

To: All Members of the EXECUTIVE

When calling please ask for:

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**Policy and Governance**

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Date: 25 March 2021

**Membership of the Executive**

Cllr John Ward (Chairman)  
Cllr Paul Follows (Vice Chairman)  
Cllr Peter Clark  
Cllr Andy MacLeod  
Cllr Michaela Martin

Cllr Mark Merryweather  
Cllr Nick Palmer  
Cllr Anne-Marie Rosoman  
Cllr Liz Townsend  
Cllr Steve Williams

Dear Councillors

A SPECIAL meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 6 APRIL 2021

TIME: 6.00 PM

PLACE: ZOOM MEETING - VIRTUAL MEETING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

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## **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.

### **AGENDA**

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **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.

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

The Leader to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for submission of questions is 5pm on Tuesday 30 March 2021.

4. **LEADER'S AND PORTFOLIO HOLDERS' UPDATES**

5. **GOVERNANCE MATTERS** (Pages 7 - 16)

[Portfolio Holder: Councillor John Ward, Councillor Paul Follows]

[Wards Affected: All Wards]

The purpose of this report is to propose a number of governance changes that are considered to be in the best interests of the Council in order to fulfil the Corporate Strategy 2020-2025, adopted in October 2020. The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:

- 'Open, democratic and participative governance'; and
- 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

## Recommendation

It is recommended that the Executive:

1. RECOMMENDS TO FULL COUNCIL that
  - the temporary WESTERN and EASTERN planning committee arrangements first incorporated into the Constitution on 22 July 2020 by Full Council and extended on 20 October 2020 by Full Council be made permanent (until such time as Full Council resolves to make any further changes to them) with the current Terms of Reference; and
  - the Head of Policy and Governance be authorised to make the corresponding revisions to the Constitution with the Chairman of the Standards Committee.
2. RECOMMENDS TO FULL COUNCIL that it
  - agrees to the principle of moving to a governance structure whereby Waverley Borough Council no longer operates four overview and scrutiny committees but instead operates *two overview and scrutiny committees*, ‘*corporate*’ and ‘*community*’, and a new *Housing Landlord Services Board* whilst retaining the existing constitutional ability to establish informal OS working groups (as set out in section 4.2); and
  - asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change, including terms of reference for the new committees.
3. RECOMMENDS TO FULL COUNCIL that it
  - agrees to the principle of moving to a governance structure whereby Waverley Borough Council expands the remit of the existing Standards Committee to become a ‘*Standards and General Purposes Committee*’ which, as well as dealing with the Standards and Constitutional issues it currently does, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere (as set out in section 4.3); and
  - asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.
4. RECOMMENDS TO FULL COUNCIL that it
  - agrees to the principle of reintroducing the capacity for *Executive Working Groups* to be constituted in order to shape and drive policy development across a range of portfolio areas (as set out in section 4.4); and
  - asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.
5. RECOMMENDS TO FULL COUNCIL that it

- Asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward to Full Council any proposed constitutional amendments arising from its review (as set out in section 4.5).

6. COMMUNITY INFRASTRUCTURE LEVY (CIL) BIDDING CYCLE 2020/2021  
(Pages 17 - 24)

[Portfolio Holder: Councillor Nick Palmer]  
[Wards Affected: All Wards]

As per the approved CIL governance arrangements, the Executive is delegated to approve bids for allocation of Strategic CIL Funding, on the recommendation of the CIL Advisory Board, subject to an upper limit of £2.5m per individual award, above which approval reverts to Full Council.

This report seeks to gain approval from the Executive for the allocation of Strategic CIL funding to the projects recommended for funding by the CIL Advisory Board.

**Recommendation**

It is recommended that the Executive agree the recommendations of the CIL Advisory Board and approve the allocation of Strategic CIL funding to the projects as set out in this report subject to the completion of the final relevant checks and the signing of funding agreements, the detail of which is delegated to the Strategic Director in consultation with the Portfolio Holder for Operations and Enforcement Services.

7. PROPERTY MATTER - LEASE OF LAND FOR 1X SUBSTATION WITH ASSOCIATED CABLING AND EASEMENTS, FARNHAM (Pages 25 - 32)

[Portfolio Holder: Cllr Andy MacLeod]  
[Wards Affected: Farnham Moor Park]

To seek approval to grant a lease to Electricity Network Company Limited for siting of a further electricity sub-station with associated cabling and easements to the Brightwells site.

**Recommendation**

That the Executive authorises the grant of a new lease to Electricity Network Company Ltd and easements for the electricity sub-stations and cabling, on the terms proposed in (Exempt) Annexe 1.

8. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman, if necessary:

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.

