

To: All Members of the EXECUTIVE

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Date: 25 August 2023

Membership of the Executive

Cllr Paul Follows (Chair)
Cllr Peter Clark (Vice Chair)
Cllr Tony Fairclough
Cllr Victoria Kiehl
Cllr Mark Merryweather

Cllr Kika Mirylees
Cllr Nick Palmer
Cllr Paul Rivers
Cllr Liz Townsend
Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 5 SEPTEMBER 2023

TIME: 6.00 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

The meeting can be viewed remotely via [Waverley Borough Council's YouTube channel](#) or by visiting www.waverley.gov.uk/webcast.

Yours sincerely

Susan Sale,
Executive Head of Legal & Democratic Services & Monitoring Officer

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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.

Prior to the commencement of the meeting, the Leader, Deputy Leader or an appropriate Portfolio Holder to respond to any informal questions from members of the public, for a maximum of 15 minutes.

[Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.]

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **MINUTES** (Pages 5 - 16)

To confirm the Minutes of the Meeting held on 1 August 2023.

3. **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.

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

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday 29 August 2023.

5. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

The deadline for receipt of questions is 5pm on Tuesday 29 August 2023.

6. LEADER'S AND PORTFOLIO HOLDERS' UPDATES

7. RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES

There are no Overview and Scrutiny recommendations to the Executive.

8. TEMPORARY SHARED STAFFING ARRANGEMENTS (Pages 17 - 24)

Portfolio Holder for Organisational Development and Governance

Recommendation:

That the Executive resolves to:

- I. Approve the principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme;
- II. Delegate authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme;
- III. Delegate authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

9. NEW BUILD HOUSING DELIVERY - AARONS HILL, GODALMING (Pages 25 - 36)

Co-Portfolio Holder for Housing (Delivery)

Recommendation:

That the Executive resolves to:

- I. Give delegated authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements and to Strategic Director (Place) to enter into the JCT Contract with the

- preferred contractor.
- II. Give delegated authority to the Strategic Director (Place) to approve pre contract agreements with the preferred contractor to enable the development of the project and authorise spend in accordance with the budget.
- III. Give delegated authority to the Strategic Director (Place) to enter into any related contractual documentation (including collateral warranties or agreements) relating to the project.
- IV. Give delegated authority to the Strategic Director (Place) to enter into any ancillary agreements related to the project provided that these are within the project budget.
- V. Give delegated authority to the Executive Head of Legal and Democratic Services to approve and enter into a Grant Agreement with Homes England for the provision of Rough Sleeper Accommodation and delegated authority to the Strategic Director of Place to administer the grant.
- VI. Approve of the allocation of an additional £80k budget to be met through a combination of capital receipts and borrowing.

10. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

11. SUPPLEMENTARY BUDGET ESTIMATE FOR THE ROLE OF PROJECT OFFICER (Pages 37 - 52)

Portfolio Holder for Finance, Assets and Property

Recommendation:

That the Executive approve the recommendations set out in the Exempt report.

12. RECRUITMENT - TENANT INVOLVEMENT OFFICER GROWTH BID (Pages 53 - 90)

Co-Portfolio Holder for Housing (Operations and Services)

Recommendation:

That the Executive approve the recommendations set out in the Exempt report.

13. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

For further information or assistance, please telephone
Ben Bix, Democratic Services Manager, on 01483 523354 or by email
at ben.bix@waverley.gov.uk

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 1 AUGUST 2023

SUBMITTED TO THE COUNCIL MEETING – 17 OCTOBER 2023

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

Present

Cllr Peter Clark (Vice Chair, in the Chair)	Cllr Nick Palmer
Cllr Tony Fairclough	Cllr Paul Rivers
Cllr Victoria Kiehl	Cllr Liz Townsend
Cllr Mark Merryweather	Cllr Steve Williams
Cllr Kika Mirylees	

Apologies

Cllr Paul Follows

Also Present

Councillor Michael Higgins, Cllr Jerry Hyman, Cllr Andy MacLeod

EXE 27/23 MINUTES (Agenda item 2)

27.1 The Minutes of the Meeting held on 4 July 2023 were confirmed as a correct record.

EXE 28/23 DECLARATIONS OF INTERESTS (Agenda item 3)

28.1 Cllr Paul Rivers, Co-Portfolio Holder for Housing (Operations and Services) declared a non-pecuniary interest in relation to Item 10 (Housing Delivery – Local Authority Housing Fund). This report recommended that the Council purchase properties for rent, ring-fenced for allocation to Ukrainian or Afghan refugees on the Government's re-settlement and relocation schemes. Cllr Rivers and the Mayor, Cllr Penny Rivers, had been hosting a Ukrainian family since before this Government scheme was announced.

