

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 12 MAY 2020

SUBMITTED TO THE COUNCIL MEETING – 9 JUNE 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 Kevin Deanus, Councillor Simon Dear, Councillor Sally Dickson, Councillor Jenny Else, Councillor Jan Floyd-Douglass, Councillor Michael Goodridge MBE, Councillor John Gray, Councillor Joan Heagin, Councillor Jerry Hyman, Councillor Peter Isherwood, Councillor Anna James, Councillor Stephen Mulliner, Councillor Peter Nicholson and Councillor Richard Seaborne

EXE 73/19 WELCOME, INTRODUCTIONS AND PROCEDURAL INFORMATION (Agenda item 1)

The Leader welcomed Executive Members, councillors, and members of the public watching online, to the Council's first virtual meeting, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Leader confirmed that the meeting was being streamed to the Council's YouTube channel to meet the public access requirements of the Regulations, and asked Members and Officers participating and supporting the meeting to introduce themselves for the benefit of those watching on line.

The Leader then confirmed the procedural arrangements being used for the meeting, including those in the event of any Member losing their internet connection, or the live YouTube stream being interrupted.

EXE 74/19 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 3 March 2020 were confirmed as a correct record of the meeting. These would be signed at a later date.

EXE 75/19 DECLARATIONS OF INTERESTS (Agenda item 4)

There were no interests declared in relation to items on the agenda.

EXE 76/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 5)

There were no questions from members of the public.

EXE 77/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 6)

There were no questions from Members of the Council.

EXE 78/19 LEADER'S UPDATE (Agenda item 7)

- 78.1 The Leader referred to the joint statement from the leaders of the political groups at Waverley which had been circulated with the agenda, and reiterated the thanks to Waverley staff and councillors for the way in which they had responded to the pandemic emergency, adapting to the very strange circumstances and different ways of working, and making huge efforts to support residents and businesses. The statement also highlighted to the public the actions that Waverley was taking, and the partnership work the county council, health services, town and parish councils, and voluntary sector.
- 78.2 The Leader reported that from his discussions with the leaders of other councils in Surrey and across the country, it was clear that all were concerned about the financial impact on council finances. In addition to the unexpected costs of responding to the Covid-19 emergency, councils had seen severe reductions in their usual income streams including investment income, car parking income and leisure centre income. Waverley was less severely impacted than some, but the loss of income was a serious matter.
- 78.3 The Leader commended the work of contractors who had managed to maintain services to Waverley residents and communities despite staff shortages, in particular the refuse and recycling collection contractor and the grounds maintenance contractor. Concluding, the Leader reiterated how proud he was of what the council had achieved in responding to the Covid-19 emergency.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

EXE 79/19 TEMPORARY GOVERNANCE ARRANGEMENTS (Agenda item 9)

- 79.1 The Leader introduced the report setting out proposed temporary governance arrangements that reflected the provisions of the Local Authorities (Coronavirus)

(Flexibility of Local Authority Meetings) (England) Regulations 2020 (the Regulations) that enabled remote attendance at council meetings by Members, and waived the requirement to have an Annual Council meeting before 7 May 2021. Besides holding virtual council meetings, the most significant change in governance arrangements proposed was a temporary stream-lining of the planning committee structure, moving from five committees to two committees. The proposals had cross-party support in principle, but in the interests of transparency the Standards Committee was being asked to review the proposed arrangements and make recommendations to Council.

- 79.2 Cllr Julia Potts, Leader of the Principal Opposition Group, thanked the Leader for the opportunity to contribute to the discussions about implementing virtual meetings and developing the proposals for temporary planning committee arrangements.
- 79.3 Cllr Hyman noted that the government had already indicated its likely approach of helping the country build its way out of recession, and he highlighted the pressure this would put on the council's environmental and climate change agendas. It was therefore all the more important to ensure that decision-making was robust and subject to scrutiny. He was looking for assurances that the involvement of the Standards Committee was not tokenism and there would be a genuine opportunity for scrutiny of the proposals.
- 79.4 Cllr John Gray assured Cllr Hyman that the proposals for the planning committees had been considered very carefully by the Conservative Group and the consensus had been that this was a good compromise to enable the council to continue taking planning decisions during the current crisis. He was pleased that the Standards Committee would be able to assure itself the proper procedures were being followed and the arrangements were sound. Cllr Gray advised that he had had confirmation that the Audit Committee would be meeting in July, and he felt that it would be helpful for all Members to have a briefing on the impact of the crisis on the Medium Term Financial Plan.
- 79.5 Cllr Jenny Else asked that Members be kept informed about what decisions had been dealt with by officers under delegations rather than being brought to committees, if this was the case.
- 79.6 Cllr Follows reminded Members of the Executive's commitment to openness and transparency, and recognised that in an emergency situation there was potential for abuse of authority. That was why the Executive was seeking the input of the Standards Committee and allowing them to make recommendations to Council. In addition, the report made it clear that Overview and Scrutiny was not being overlooked, and temporary arrangements would be subject to review and sunset clauses to ensure that normal arrangements were resumed as soon as Council felt it was appropriate. Cllr Merryweather endorsed the importance of scrutiny, and confirmed that he was discussing with officers the best time to hold a Member briefing on the financial situation of the Council.
- 79.7 In summing up, the Leader emphasised that the proposals were not a way of rushing through procedural changes at the expense of scrutiny; the proposals had been consulted on across political groups for a number of weeks, agreement had been reached on the principles, and he was not willing to consider changes to these until hearing the recommendations of the Standards Committee.