**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**

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## WAVERLEY BOROUGH COUNCIL

### EXECUTIVE

6 APRIL 2021

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**Title:**

### GOVERNANCE MATTERS

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**Portfolio Holder:** Cllr John Ward, Council Leader and Portfolio Holder for Policy & Governance

Cllr Paul Follows, Deputy Council Leader and Portfolio Holder for Policy & Governance

**Head of Service:** Robin Taylor, Head of Policy and Governance

**Key decision:** No

**Access:** Public

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#### **1. Purpose and summary**

1.1 The purpose of this report is to propose a number of governance changes that are considered to be in the best interests of the Council in order to fulfil the Corporate Strategy 2020-2025, adopted in October 2020. The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:

- 'Open, democratic and participative governance'; and
- 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

1.2 Shortly after the formation of the new Executive, an informal cross-party working group was formed to review the Council's governance arrangements. The group sought to research and consider options and/or proposals for new or revised governance arrangements that would be lawful, accessible, modern and fit-for-purpose and which would promote increased levels of public engagement.

1.3 This group held a number of meetings and considered a range of data and officer reports, including the governance arrangements in place at a number of other Councils. The group achieved the highest degree of consensus in respect of the detail of changes it did not wish to pursue – a transition to a committee system or Mayoral form of local governance – than it did in respect of those it did wish to pursue. However, the group coalesced, to at least some degree, around a number of themes. These were:

- The need for a governance model that is accountable, transparent, efficient and affordable;
- The importance of engaging with members of the community;

- The need to ensure all councillors, executive and non-executive, were fully informed, engaged and involved in the Council's work; and
  - The need to ensure that portfolio holders, as well as overview and scrutiny committees, are fully engaged on policy development matters.
- 1.4 Debates about governance were, to a large degree, put on pause during 2020 whilst the Council concentrated on other matters, not least responding to the Covid-19 pandemic. However, that significant and unexpected situation in itself provides an opportunity to look again with a new perspective on the way the Council operates. During 2020, temporary arrangements were put in place regarding planning committees, allowing the Council to manage its consideration of planning applications in a different way. This report therefore seeks to reopen this important discussion and brings forward a number of recommendations as to what governance changes could be considered.
- 1.5 Accordingly, this report, brought forward after discussion with the Leader, Deputy Leader and Executive, makes one recommendation to the Executive to recommend that Full Council agrees that the existing, temporary arrangements for planning committees at Waverley (recommendation 1) be now adopted permanently (or until such time as Full Council resolves to make any further changes to them).
- 1.6 At any point in the future, Full Council may either resolve to make further changes to those constitutional arrangements or alternatively may ask the Standards Committee to make recommendations to Full Council for constitutional change.
- 1.7 This report makes three further recommendations to the Executive to recommend that Full Council agree the principle of a number of governance changes relating to: the Overview and Scrutiny Committees; the Standards Committee and Executive Working Groups (recommendations 2 to 4).
- 1.8 For each of those recommendations, it is recommended that the Executive recommend to Full Council that the Standards Committee be asked to develop and recommend back to Full Council for adoption the necessary proposed constitutional amendments to achieve the proposed change in principle.
- 1.9 Finally, it recommends that the Executive recommend to Council that it asks the Standards Committee to undertake a comprehensive review of the Council's Constitution and brings any further proposals for change forward to Full Council for consideration (recommendation 5).

## 2. **Recommendation**

It is recommended that the Executive:

### 1. RECOMMENDS TO FULL COUNCIL that

- the temporary WESTERN and EASTERN planning committee arrangements first incorporated into the Constitution on 22 July 2020 by Full Council and extended on 20 October 2020 by Full Council be made permanent (until such time as Full Council resolves to make any further



changes to them) with the current Terms of Reference; and

- the Head of Policy and Governance be authorised to make the corresponding revisions to the Constitution with the Chairman of the Standards Committee.

2. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council no longer operates four overview and scrutiny committees but instead operates *two overview and scrutiny committees*, 'corporate' and 'community', and a new *Housing Landlord Services Board* whilst retaining the existing constitutional ability to establish informal OS working groups (as set out in section 4.2); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change, including terms of reference for the new committees.

3. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council expands the remit of the existing Standards Committee to become a '*Standards and General Purposes Committee*' which, as well as dealing with the Standards and Constitutional issues it currently does, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere (as set out in section 4.3); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

4. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of reintroducing the capacity for *Executive Working Groups* to be constituted in order to shape and drive policy development across a range of portfolio areas (as set out in section 4.4); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

5. RECOMMENDS TO FULL COUNCIL that it

- Asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward to Full Council any proposed constitutional amendments arising from its review (as set out in section 4.5).

### 3. Reason for the recommendation

- 3.1 To provide the Executive (and Full Council) with the opportunity to consider what changes, if any, could be made to support the Council in meeting its stated aim of promoting open, democratic and participative governance.