28.2 Cllr Rivers wished to avoid any perception that the family he and the Mayor were hosting might receive preferential treatment because they were being hosted by two Members of the Council, one of whom (as Co-Portfolio Holder for Housing (Operations and Services)) may be in a position to review and comment on processes associated with exercising related allocations.

28.3 Cllr Liz Townsend, Portfolio Holder for Planning, Regeneration and Economic Development declared a non-pecuniary interest in relation to Item 9 (New Build Housing Delivery, Ewhurst) as she was the Surrey County Councillor for the Cranleigh and Ewhurst division.

EXE 29/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

29.1 There were no questions from members of the public.

EXE 30/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

30.1 The following question had been received from Cllr Michael Higgins:

"Downhurst Road in Ewhurst is made up of a number of young families that enjoy using play areas. A number of residents have expressed support for replacing the houses (to be discussed at item 9 on the Agenda) with further Social Housing but they are concerned that the play area will be lost in the process. Could the Executive provide reassurance that they remain committed to retaining and refurbishing play areas including the one in Downhurst Road?"

30.2 Cllr Nick Palmer, Co-Portfolio Holder for Housing (Delivery) provided the following response:

"The Council is in the process of developing the plans for the site at Downhurst Road which includes six existing properties and the current grassed play area to the rear of their gardens.

Pre-application advice has been obtained on the current plans which include the relocation and reprovision of a new play area as part of the new development proposals.

When the design for the new build scheme has been developed further and ahead of submission of a planning application, the Development Team will arrange an informal consultation 'drop in' event in the village. At this event residents will have an opportunity to see the proposals for the new homes, play area and share with their comments on them with officers and some members of the design team."

EXE 31/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

31.1 The Deputy Leader advised that the Executive was considering its response to the Planning Inspector's decision in the Waverley Lane appeal, and Cllr Townsend as the relevant Portfolio Holder would have more to say on this.

31.2 Cllr Clark went on to report that 60% of councillors were now using the new Samsung tablets, which was good progress on the journey to reducing the use of paper within the council. However, Cllr Clark stressed that no councillor would be forced to give up paper copies of agendas if they had valid reasons.

31.3 Cllr Victoria Kiehl advised that work had begun on reviewing the arrangements for executive decision-making which was currently very centralised. This could lead to the need for additional meetings to meet decision deadlines which was not a good use of council time. Cllr Kiehl and officers would be engaging with the Chairs of the Overview and Scrutiny Committees and the Standards and General Purposes Committee as proposals developed.

31.4 Cllr Merryweather, as Ward Member for Farnham Moor Park, noted that the Waverley Lane appeal decision had caused a huge amount of confusion and

distress to residents and he thanked the Portfolio Holder for Planning, Cllr Townsend, other Executive members, and officers who were working very hard to identify how this might be remedied.

- 31.5 Cllr Kika Mirylees reported that talks were continuing between the council, Woolmer Hill School and Surrey County Council regarding the future of The Edge. However, the outdoor sports pitches continued to be used by the community. The council was in discussion with the disability sports group about their requirements to see how they might be temporarily re-located, and the other groups and clubs that used the Edge were encouraged to contact the council to discuss their requirements.
- 31.6 The gym upgrades at the Farnham, Godalming and Haslemere Leisure Centres would be taking place in the current financial year, including replacement of all gym equipment and décor. The new contractor, Everyone Active, had started well and officers were discussing with them the refurbishment of the Farnham Leisure Centre.
- 31.7 The first project meeting for the Museum of Farnham project would take place later in the week, following which there would be a clear timeline for delivery of the scheme.
- 31.8 Cllr Nick Palmer reported that the Community Infrastructure Levy (CIL) bidding round for this year had now opened and he encouraged Members to engage with local community groups to alert them to the opportunity to bid for funds.
- 31.9 Cllr Liz Townsend echoed Cllr Mirylees' frustration with the slow progress on finding a resolution to the issues at The Edge. Cllr Townsend also confirmed that the council was working alongside Farnham Town Council to look for grounds on which to challenge the Inspector's decision in the Waverley Lane appeal and she would provide a further update in due course.
- 31.10 Cllr Townsend reminded Members that a High Court judge had decided that a legal challenge to the adoption of the Waverly Borough Local Plan Part 2 (LPP2) should be heard as a court hearing. The Planning Policy team were preparing papers to submit to the court. At this stage the claimants had only had to convince the judge that there was an arguable case and the hearing would take place over a couple of days in the Autumn. The grounds of the challenge related to the way that the Planning Inspector who examined LPP2 considered its relationship with Local Plan Part 1, and to his conclusions regarding the developability of a site in Milford. The Secretary of State for Levelling Up, Housing and Communities had appointed an Inspector and was a defendant in the case alongside the council. The adoption of LPP2 had been a really positive step for the borough and a considerable achievement for this council and the planning arguments were fully scrutinized at the public examination. Although it was not unusual for a plan to be challenged it was nonetheless very frustrating and would undoubtedly divert resources away from other important planning matters. The council would be robustly defending the adoption of LPP2 and would continue to give the adopted LPP2 full weight in planning decisions until such time as the High Court ruled otherwise.