The Executive RESOLVED to recommend to Full Council:

- 1. That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's**

business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.

- 2. That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.**
- 3. That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.**
- 4. That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other reason.**
- 5. That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.**

RESOLVED to recommend that the Standards Committee:

- 6. Considers and makes recommendations to Full Council on the adoption of revised Procedure Rules in relation to virtual meetings, and remote attendance at meetings, including a delegation to the Monitoring Officer in consultation with the Mayor, the Leader and the Chair of the Standards Committee to make minor amendments as need is identified in the light of experience.**
- 7. Considers and makes recommendations to Full Council on the Terms of Reference of the proposed two new temporary EASTERN and WESTERN planning committees, on the basis of agreement between Group Leaders and Independent Members, together with recommendations on appropriate sunset clauses for these committees.**
- 8. Considers and makes recommendations to Full Council on any other revisions to the Scheme of Delegation that officers propose in response to the Coronavirus Act 2020, or to facilitate the Council's response to the COVID-19 emergency.**

Reason: to implement the provisions of the Coronavirus Act 2020 and the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 allowing remote attendance at council meetings by Members, and enable essential decision-making, whilst recognising that current circumstances constrain the ability to support the planned calendar of council meetings on the basis of 'business as usual'.

EXE 80/19 SAFEGUARDING POLICY FOR CHILDREN AND ADULTS AT RISK (Agenda item 11)

- 80.1 Cllr David Beaman, Portfolio Holder for Culture, Health and Wellbeing, introduced the report and revised Safeguarding Policy. The revisions to the Safeguarding Policy were not related to the current emergency, but reflected changes in Surrey County Council's structures and arrangements for Children's Services in response to their 2018 OFSTED inspection report on services for children in need of help and protection.
- 80.2 The principles set out in the policy were unchanged, but the revised policy included Surrey County Council's new multi-agency approach, *Effective Family Resilience*, and expanded on Contextual Safeguarding including Modern Day Slavery, Child Exploitation, online bullying and grooming, and anti-Semitism and hate crime. Cllr Beaman endorsed the revised Safeguarding Policy for Children and Adults at Risk, and the recommendation that it be submitted to Full Council for adoption.
- 80.3 Cllr Jerry Hyman spoke to endorse the revised Policy, and drew attention to an editing error in Appendix 5 that would need to be corrected before it was put to Full Council for approval.
- 80.4 Cllr Jenny Else commended the revised Policy but noted that she would have liked to see a clearer statement of councillors' responsibilities in relation to safeguarding and how councillors should respond when they had safeguarding concerns about children or adults. Cllr Else also had some concerns about how information sharing was covered in relation to someone without mental capacity; and, how the safeguarding approach included care homes and domiciliary care organisations.
- 80.5 Cllr Paul Follows noted that he shared concerns that the council might assume too much of the county council's responsibilities under the revised Policy, as this would not be funded. However, he recognised the importance of the Policy and recommended it to Council for adoption.

The Executive RESOLVED to recommend to Council that the Safeguarding Policy for Children and Adults at Risk be adopted.

Reason: It is a statutory responsibility for local authorities to have in place effective safeguarding arrangements.