### 4. Background

#### 4.1 **Making existing temporary arrangements with respect to planning committees permanent (or until such time as Full Council resolves to make any further changes)**

4.1.1 At the present time, the temporary arrangements put in place with respect to planning committees will fall away after 6 May 2021 and the Council's Constitutional arrangements for considering planning committees (4 separate area committees + 1 Joint Planning Committee) would become the adopted arrangements.

4.1.2 Given that the new arrangements appear to have worked well and have arguably provided a more efficient and straightforward way of ensuring planning applications are considered and determined it is judged that there is a case for now adopting these arrangements on a permanent basis.

4.1.3 When the temporary EASTERN and WESTERN committee arrangements were put in place, the following paragraph was also adopted as a temporary arrangement.

*'that where an application could be decided under delegated authority were it not for there being a connection with a Member or Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, such special delegation expiring with the temporary planning committee arrangements'.*

There is not perceived to be any need to maintain this particular temporary arrangement in the longer term. This temporary clause would therefore fall away from 7 May.

4.1.4 Like any element of the Constitution, the Council's arrangements in respect of planning committees only form a permanent part of the Council's agreed governance framework until such time as Council resolves to make any further changes to them. Therefore, the adoption of the current temporary arrangements on a permanent basis does not bind the Council to operate these arrangements indefinitely but does remove the automatic falling away of those arrangements in the near future.

4.1.5 If recommendation 5 is agreed by the Executive and is subsequently agreed by Full Council, then the Standards Committee will undertake a comprehensive review of the Constitutional arrangements and may make further recommendations for change regarding planning committee arrangements alongside any other part of the Constitution.

## **4.2 Proposed changes to overview and scrutiny and housing governance arrangements**

- 4.2.1 Waverley Borough Council is unusual in having quite so many overview and scrutiny committees. In addition, the titles of and the terms of reference for the four current Overview and Scrutiny Committees relate back to the four corporate objectives contained within the 2016 Waverley Borough Council Corporate Plan. There have been two further corporate strategies agreed since that time. It is therefore considered to be timely to review the Council's current structure of overview and scrutiny committees.
- 4.2.2 One of the effects of having terms of reference for overview and scrutiny committees aligned to a corporate plan objectives from five years ago is that it is no longer always immediately clear which matters for attention should appear at which scrutiny committee. When this system was first adopted the Council's service plans were all structured according to those corporate plan objectives. This is no longer the case.
- 4.2.3 It is proposed that a more straightforward approach would be to have two overview and scrutiny committees. One would be internally focused, looking at the Council's corporate functions and how the Council operates. The second would focus on community-facing services. It is also proposed that rather than trying to align with any set of strategic priorities that the committees align with the Council's service delivery structures. On this basis scrutiny activity might be expected to be divided as follows (although the Standards Committee would be asked to consider this and advise on the appropriate constitutional arrangements and wording):

### Corporate O&S

- Policy and Governance
- Finance and Property
- Business Transformation

### Community O&S

- Housing Delivery and Communities
  - Housing Operations
  - Environmental and Regulatory Services
  - Commercial Services
  - Planning and Economic Development
- 4.2.4 As well as providing comprehensive Overview and Scrutiny arrangements, the Council needs to respond, in its future governance arrangements, to the separate requirements of the Charter for Social Housing Residents (Social Housing White Paper). It is anticipated that the Regulator of Social Housing will be taking on a proactive regulatory role where it is currently reactive. The Regulator will be undertaking regular inspections of landlords, including local authorities like Waverley, every four years. Other principles of the new regulation will be: an assurance-based approach; Co-regulation and being outcome-focused.
- 4.2.5 The principle relationship will remain between the tenant and the landlord, therefore tenants need will to be actively involved in the new arrangements. It is proposed

that a new *Housing Landlord Services Board* be established as the vehicle for achieving this. If Full Council agrees this new approach in principle, colleagues from the Council's housing teams will be able to advise and guide the Standards Committee in the constitutional arrangements it proposes to establish this new part of the Council's governance processes.

- 4.2.6 There are a number of elements of the Council's existing approach to Overview and Scrutiny that have worked very effectively in the past and officers recommend these components be retained. In particular, it is advised that the ability for informal working groups to be established and to work flexibly on task-and-finish projects before reporting into a public committee be retained.
- 4.2.7 None of these proposals would affect the statutory nor discretionary powers held by Overview and Scrutiny committees at Waverley. The full range of pre- and post-scrutiny modes of scrutiny would still operate but under the auspices of a revised set of committee arrangements.

### **4.3 Proposed changes to Standards Committee arrangements**

- 4.3.1 Many local authorities incorporate within their governance arrangements provisions by which any function of the Council which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to Council by statute, regulation, or council constitution can be dealt with, as required, by a committee with a 'general purposes' remit.
- 4.3.2 The Council's arrangements do not currently include a committee where such functions may be exercised and this is, in part, why the Council has tended to have new boards or committees established to fulfil specific functions. Arguably, over the longer term this has created a framework of different meetings and boards that is unnecessarily complex and complicated.
- 4.3.3 It is proposed that Full Council agrees in principle to expand the remit of the existing Standards Committee to become a '*Standards and General Purposes Committee*' which, as well as dealing with the Standards and Constitutional issues that are currently within its remit, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere.
- 4.3.4 Examples of matters that might be included in this committee include: councillor learning and development planning and polling places reviews.