31.11 Further to the Public Space Protection Orders recently approved by Council, Cllr Tony Fairclough advised that under the Prime Minister's Anti-Social Behaviour Action Plan the government would be consulting on increasing the maximum fixed penalty fine to up to £500 for a number of offences including littering, graffiti, fly posting and fly-tipping, but there was no mention of breaches of dog controls. There was also no timetable for the proposed consultation.

31.12 Cllr Steve Williams reported on the deep disappointment on hearing the High Court ruling in favour of the Secretary of State and against the objections of Waverly Borough Council to the proposal of UK Oil and Gas (UKOG) to drill for fossil fuels in Dunsfold. He further advised that the council was seriously considering the legal options available and was working closely with Protect Dunsfold, who were co-defendants in the case.

EXE 32/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES
(Agenda item 7)

32.1 The Deputy Leader advised that there were no recommendations to the Executive from the meeting of the Resources Overview and Scrutiny Committee on 10 July 2023.

EXE 33/23 NEW BUILD HOUSING DELIVERY - CHIDDINGFOLD (Agenda item 8)

33.1 Cllr Palmer, Co-Portfolio Holder for Housing (Delivery) presented the report which proposed demolition of a number of existing properties to enable the delivery of 26 new homes across five sites in Chiddingfold. The project had been approved by Council on 13 December 2022 and work had progressed since in full consultation with tenants affected. The scheme remained financially viable and approval was now sought to move to the next stage of the project.

33.2 Cllr Liz Townsend spoke in support of the project and emphasised the importance of the council building houses for social rent that would be affordable for residents on the housing list.

33.3 The Executive RESOLVED to:

- i. enter into a contract with the preferred contractor Feltham Construction Limited for the delivery of the works.**
- ii. give delegated authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements and to Strategic Director (Place) to enter into the JCT Contract.**
- iii. give delegated authority to the Strategic Director (Place) to approve pre contract agreements with the preferred contractor to enable the development of the project and authorise spend in accordance with the budget.**

- iv. **give delegated authority to the Strategic Director (Place) to enter into any related contractual documentation (including collateral warranties or agreements) relating to the project.**
- v. **give delegated authority to the Strategic Director (Place) to enter into any ancillary agreements related to the project provided that these are within the project budget.**
- vi. **approve the sale of five shared ownership homes to be delivered on the Chiddingfold sites with the Executive Head of Housing Services in consultation with Co-Portfolio Holders for Housing (Delivery, and Operations) authorised to approve the final terms of such sales having regard to market value; and the Executive Head of Legal and Democratic Services authorised to approve the final form of the sale agreements and any ancillary related legal agreements.**
- vii. **give delegated authority to the Executive Head of Housing Services in consultation with the Co-Portfolio Holders for Housing (Delivery, and Operations) to approve the future sale of percentage shares.**

33.4 The Executive further RESOLVED to recommend to Council that an allocation of an additional £402,332 budget from reserves be approved.

EXE 34/23 NEW BUILD HOUSING DELIVERY, EWHURST (Agenda item 9)

- 34.1 Cllr Palmer introduced the report that proposed to progress an affordable housing development by the council in Ewhurst through the acquisition of a former council-owned flat which would enable the demolition of 6 properties which were currently unoccupied and not habitable, and which had been deemed as dangerous buildings. The intention was to then develop the site to deliver twelve affordable homes for rent.
- 34.2 Cllr Michael Higgins, Ward Member for Ewhurst and Ellens Green, thanked officers for keeping him updated on the development of the site. Residents were concerned about the future of the site, which had been cordoned off for some time, and also about the play area that was used by a number of young families living nearby. Cllr Higgins had been reassured by Cllr Palmer's response to his earlier question regarding the play area, and he fully supported the recommendation to demolish the properties in question and to progress the delivery of new affordable homes for Ewhurst. This first step would show real intent on the part of the council to fulfil its ambitions to increase the provision of affordable and social housing.

