lack of a process issue; yet there was still a focus on process over substance. There was a responsibility on councillors to ensure residents were told as much as possible while maintaining a legal duty on

confidentiality, and responsible councillors had been clear on social media about what could and couldn't be said. And, far from speaking for residents *en masse*, it appeared that Cllr Else had lifted her comments from social media.

- 10.10 In summing up, Cllr Merryweather referred to the notes from the Executive of 4 December 2018, and noted that the original decision had been "to authorise officers to proceed with due legal process to grant a new lease", so the decision was start a process, not to sign a lease under any circumstances. The current situation was the outcome of the due legal process during which the assumptions and claims of that time had been tested. It was a shame that the anticipated outcome had not been achieved, not least for the company which took the risk knowingly to pursue the negotiations and the entirely separate planning process.
- 10.11 Cllr Merryweather also noted that the only reason the matter had come to the Executive in December 2018 was because the grant of a lease over 25 years was outside the Scheme of Delegation to Officers. Following the Executive's decision Officers had proceeded with the due legal process as authorised, which included detailed negotiations and due diligence. That process did not produce an outcome that was acceptable to the Council and was discontinued by the Head of Finance and Property in consultation with the Portfolio Holder, thereby triggering the termination of the tenancy. Whilst not strictly required, Members of the Executive had been briefed and they concurred with the action taken. There was no reversal of a decision; there had been a conclusion of a process authorised in 2018.
- 10.12 Cllr Merryweather agreed with the points made by Cllr Cosser and Cllr Hyman regarding a duty of care in respect of public money; but the council also had a duty of care in respect of public assets, and it was the council's policy to consult external advisors to get appropriate and relevant advice when needed.
- 10.13 Finally, Cllr Merryweather apologised and corrected the report, in that the £20,000 requested for legal fees had not been spent and was a contingency in the event that court action was required to terminate the lease.
- 10.14 The Executive RESOLVED the use of the Investment Advisory Board Reserve to fund the options appraisal on the Broadwater Golf Club site of £50,000 and the legal fees incurred of £20,000.**

Reason: The council's Property Investment Strategy recorded the Council's proposals in relation to Value for Money, the need for the Council to maximise the financial benefit from its assets, and to consider the development opportunities for those assets where appropriate. In furtherance of this the Council had written to Broadwater Golf Club Ltd to inform the company of the Council's decision not to renew its lease. In order to demonstrate the Council was actively pursuing the development opportunity of the site, work needed to continue to the next phase of the options appraisal.

Executive 14
08.07.20

The meeting commenced at 6.00 pm and concluded at 7.52 pm

Chairman