### **4.4 Proposed changes regarding Executive Working Groups**

- 4.4.1 At the present time, although the Executive can convene any type of informal working group it chooses to support it in its own policy development work, this fact is not explicitly recognised within the Constitution and it is suggested this should be remedied.
- 4.4.2 This suggested change would not alter the right of Overview and Scrutiny Committees (or informal working groups convened on their behalf) to engage in

policy development work, either at the request of the Executive or because it chooses to do so.

- 4.4.3 However, it would provide a formal and more transparent route for the Executive to follow when it wishes to form a working group with the purpose of pursuing a particular area of research or policy development.

#### **4.5 Proposed comprehensive review of the Constitution**

- 4.5.1 The final recommendation is a general one. It is recommended that the Executive recommend to Council that it asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward any further recommended changes to the Constitution for Full Council for its consideration.

- 4.5.2 It is good practice for any organisation to undertake comprehensive and general reviews of key documents such as the Constitution in addition to specific reviews of specific sections of those documents. It is therefore recommended that it would be timely, in addition to recommending the specific changes noted above, for Full Council to ask the Standards Committee to undertake a general and comprehensive review of the Council's Constitution and bring forward any proposals for constitutional change.

### **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:

- 'Open, democratic and participative governance'; and
- 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

### **6. Implications of decision**

#### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no resource implications arising from these recommendations.

#### **6.2 Risk management**

There are no risk implications.

#### **6.3 Legal**

There are no specific legal implications unless the system of governance changes. For the reasons explained within this report, a system change is not contemplated at this time. The proposed changes set out above will nevertheless need to be legally compliant, and any new arrangements will need to have a basis in the statutory regime that sets down local authority governance arrangements.

## 6.4 Equality, diversity and inclusion

- 6.4.1 There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

## 6.5 Climate emergency declaration

- 6.5.1 Fewer committees would be expected to have a positive, albeit relatively minor, impact on the Council's carbon emissions due to decreased travel by councillors and decreased office energy usage.

## 7. Consultation and engagement

- 7.1 Initial consultation and engagement activity on the question of the Council's governance arrangements was conducted via the cross-party governance working group. The Leader, Deputy Leader and Executive were consulted and engaged on the specific proposals to the Executive contained within this report. Recommendations 2 tot 4 propose consultation and engagement with the Standards Committee if Full Council agrees to the recommendations for change in principle. Recommendation 5 proposes consultation and engagement with the Standards Committee as a first step towards a comprehensive review by Full Council of the Council's Constitution.

## 8. Other options considered

- 8.1 The main alternative option at the present time would be to continue to operate under the governance arrangements set out within the existing constitution. Although incremental changes have been periodically made to the Constitution over time, there has been no significant change to the arrangements it contains (except the temporary / virtual arrangements) for a number of years and therefore these recommendations seek to provide the basis upon which the Executive and Full Council can consider what case there might be for change.

## 9. Governance journey

9.1

Recommendation 1	<ul style="list-style-type: none"><li>• Executive, 6 April 2021</li><li>• Full Council, 20 April 2021 - approval</li></ul>
Recommendations 2-5	<ul style="list-style-type: none"><li>• Executive, 6 April 2021</li><li>• Full Council, 20 April 2021- agreement in principle</li><li>• Standards Committee (date TBC) – develop proposals constitutional amendments</li><li>• Full Council (date TBC) – debate and vote on proposed constitutional amendments</li></ul>

**Annexes:**

None

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**Background Papers**

1. Waverley's current constitution -  
<https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=361&MId=3672&Ver=4&Info=1>
  2. Waverley Standards Committee, 21 May 2020 'New Planning Committees Temporary Arrangements for 2020/2021' -  
<https://modgov.waverley.gov.uk/documents/s35861/2020-05-21%20New%20Temporary%20Planning%20Committees.pdf>
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**CONTACT OFFICER:**

Name: Robin Taylor

Position: Head of Policy and Governance (Monitoring Officer)

Telephone: 0148 3523108

Email: robin.taylor@waverley.gov.uk

Agreed and signed off by:

Legal Services: 24 March 2021

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

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## WAVERLEY BOROUGH COUNCIL

### EXECUTIVE

6 APRIL 2021

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**Title:**

**Community Infrastructure Levy (CIL) Bidding Cycle 2020/2021**

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**Portfolio Holder:** Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services

**Head of Service:** Zac Ellwood, Head of Planning & Economic Development

**Key decision:** Yes

**Access:** Public

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**1. Purpose and summary**

- 1.1 As per the approved CIL governance arrangements, the Executive is delegated to approve bids for allocation of Strategic CIL Funding, on the recommendation of the CIL Advisory Board, subject to an upper limit of £2.5m per individual award, above which approval reverts to Full Council.
- 1.2 This report seeks to gain approval from the Executive for the allocation of Strategic CIL funding to the projects recommended for funding by the CIL Advisory Board.