34.3 The Executive RESOLVED that:

- i. **the buyback of one leasehold maisonette on best terms, legally required and reasonably obtainable and the use of the buyback reserve for this, together with any related professional costs and Stamp Duty Land Tax be approved**
- ii. **the demolition of existing properties in advance of submission of a full planning application, to mitigate the risk associated with**

properties with significant movement due to subsidence be approved.

- iii. delegated authority be given to the Executive Head of Housing in consultation with Executive Head of Finance (S151 Officer) to approve the final terms of the purchase.**
- iv. delegated authority be given to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements relating to purchase.**
- v. a £100k budget be allocated from reserves to commission consultant services and demolition contractor to demolish the existing properties and associated works. This budget allocation to be included within the financial viability appraisal that will accompany the business case for the new build scheme when it is bought forward later in the year.**
- vi. delegated authority be given to the Strategic Director (Place) to enter into any related contractual documentation relating to this demolition stage of this project.**
- vii. delegated authority be given to the Strategic Director (Place) to enter into any ancillary agreements related to the project provided that these are within the allocated budget.**

EXE 35/23 HOUSING DELIVERY - LOCAL AUTHORITY HOUSING FUND (Agenda item 10)

- 35.1** Cllr Paul Rivers, Co-Portfolio Holder for Housing (Operations and Services) introduced the report setting out how the council proposed to use capital funding from the Department for Levelling Up, Housing and Communities (DLUHC) to obtain additional housing for families with housing needs who had arrived in the UK via the Ukrainian and Afghan resettlement and relocation schemes.
- 35.2** Cllr Rivers drew attention to the EDI impacts, as the properties acquired with LAHF capital would be let in the first instance to households of specific nationalities. However, at the end of the fixed term, these homes would be brought into general need housing stock and let to qualifying households on Waverley's housing register. Financial modelling showed a positive net revenue impact over the life of the assets, for both the new builds and homes acquired on the open market.
- 35.3 The Executive RESOLVED to:**
 - i. approve the principles of the Council using the Local Authority Housing Funding Scheme, and forward financing the acquisition or allocation of property under this scheme.**
 - ii. approve the principle of purchasing properties on the terms set out in the report and Exempt Annexe 1 and to delegate authority**

to the Executive Head of Housing in consultation with the Co-Portfolio Holders of Housing (Delivery and Operations) to approve the purchase of properties to deliver this project.

- iii. **approve the principle of allocation of the 11 homes as set out in 'Allocations' (Section 10) of this report, with the additional wording for the Allocation scheme to be approved by Executive Head of Housing and Housing Portfolio Holder (Operations) in line with Waverley's Allocations Scheme for housing applicants.**
- iv. **delegate to the Executive Head of Housing the authority to tender and enter into any contract to repair or bring up to standard any property purchased under this project in accordance with the principles set out in the Exempt Annexe 1**
- v. **grant delegated authority to the Executive Head of Legal and Democratic Services to approve the final form of wording of any legal agreement related to the project.**
- vi. **approve the reallocation of 4 two bed shared ownership homes at Ockford Ridge, Site C to allocation as homes for affordable rent for use within this scheme.**

EXE 36/23 69 HIGH STREET, GODALMING (Agenda item 11)

- 36.1 Cllr Mark Merryweather, Portfolio Holder for Finance and Assets, introduced the report which recommended the preferred option for developing the property asset at 69 High Street, Godalming.
- 36.2 Cllr Merryweather explained that much of the reporting relating to this matter had to be restricted to Exempt papers for good reason including commercial confidentiality, and it would be necessary to move into Exempt session, but there were a few points of principle that he wished to draw out from the public part of the report:
1. When the council acquired this site nearly 18 months ago, the objective was – and it still was - to provide much needed genuinely affordable housing and to re-invigorate the one empty High Street unit that we could.
 2. The council had not been immune to the macro-economic climate which had made this project so much more difficult, but there were still options to deliver the intended outcome that were financially viable and demonstrated value for money. The macro-economic climate meant that these and other options had weakened from where they were 18 months ago, while others had even had to be all but ruled out, but the recommended option was still expected to achieve the original outcome and pay for itself.
 3. Indeed, beyond the base case version of recommended Option 3 presented in the Exempt Annexes, the council also had funding reserve

capacity to improve on that base case should it chose to do so, plus the flexibility to progress the residential element through either the General Fund or the Housing Revenue Account – decisions that did not have to be taken now.