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 81/19 WAVERLEY BOROUGH COUNCIL'S RESPONSE TO CORONAVIRUS TO DATE
(Agenda item 8)

- 81.1 The Leader introduced the Chief Executive's report which provided an account, for the record, of Waverley Borough Council's response to the unprecedented medical and social crisis of coronavirus as at the end of April 2020. The Leader reiterated his thanks to all staff for their response, and took the opportunity to commend Waverley's Senior Management Team and in particular the Chief Executive, Tom Horwood, and Strategic Directors Annie Righton and Graeme Clark, for their magnificent contribution.
- 81.2 Mr Tom Horwood, Chief Executive, outlined the scale of the response by the community and by council officers and Members to the unprecedented circumstances and the challenges that it presented. The council had supported health and social care services, but had also provided direct support to vulnerable people and to businesses in the borough. These services were continuing, even as the community and the council organisation began to move into the recovery phase. There were clear risks relating to the length of time the crisis would last, and there were financial risks to the council which would require further reporting to the Executive and possibly Full Council in the coming months.
- 81.3 Cllr Julia Potts, Leader of the Principal Opposition Group, endorsed the report which showed the tremendous effort from everyone at the council and the many community volunteers who had worked with the council in different ways. Everyone should be proud of the way in which Waverley had delivered. Cllr Potts passed on the positive feedback of businesses who had received government grants via Waverley and had commended the professional and efficient way in which these had been administered. Cllr Potts thanked the Executive for the collaborative cross-party approach they had taken, enabling her to participate in the weekly briefings and get a good understanding of what was happening behind the scenes. Cllr Potts extended the thanks of the Conservative Group to staff for their hard work, and asked if update reports could be made to future meetings so that all Members and residents were able to understand the scale of the council's work in responding to this crisis.
- 81.4 Cllr Jerry Hyman echoed the thanks to staff, noted the financial uncertainty for the council and implications for future service delivery. He asked for more detailed information in relation to the number of Covid-19 cases and deaths in Waverley, the testing and tracing arrangements, and what the council could be doing to accelerate this activity.
- 81.5 Cllr Jenny Else echoed the points made by Cllr Potts, and added that she was pleased to have received very few complaints about services such as refuse collection and grass-cutting, which indicated what a great job the council's contractors were doing in maintaining normal services in very difficult circumstances. Cllr Else went to highlight the community meals service that had expanded its capacity almost overnight to help vulnerable residents, and the phone calls to vulnerable and shielding residents and financial support provided to small businesses. Cllr Else raised a matter that was causing some confusion among vulnerable residents who had been

given food boxes but who didn't need them: there seemed to be some confusion about cancelling the food boxes might affect supermarket priority delivery slots. Cllr Ward thanked Cllr Else for raising that last point which he would look into.

- 81.6 Cllr John Gray commended the interesting and informative report, and the tremendous achievement by Waverley in what had been accomplished in just 8 weeks. The speed with which new arrangements had been developed and implemented was unprecedented, and would set the standard and expectations for the future. Cllr Gray noted that the financial impact had been referred to and asked when it would be possible to get a better understanding of the impact on the Medium Term Finance Plan, as these clearly would be felt next year, and the year after.
- 81.7 Executive Members Cllrs Follows, Williams, Palmer, Merryweather and Townsend all spoke in support of the work of the council and community in responding to the crisis, and also the town and parish councils. Additional points were raised in relation to the uncertainty about government funding to support council finances and enable services to be maintained; the need to learn lessons about doing things differently so that communities did not just recover, but were able to 'build back better'; the positive cross-party working, and partnership working between all levels of local authorities to a common goal; the extent of the uncertainty around the council's finances in the short and medium term; and the work of the Economic Development team in supporting businesses during this difficult time, and the Parks and Countryside teams in safely managing open spaces as lockdown orders were gradually relaxed.
- 81.8 In concluding the discussion, the Leader noted that the latest government announcements had not changed the way in which Waverley was working for the time being; the physical and mental wellbeing of staff was a priority concern when thinking about how to transition back to the offices, and this would be done only after careful consideration of the health and safety implications.

The Executive RESOLVED to note the report.

Reason: The report provides an account, for the record, of Waverley Borough Council's response to the unprecedented medical and social crisis of coronavirus as at the end of April 2020. It includes early notice of potential financial risks facing the Council.

EXE 82/19 AMENDMENT TO THE SCHEME OF DELEGATION - HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020 PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (Agenda item 10)

- 82.1 Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services, introduced the report that set out the proposed amendment to the delegation of Executive functions to officers. This delegation would authorise officers to act in respect of new legislation introduced by the government for the purpose of reducing public health risks posed by the incidence and spread of COVID-19. Specifically, delegation was in relation to new public protection

regulations on business closures under the Public Health (Control of Disease) Act 1984 on which local authorities were expected to lead. Cllr Palmer endorsed the recommendation, which would enable the council to act swiftly and efficiently in its health protection enforcement role for the benefit of the Waverley community.