**2. Recommendation**

It is recommended that the Executive agree the recommendations of the CIL Advisory Board and approve the allocation of Strategic CIL funding to the projects as set out in this report subject to the completion of the final relevant checks and the signing of funding agreements, the detail of which is delegated to the Strategic Director in consultation with the Portfolio Holder for Operations and Enforcement Services.

**3. Reason for the recommendation**

In order to ensure robust and effective expenditure in line with the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Council's approved CIL governance arrangements which include detailed eligibility and assessment criteria.

#### **4. Background**

- 4.1 In accordance with the CIL Regulations 2010 (as amended) Strategic CIL must be spent on “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”
- 4.2 ‘Infrastructure’ is defined within the Planning Act 2008. It includes: roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces.
- 4.3 CIL should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.
- 4.4 The Council has approved the CIL governance arrangements to allow for an annual bidding cycle for the allocation of Strategic CIL receipts to enable the delivery of specific infrastructure projects that will support development in the Borough. This approval also included the use of a scoring criteria for evaluating bids for infrastructure from the Strategic CIL Fund. These governance arrangements were considered by Overview and Scrutiny prior to approval. Under delegated powers, the CIL Advisory Board made minor amendments to the Scoring Criteria, to reflect updated circumstances, and this was used for the 2020/21 CIL Bidding Cycle.
- 4.5 Infrastructure providers were invited to submit bids to the 2020/21 Strategic CIL Bidding Cycle between the 15th June 2020 and the 31st January 2021.
- 4.6 In accordance with the agreed CIL governance arrangements, the Executive is delegated to approve bids for allocation of Strategic CIL Funding, on the recommendation of the CIL Advisory Board, subject to an upper limit of £2.5m per individual award, above which approval reverts to Full Council.

#### **Available Strategic CIL**

- 4.7 As of 1<sup>st</sup> March 2021 the amount of Strategic CIL available was £1,472,986.59. In accordance with the CIL Regulations 2010 (as amended), the Council agreed that it will only award Strategic CIL up to the value of actual amounts received. CIL receipts whereby a Demand Notice has been raised but the amount is yet to be received will be subject to allocation at future bidding rounds.
- 4.8 As agreed by Council in the agreed governance arrangements for CIL, the Strategic CIL is ‘bottom-sliced’ to create a Community CIL Fund of 10% of the Strategic CIL Fund receipts, for funding low-value but desirable community infrastructure projects. Priority is to be given to bids from parish council areas that have generated relatively low Neighbourhood CIL Fund receipts.
- 4.9 As a result, as of 1st March 2021, the value of the ‘bottom-slice’ Community CIL Fund is £147,298.66.
- 4.10 The remaining Strategic CIL totals £1,325,687.93 when excluding the ‘bottom-sliced’ Community CIL Fund.

4.11 It is not necessary for the Council to allocate all the Strategic CIL funds available each bidding round, if submitted bids are not deemed high priority, the CIL shall not be allocated and will be reserved for the next bidding cycle.

### **2020/2021 CIL Bid Cycle**

4.12 The 2020 CIL Bidding Cycle received 29 bid submissions. Three of the submitted bids presented two options for consideration.

4.13 The total value of the projects submitted was just over £7.12 million and the total CIL requested was just over £3.87 million.

4.14 Officers noted that the quality and detail provided within the submitted bids varied greatly. Some submissions only included the application form, whilst others were accompanied by substantial amounts of supporting evidence and associated documentation. Officers will be working with the CIL Advisor Board to review the 2021 bidding round to make any improvements to the process and communication that may be required in the light of the learning from this first round.

### **Invalid CIL Bids**

4.15 As per the agreed governance arrangements for a CIL bid to be valid it must meet the mandatory criteria specified in the agreed CIL Bid Scoring Criteria. Eight of the submitted bids were been assessed as invalid; these submissions failed to meet the mandatory requirements for the following reasons:

<b>Applicant</b>	<b>Project</b>	<b>Reason</b>
Cranleigh Medical Practice	Installation of air-conditioning at Cranleigh Medical Practice	Project will not support development
Ewhurst Cricket Club	Development of training facilities	The organisation is not currently capable of carrying out the proposed project (Bid withdrawn)
Farnham Cycle Campaign	Installation of cycle parking in multiple locations within Farnham	The organisation is not currently capable of carrying out the proposed project
Farnham Maltings	Establishment of a digital hub	Project does not meet definition of infrastructure
Hambledon Nursey	Outside wooden shelter	Project will not support development
Hambledon Village Hall Committee	Village hall roof and window repair	Project aims to remedy a pre-existing deficiency which will not be made more severe by new development
Wonersh Parish Council	Wonersh Pepperpot junction redesign feasibility study	Project does not meet definition of infrastructure
Wonersh Parish Council	Replacement of vehicle activated sign in Shamley Green	Project aims to remedy a pre-existing deficiency which will not be made more severe by new development (Bid withdrawn)

### **CIL Advisory Board**

4.16 In total there were 21 valid CIL bid submissions. These total value of the valid projects submitted was just over £6.71 million and the total CIL requested was just over £3.46 million.

- 4.17 All valid bids were scored using the agreed CIL Scoring Criteria. Three officers independently scored all of the valid bids, following this an average score was taken for each criterion. This scoring was presented to the CIL Advisory Board, which helped informed recommendations.
- 4.18 The CIL Advisory Board met at three meetings, on the 1<sup>st</sup>, 8<sup>th</sup> and 18<sup>th</sup> of March, to discuss the merits of each valid bid. Alongside taking into account the scoring, the Members of the CIL Advisory discussed and considered the bids against the available Strategic and Neighbourhood CIL, and the potential strategic impact of each project.
- 4.19 As a result of the three meetings, the CIL Advisory Board unanimously agreed to recommend to the Executive that the twelve projects detailed within the next section of this report are allocated Strategic CIL funding.

### **Recommendations of the CIL Advisory Board**

#### **Community CIL Fund**

- 4.20 As previously referenced, as of 1st March 2021, the value of the 'bottom-slice' Community CIL Fund is £147,298.66.
- 4.21 Following detailed consideration, the CIL Advisory Board recommended that the following bids are allocated Community CIL funding:

<b>Applicant</b>	<b>Project</b>	<b>Recommended CIL Allocation</b>
Hambledon Football Club	Football Pitch Irrigation	£6,000
Badshot Lea Tennis Club	Installation of Floodlights and Replacement Clubhouse	£32,103
Cranleigh Parish Council	Snoxhall Field Play Park	£5,297
<b>Total</b>		<b>£43,400</b>

#### **Strategic CIL Fund**

- 4.22 As previously referenced, as of 1st March 2021, the value of the Strategic CIL, when excluding the Community CIL Fund, is £1,325,687.93.
- 4.23 Following detailed consideration, the CIL Advisory Board recommended that the following bids are allocated Strategic CIL funding:

<b>Applicant</b>	<b>Project</b>	<b>Recommended CIL Allocation</b>
Sustainable Schools Project (Rodborough School)	Rodborough Community 3G Football Pitch	£150,000
Glebelands School	Glebelands 3G Pitch	£155,232
Waverley Borough Council	Woolmer Hill 3G Pitch	£155,000
Farnham Cricket Club	Farnham Cricket Club Pavilion Redevelopment	£140,000
Elstead and Thursley Parish Councils	Thursley National Nature Reserve Boardwalk	£98,000

Waverley Borough Council	Expansion of the Woolmer Hill Pavilion, Haslemere	£200,000
Waverley Borough Council	Guildford to Godalming Greenway - Godalming Gateway	£200,000
Surrey County Council	Elstead to Milford Multi-User Route	£115,000
Surrey and Sussex Police	Automatic Number Plate Recognition Expansion	£48,000
<b>Total</b>		<b>£1,261,232</b>

4.24 CIL cannot be used to retrospectively fund infrastructure and therefore if the bid is allocated funding, it may be that when terms and conditions are agreed that the amount of CIL funding is reduced to ensure compliance with the CIL Regulations.

4.25 For projects approved for funding, to ensure that CIL expenditure remains in accordance with the CIL Regulations all applicants will be required to accept the terms and conditions and sign a funding agreement. Where relevant, the CIL funding will also be conditional upon the applicant obtaining any necessary building regulations and/or planning permission and any other consents or permissions that may be required. Funding agreements may specify that a project is expected to be delivered within a specific timescale. Payments will be made to successful submissions after completion of the project (or agreed major stages if appropriate) to the satisfaction of the Council and after submission of verifiable invoices, as proof of expenditure. Following the completion of the project, any unspent allocated monies (e.g. unspent contingency funds) will be returned to the Strategic CIL fund.

4.26 The Council has an obligation to report on how CIL funding is used in its Infrastructure Funding Statement (IFS) which is published annually in December.