4. While the council had to assess the project's value for money, it was not allowed to undertake the project primarily to make a profit, a yield, either in income or capital terms. In contrast though, and precisely because of the exact same macro-economic factors, it would not be in the council's strategic or financial interests to abandon the project and exit now into the open market.
- 36.3 Cllr Merryweather thanked council officers and the council's team of independent professional expert advisers who had worked so hard to update all of the analyses in this period of exceptional economic turmoil.
- 36.4 Before moving into exempt session, the Deputy Leader asked the Executive Head of Legal and Democratic Services and Monitoring Officer to respond to a point raised by Cllr Jerry Hyman prior to the meeting regarding whether the Executive was able to make a decision in Exempt session, referring to Paragraph 9 of revised Part 1 of Schedule 12A of the Local Government Act 1972. The Executive Head of Legal and Democratic Services confirmed that she was satisfied that the report did contain exempt information in accordance with paragraph 3 of Schedule 12A to the Local Government Act 1972 which provided that information that related to the financial or business affairs of any particular person including the authority holding that information could be deemed to be exempt. There was financial information within the report relating to the council's position which she considered did render it exempt. The Executive did also need to consider the public interest test when looking at exempt information and balance whether the public interest in a matter outweighed the need to keep the information exempt, and in this case she advised that it did not because the information was commercially sensitive.
- 36.5 At 6.30pm, on the recommendation of Cllr Merryweather, the Deputy Leader put the recommendation and the Executive **RESOLVED 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 detailed consideration of the report and recommendations on the grounds that it was likely 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 in Paragraph 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 36.6 During the course of the discussion in Exempt session, Cllr Jerry Hyman spoke and expressed concerns about the assumptions and unknowns, and uncertainty about the housing element of the project.

36.7 At 7.03pm, the Executive meeting resumed in open session and the Executive **RESOLVED** to:

1. **approve the phasing of the project.**
2. **approve the Outline Business Case and project timeline for the Phase 1 of the revised project (Exempt Annexe 1).**
3. **recommend to Full Council the approval of a budget of £230,000 (Exempt Annexe 2), to be met from the Asset Investment Reserve, to progress Phase 1 of the revised project. This will be to deliver the commercial element of the project to RIBA Stage 4 (the detailed design phase) and to enable the submission of a planning application for the commercial unit.**
4. **delegate authority to the Strategic Director of Place, in consultation with the Lead Portfolio Holder, to submit a new planning application for the commercial unit, including demolition to facilitate delivery and preparation for the prospective housing.**
5. **recommend to Full Council the approval of an overall capital budget of £1.96 million (including the £230,000 referred to above), as per the breakdown in Exempt Appendix 4, to cover the anticipated cost of the capital works to the commercial unit, with delegation to Executive to approve the final budget once tender returns for the construction contract have been received.**
6. **delegate authority to the Executive Head of Assets and Property to enter into a long-term (15 years) commercial lease for 69 High Street.**
7. **delegate authority to the Strategic Director of Place to:**
 - i. **Approve the commencement of tender process for construction contracts, including those of the professional team.**
 - ii. **Approve the appointment of contractors following appropriate procurement subject to the appointment being within the identified budget.**
 - iii. **Approve the entering into any related contractual documentation (including collateral warranties and novation agreements) related to the development of the project.**
 - iv. **Approve the entering into any agreement (including paying any necessary sums provided they are within the project budget) with any utility or related provider to ensure the connection, moving or management of any services to facilitate the project.**

The meeting commenced at 6.00 pm and concluded at 7.04 pm

Chairman

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

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Waverley Borough Council

Report to: Executive

Date: 5 September 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

Author: Susan Sale, Monitoring Officer

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Lead Councillor responsible: Cllr Victoria Kiehl

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Report Status: Open

Temporary Shared Staffing Arrangements

1. Executive Summary

- 1.1 Whilst the Council considers the development and options relating to further collaborative working with Guildford Borough Council, opportunities are arising that could benefit the Council. This report seeks to provide authority to enable such opportunities, relating to staffing, to be realised on a temporary basis, pending any further, more formal, decisions regarding the collaboration and transformation programme in the future.