- 82.1 Cllr Julia Potts, Leader of the Principal Opposition Group, hoped that the measures would not need to be used, but agreed that it was crucial that the council should be able to respond swiftly and legally should the need arise in order to protect the health and safety of residents and businesses in these unusual times.
- 82.3 Cllr Jerry Hyman had some concern that the delegation proposed was not just to the named Heads of Services but also to a wide range of unspecified officers across a number of services which he felt was not sufficiently specific.
- 82.4 Cllr Jenny Else asked whether the Environmental Health Officers were inspecting the kitchens of food businesses that had moved to offering a takeaway service, and whether Regulations 4 and 5 which were within the council's remit covered these operations. Cllr Rosoman assured Cllr Else that Environmental Health Officers were still inspecting takeaway businesses and supporting other businesses who were now providing takeaway services to ensure they were doing so safely. The new delegations were to take action when businesses that were supposed to be closed under the regulations were open and trading.
- 82.5 Daniel Bainbridge, Borough Solicitor, assured Members that the proposed delegation to specific Heads of Service who would authorise officers within the specified teams to act on their behalf was normal practice and avoided the Scheme of Delegation becoming unwieldy.

The Executive RESOLVED

(1) to amend the Scheme of Delegation to include:

- **the Head of Environmental and Regulatory Services,**
- **the Head of Housing Delivery and Communities,**
- **the Head of Housing Operations, and,**
- **the Head of Planning and Economic Development**

as authorised persons under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 ('the Business Closure Regulations') and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ('the Restriction Regulations') and any updating and or amending legislation; and,

- (2) the designation is also extended to officers employed within specified service teams of the Council, namely environmental health, environmental protection, environmental enforcement, licensing,**

housing management operations, private sector housing and planning enforcement.

Reason: To enable officers to enforce the Regulations effectively and efficiently where appropriate.

EXE 83/19 FUTURE DELIVERY OF HOUSING RESPONSIVE REPAIRS, VOID REFURBISHMENT AND DISABLED ADAPTATION CONTRACT (Agenda item 12)

- 83.1 Cllr Anne-Marie Rosoman, Portfolio Holder for Housing and Community Safety, introduced the report setting out the proposed approach to procuring a new contract for the provision of responsive repairs, void property refurbishments, and disabled adaptations to Waverley housing tenants in fulfilment of the council's landlord responsibilities. The need to procure a new contract followed the early termination of the contract with MPS by the contractor which had been reported to the Executive on 7 January 2020.
- 83.2 In response to receiving the notice of termination of the MPS contract the council had appointed an interim contractor on a fixed term contract to November 2021 in order to maintain services to tenants. That contract had commenced in early March, although in the current circumstances the extent of the works that could be carried out safely was limited to emergency works. The procurement of a new contracts was a complex process and it was important that the work commenced promptly, and Cllr Rosoman commended the recommended approach to the Executive.
- 83.3 Cllr Richard Seaborne, Chairman of the Housing Overview & Scrutiny Committee, reported that the Committee had scrutinised this matter in March with the benefit of an in depth briefing from officers prior to the committee meeting. The Housing Overview & Scrutiny Committee had endorsed the proposed procurement approach and welcomed the opportunity to be involved in the exploration of alternative delivery mechanisms as well as understanding the lessons learned from the previous procurement. This work would be carried out via remote meetings and was already being planned with officers in order to meet key milestones in the procurement timeline.
- 83.4 Cllr Jerry Hyman echoed the importance of learning lessons from the previous procurement exercise. He also queried whether recommendation 3.2 was procedurally correct, and it was clarified that the delegation to officers was to procure tenders from contractors to deliver the services and to make recommendations to the Executive on the award of the contract.
- 83.5 Cllr Rosoman thanked Cllr Seaborne for his positive comments and the constructive approach of the Housing Overview & Scrutiny Committee to ensuring that the proposals were robust and options were fully explored.

The Executive RESOLVED to:

- 1. agree the recommended approach to procuring a conventional JCT schedule of rates contractual arrangement to deliver the Housing Maintenance Responsive Repairs, Improvements, Voids Refurbishment and Disabled Adaptation services;**
- 2. agree to a concurrent project to explore alternative delivery methods; and**
- 3. delegate authority to the Head of Housing Operations in consultation with the Portfolio Holder for Housing, Strategic Director and Section 151 Officer to:**

- 3.1. appoint consultants to provide advice and undertake such work relevant to achieve the procurement; and**
- 3.2. procure and recommend to the Executive contractors to deliver Responsive Repairs, Improvements, Void Refurbishment and Disabled Adaptation works, within agreed budgets, in accordance with the Council's Contract Procurement Rules.**

Reason: to ensure that the Council is able to meet its statutory landlord obligations in relation to repairs and health and safety.

The meeting commenced at 6.00 pm and concluded at 8.00 pm

Chairman