#### Bids not recommended for funding

4.27 Following the assessment of the valid bids by the CIL Advisory Board, the following projects are not recommended for the allocation of CIL funding:

Applicant	Project	CIL Requested	Reason for not recommending funding
Waverley Borough Council	The Bourne Community Pavilion, Farnham	£947,413.46	Although the project scores well across the CIL Scoring Criteria, the exception is 'Project Cost' as, for this scheme, the request is for 90% of the project to be funded from CIL and the amount of CIL requested is considered incompatible with the total amount of Strategic CIL available for all bids..
Witley Parish Council	Witley Recreational Ground Play Area	£20,000	The nature project is more compatible with the Community CIL Fund, than the Strategic CIL fund. However, given the

			criteria for Community Fund and that Witley Parish Council has significant CIL funds available, it is considered such project is more suitable for Witley Parish Council to consider via its Neighbourhood CIL expenditure.
Jigsaw Trust	Purchase of a minibus (New/Second-hand)	£25,695/ £17,174	The submitted bid scores moderately across the CIL Scoring Criteria, but poorly specifically in relation to evidenced community support and project cost. It is considered that this project would have a limited strategic impact in supporting development.
Godalming College	Installation of Electric Vehicle Charging Points	£48,000	The submitted bid scores moderately across the CIL Scoring Criteria, but poorly specifically in relation to evidenced community support and project cost. The project offers no match funding.
Park Mead Primary School, Cranleigh	MUGA Pitch	£150,000	The submitted bid scores moderately across the CIL Scoring Criteria, but poorly specifically in relation to the environment, project cost and deliverability. The project offers no match funding.
Surrey County Council	Farnham Library Refurbishment	£287,500	The submitted bid scores poorly across the CIL Scoring Criteria, specifically in relation to the environment, evidenced community support and project cost.
Surrey County Council	Godalming Library Refurbishment	£302,500	The submitted bid scores poorly across the CIL Scoring Criteria, specifically in relation to the environment, evidenced community support and project cost.
St James Primary School, Elstead	Provision of Nursery School	£285,000	The submitted bid scores poorly across the CIL Scoring Criteria, specifically in relation to evidenced community support and project cost. The project offers no match funding.

English Rural Housing Association	Flood Risk Reduction Petworth Road/New Road	£95,000	The submitted bid scores poorly against all of the CIL Scoring Criteria. It is considered that this project would have a limited strategic impact in supporting development.
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### Next Steps

- 4.28 If the Executive approves some or all of the recommended proposals, officers will then work with the bidders on implementation, including any conditions. The CIL Advisory Board will meet next month to review the process and decide when the next round of awards will be made.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 The CIL helps to deliver infrastructure across all the priority themes and ambitions set out in the Corporate Strategy. This report supports the Corporate Strategy and Service Plan by ensuring that the Community Infrastructure Levy is spent fairly and transparently and delivers the strategic and local community infrastructure necessary to support growth.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

The CIL amounts proposed for allocation have been received so there is no impact on Waverley's budget of the proposals in this report. .

### **6.2 Risk management**

The Council will ensure it spends CIL correctly in accordance with the CIL Regulations by completing final relevant checks on all bids allocated funding, and ensuring that funding agreements address all relevant matters.

### **6.3 Legal**

Money raised through CIL can only be spent on supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure. The definition of infrastructure in section 216(2) of the PA 2008 is sufficiently wide to give the Council flexibility to choose what infrastructure it needs to deliver. Legal services will support the Council in order to ensure ongoing compliance with the Regulations.

Legal services will also support the process of preparing and agreeing funding agreements with third parties in order to ensure that funding is properly administered and safeguarded.

### **6.4 Equality, diversity and inclusion**

The signed funding agreements will ensure that matters of equality, diversity and inclusion are addressed for each infrastructure project.

### **6.5 Climate emergency declaration**

The CIL Scoring Criteria included a component of assessing how the bid supported the aims and targets of the Council's Climate Emergency. Many of the recommended bids will have significant positive impacts on the environment including the support of sustainable forms of transport, improved pedestrian and cycle routes, open space improvements and investment in social infrastructure to enable health and well-being of its residents.

**7. Consultation and engagement**

7.1 Officers have engaged with infrastructure providers throughout this process.

**8. Other options considered**

8.1 The CIL Advisory Board have given thorough consideration to each successful and unsuccessful bid throughout this process.

**9. Governance journey**

9.1 The Executive is delegated to approve bids for allocation of Strategic CIL Funding, on the recommendation of the CIL Advisory Board is subject to an upper limit of £2.5m per individual award. The Council approved its outline CIL Governance arrangements on 11 December 2018 and the detailed criteria and financial thresholds were considered by Value for Money O&S Committee on 18 February 2019 and approved by Council 19 March 2019.