2. Recommendation to Executive

That the Executive resolves to:

- 2.1. Approve the principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme;

- 2.2. Delegate authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme;
- 2.3. Delegate authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

3. Reasons for Recommendation:

- 3.1. To ensure that officers have sufficient agility in operational decision making to embrace opportunities that may arise regarding temporary staffing arrangements, that are likely to be beneficial to both councils in terms of cost, efficiency and skills, whilst retaining flexibility for any future longer-term arrangements brought about through the Transformation and Collaboration Programme.
- 3.2. To ensure that there is a robust governance process around the sharing of staff on an interim basis, including arrangements for the sharing of costs, terminating any such agreements and resolving any disputes in a fair and transparent manner.

4. Exemption from publication

- 4.1. Open

5. Purpose of Report

- 5.1. The purpose of the report is to secure agreement from the Executive to optimise opportunities that arise to share staff between the two Councils on an interim basis where it is clearly in the best interests of both councils to do so.
- 5.2. The report proposes that the Joint Chief Executive be provided with the authority to make temporary staffing arrangements across the two councils, where they support the collaboration and

transformation programme, with robust governance arrangements and legal agreement in place.

6. Strategic Priorities

- 6.1. A vision for the partnership between Guildford Borough Council and Waverley Borough Council was supported by both Executives and is due to be considered for formal agreement.
- 6.2. The proposal of sharing staff across the two authorities on a temporary basis is to support the Transformation and Collaboration programme until it reaches the delivery stage.

7. Background

- 7.1. On 6 July 2021, Guildford Borough Council and Waverley Borough Council each agreed to create a single management team and bring forward business cases for future collaboration. An inter authority agreement was entered into in April 2022 to govern the arrangements for such jointly appointed staff.
- 7.2. Whilst the Joint Management Team is exploring longer term possibilities for providing services differently, some opportunities to share staff through informal and interim collaboration have arisen.
- 7.3. Approval is sought for the councils to enter into a further inter authority agreement for such existing informal arrangements to put them on a more secure footing with more robust governance in place.
- 7.4. Approval is further sought from the Executive to support the principle of shared staff arrangements, where they support the transformation and collaboration programme, and for the Joint Chief Executive to be able to approve such arrangements where there is a business case to do so.
- 7.5. It is proposed that a further inter authority agreement is entered into between the two councils to govern arrangements for sharing staff

on an interim basis. The principal terms of such an agreement would include

- The ability to terminate the agreement on 3 months' written notice in the event of a breach;
- The ability to terminate the agreement on 12 months' written notice where there is no breach;
- Disputes to be resolved by negotiation or, if not successful, mediation;
- The sovereignty and identity of each party is to be preserved;
- Accountability for services delivered through the interim shared staffing arrangements remains with the Party with whom the statutory responsibility lies;
- The Corporate Management Board and/or Joint Management Team have the responsibility of overseeing the staffing arrangements;
- Costs associated with the operation and management of the staffing arrangements shall be shared on a 50:50 basis unless the parties agree otherwise;
- The ownership of each Party's property and assets shall continue to be retained by that Party;
- Each party will make its premises available to the other for ad hoc meetings and working space subject to sufficient space being available to the host Party at no charge;
- Each party will retain its own ICT facilities and make them available to officers in shared roles.

8. Consultations

- 8.1. Consultation with both councils' Executives has taken place at a joint informal meeting of the Executives in June 2023.

9. Key Risks

- 9.1. The programme initiation document sets out the risks identified early in the set-up of the Transformation and Collaboration programme.
- 9.2. The risk of not approving temporary staff sharing arrangements is that opportunities that arise and benefit both councils will be lost, there could be a loss of economic and service efficiency and difficulties in recruitment and retention.

10. Financial Implications

- 10.1. Any financial implications will be governed by the inter authority agreement.

11. Legal Implications

- 11.1. Section 113 Local Government Act 1972 provides a local authority with a statutory power to enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, after consulting with such officers.
- 11.2. An inter authority agreement, in accordance with s113 Local Government Act 1972 was executed between the parties of Guildford Borough Council and Waverley Borough Council on 13 September 2022 to govern the provision of a joint senior management team.
- 11.3. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the

Council must be responsible for certain decisions. They include the power to make arrangements with other local authorities for the placing of staff at the disposal of those other authorities in accordance with section 113 Local Government Act 1972, as a local choice function. Both the constitutions of Guildford Borough Council and Waverley Borough Council confirm that the local choice function is that such functions are Executive matters.

11.4. Authority is therefore sought from each council's Executive to delegate authority to the Joint Chief Executive, to approve proposals for interim staffing arrangements, subject to consideration of a business case.

11.5. Further authority is sought from each Council's Executive to authorise the Joint Executive Head of Legal and Democratic Services to enter into an inter-authority agreement between the two councils to govern the sharing of staff on an interim basis, in accordance with s113 Local Government Act 1972.

12. Human Resource Implications

12.1. Where the Joint Chief Executive agrees a temporary staffing arrangement, consultation will take place with any staff affected, and Unison where appropriate. Temporary changes will be made to their employment contracts as required. **13. Equality and Diversity Implications**

13.1. No issues raised.

14. Climate Change/Sustainability Implications

14.1. No issues raised.

15. Background Papers

- Minutes of the Guildford Borough Council meeting 6 July 2021
- Minutes of the Waverley Borough Council meeting 6 July 2021
- Minutes of the Guildford Borough Council meeting 5 April 2022
- Minutes of the Waverley Borough Council meeting 22 April 2023

- Guildford Borough Council Constitution

16. Appendices

None.

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Waverley Borough Council

Report to: Executive

Date: 5 September 2023

Ward(s) affected: Aarons Hill

Report of Director: Place

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Executive Portfolio Holder: Councillor Nick Palmer

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Report Status: Part Exempt

New Build Housing Delivery Aarons Hill

1.0 Executive Summary

- 1.1 The purpose of this report is to seek formal approval to enter into a contract for the demolition of existing and delivery of 4 new homes in Aarons Hill, Godalming.

- 1.2 Members have already considered and approved the business cases for and delivery of these homes and full project budget at a meeting of Full Council on 13 December 2022. However, following this approval the contractor submitted a revised tender sum to reflect the impact of inflation and market conditions since tendering for the contract. Due to this an additional budget is required to ensure that

the contingency is in place when we enter into contract. The scheme remains financially viable.

2.0 Recommendation to Executive

It is recommended that the Executive approves:

- i. Giving delegated authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements and to Strategic Director (Place) to enter into the JCT Contract with the preferred contractor.
- ii. Giving delegated authority to the Strategic Director (Place) to approve pre contract agreements with the preferred contractor to enable the development of the project and authorise spend in accordance with the budget.
- iii. Giving delegated authority to the Strategic Director (Place) to enter into any related contractual documentation (including collateral warranties or agreements) relating to the project.
- iv. Giving delegated authority to the Strategic Director (Place) to enter into any ancillary agreements related to the project provided that these are within the project budget.
- v. Give delegated authority to the Executive Head of Legal and Democratic Services to approve and enter into a Grant Agreement with Homes England for the provision of Rough Sleeper Accommodation and delegated authority to the Strategic Director of Place to administer the grant.
- vi. Approval of the allocation of an additional £80k budget to be met through a combination of capital receipts and borrowing.

3.0 Reason for Recommendations:

- 3.1 The Executive and Full Council have previously approved the Business Case for this site and the recommended authority is required to enter into the contract with a build contractor and approve additional budget to facilitate delivery of the new homes on this site through a JCT Design and Build Contract. Through delivery of the project there

may be a requirement to enter into project related contractual documents or ancillary agreements.

- 3.2 The Waverley Corporate Strategy 2020-2025 sets out the Vision and Strategic Priorities for the Council. One of the strategic priorities is to 'provide good quality housing for all income levels.'
- 3.3 Build More, Build Better, Build for Life Affordable Homes Delivery Strategy 2022 – 2025 sets out the Council's commitment to build homes to buy or rent for households from all income levels. The strategy has been supported by evidence studies including the Waverley Housing Affordability Study 2021.
- 3.4 Delivery of 4 homes at Godalming including two to provide rough sleeper accommodation which will be grant funded in part by Homes England.

4.0 Exemption from publication

- 4.1 Part Exempt – Open Report / Exempt Annexe

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

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, namely:

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

5.0 Purpose of Report

- 5.1 To obtain Executive approval for additional budget and to enter into a JCT Contract with a build contractor to facilitate delivery of the 4 new homes.

6.0 Strategic Priorities

- 6.1 Affordable housing is central to community well-being. It is consistent with the Council's [Corporate Strategy 2020 – 2025](#), strategic priority to deliver 'good quality housing for all income levels and age groups' and 'effective strategic planning and development management to meet the needs of our communities.'
- 6.2 This project aims to increase the number of affordable homes available for those that are in housing need and registered on the Council's housing register and provide accommodation with support for rough sleepers.

7.0 Background

- 7.1 Members have already considered the business case and supporting appendix for four new homes and approved the delivery of the homes and full project budget at a meeting of Full Council on 13 December 2022 however a summary of proposals for the scheme is set out below with further financial information in Exempt Annexe 1.