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**Background Papers**

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

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Agreed and signed off by:  
Legal Services: 24/03/21  
Head of Finance: 22/03/21  
Strategic Director: 24/03/21  
Portfolio Holder: 22/03/21



**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**6 APRIL 2021**

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**Title:**

**Property Matter –  
Lease Of Land For 1 X Substation  
With Associated Cabling And Easements, Farnham**

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**Portfolio Holder: Cllr Andy MacLeod, Portfolio Holder for Planning Policy and Brightwells**

**Head of Service: Kelvin Mills, Head of Commercial Services**

**Key decision: No**

**Access: Part Exempt**

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

Annexe 1 to 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 Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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**1. Purpose and summary**

To seek approval to grant a lease to Electricity Network Company Limited for siting of a further electricity sub-station with associated cabling and easements to the Brightwells site.

**2. Recommendation**

That the Executive authorises the grant of a new lease to Electricity Network Company Ltd and easements for the electricity sub-stations and cabling, on the terms proposed in (Exempt) Annexe 1.

**3. Reason for the recommendation**

It is recommended that the Executive authorise the lease in order to progress the regeneration project at Brightwells.

#### **4. Background**

- 4.1 The Brightwells development in Farnham necessitates a total of 5 new electricity sub-stations within the boundary of the development to serve the scheme.
- 4.2 The Executive approved 4 sub-station leases at its meeting in December 2019. Since then a further sub-station has become necessary as a change to the residential gas provision has been made.
- 4.3 The location of the sub-station is as shown on the plan at Annexe 2. The easement route is shown on the plan (in blue), and all legal paperwork will be completed to put in place the required rights of easement and access.
- 4.4 The Council is not able to charge for the easement as per the restrictions from utility companies.

#### **5. Relationship to the Corporate Strategy and Service Plan**

**A strong, resilient local economy:** The proposal is to provide a seamless electricity supply to the new Brightwells development in Farnham, benefiting businesses and facilities within this area, and minimising disruption. To create a business-friendly culture in Waverley Borough Council that supports local businesses to be successful.

#### **6. Implications of decision**

##### **6.1 Resource (Finance, procurement, staffing, IT)**

There is no significant impact to Waverley resources. The proposal will see no reduction in rental income.

##### **6.2 Risk management**

The lease has been agreed via external lawyers.

##### **6.3 Legal**

The substation will be sited within the Brightwells development and easements will therefore be required in order for cabling to be installed and for future access by the lessee.

##### **6.4 Equality, diversity and inclusion**

There is no impact.

##### **6.5 Climate emergency declaration**

The addition of an electricity sub-station supports the move from gas to sustainable electricity supplies at the development.

**7. Consultation and engagement**

The sub-stations are part of the overall planning permission requirements.

**8. Other options considered**

N/A

**9. Governance journey**

Because this lease is for a term of more than 25 years it cannot be agreed under officer delegation and requires Executive approval.

**Annexes:**

Exempt Annexe 1 – Terms

Annexe 2 – Lease Plan

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**Background Papers**

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

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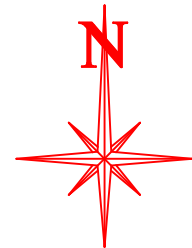
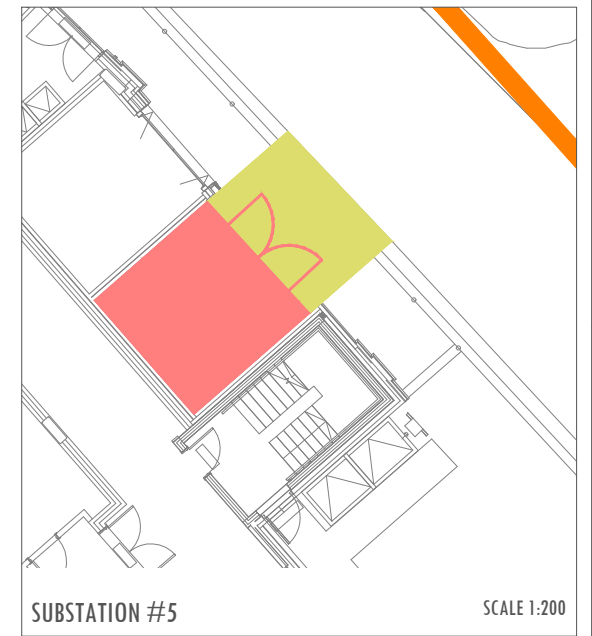
Agreed and signed off by:  
Legal Services: 18/03/2021  
Head of Finance: date  
Strategic Director: 22/03/2021  
Portfolio Holder: 24/03/2021

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Drawing Scale : 1:1250  
 O.S.REF : (484223,146961)  
 Network Number : N0019789-1  
 Project Number : P-0095679-0001  
 Drawing Number : P-0095679-DWG-904-Legal Plan Sub #5  
 Developer : Crest Nicholson Regeneration  
 Location : East Street  
 Farnham  
 Surrey, GU9 7RX



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**LEGEND**

Substation	
ENC cable easement	
ENC & SSE 24 hr access & ENC & SSE cable easement	

Rev	Revision Note	Date	Drawn by	Approved
0	Original Issue	17/12/20	MDB	FP

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