8.0 Housing tenure

- 8.1 The affordable homes on the sites will be for rent at Waverley rent levels.

Property size	% Open market rent
1 bed	70

- 8.2 Two of the rented homes will be allocated on a license through the Rough Sleeper Accommodation Programme and the remaining homes will be advertised on HomeChoice the Council's online system for allocation of homes.

9.0 Procurement

- 9.1 The Housing Development Team have been working with our appointed employer's agent, quantity surveyor to procure a build contractor to deliver 4 new homes in Aarons Hill, Godalming.
- 9.2 Following the Contract Procedure Rule compliant tender for a build contractor, Ermine Construction Services Limited was identified as the preferred tenderer.
- 9.3 The council's Procurement Officer was involved in the procurement as moderator and was satisfied the council's Procurement rules had been followed.
- 9.7 To ensure the tender sum was maintained the council entered into a pre-contract services agreement (PCSA). This enabled Ermine to get discharge planning pre-commencement conditions and start on site to implement the planning consent and commission consultants to develop designs and some further surveys. The costs allocated to the PCSA are included in the tender sum and are not in addition to.
- 9.8 We are now in a position where we can enter into contract with Ermine Construction Services Limited (ECSL) to prevent delay with progression of the delivery of the new homes.
- 9.9 Whilst we secure the delegations, (ECSL) has asked for a letter of intent to demonstrate commitment of the Council to the scheme as they need to assign staffing and capacity to the project in their plans and ability to give assurances to their sub-contracting teams. If we are unable to provide this assurance, it risks the project being delayed and potentially loss of ECSL's commitment to the project.
- 9.10 In addition to the letter of intent, the schedule of work and value of the PCSA has been extended within the scope of officer delegation. This will enable ECSL to progress for example, the construction design, payments to utility companies to secure their fee for new

connections and some ground preparation works. Further financial detail relating to this can be found in Exempt Annexe 1.

9.0 Consultations

9.1 The Portfolio Holders for Housing Operations and Delivery together with members of the Resources Overview and Scrutiny Committee have considered the business case for the site prior to its consideration by Executive on 29 November 2022 and by full Council on 13 December 2022. The Portfolio Holder for Housing Delivery has also been consulted regarding information and recommendations for approval within this report.

10.0 Key Risks

10.1 If the Executive do not approve the recommendations made in this report, then the development of four homes will not be delivered and the allocation of DLUHC Rough Sleeper Grant Funding will be returned.

10.2 Delaying a decision to approve the recommendations will have additional cost implications as the preferred contractor is ready to mobilise subject to contract. It is therefore imperative that the contract is signed as soon as we have the authorities in place.

11.0 Financial Implications

11.1 The total budget approved for this development at full Council on 13 December 2022 was £1,054,959. The costs have now increased and a budget of £1,134,959 will be required. This is an increase of £80,000 which will be funded through a mixture of capital receipts and borrowing. Though the costs have gone up on this scheme overall viability has improved. We have reworked the viability assessments to take account of revised valuations received in June 2023 and a change in the borrowing assumptions considering the current market forecasts. This results in a favourable change in the viability of these schemes with NPV improving across the board as well as the revenue

impact improving. This information can be found in Exempt Annexe 1.

11.2 The gross development value for the four homes is £1,250,000.

12.0 Legal Implications

12.1 Procurement of a build contractor has been completed in line with the Council's Contract Procedure Rules.

12.2 Members have already considered the business case and approved the recommendations made at the meeting of the Council of 13 December 2022 however formal approval is needed to enter into the JCT contract with ECSL.

12.3 The delegations included in the report enable the full build and to be managed in an effective and coordinated way, having regard to the budget and strategic business case.

13.0 Human Resource Implications

13.1 There are no significant human resource implications. Officers in the Housing Development Team have and will continue to liaise with the internal stakeholders including Home Choice and Property Services Teams prior to handover of the new flats.

14.0 Equality and Diversity Implications

14.1 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 Service Equality Duty under the Equality Act 2010.

15.0 Climate Change/Sustainability Implications

15.1 Our build contractor appointment includes an assessment of responses in relation to minimise the carbon impact on delivery of schemes, with specific references to addressing their environmental

impact, pre-construction activity, build and post construction phases and management of their supply chain.

- 15.2 The scheme was originally designed prior to the council's net zero policy becoming a corporate requirement however they will be constructed to be net zero in operation taking a fabric first approach. This will be complemented through the installation of air-source heat pumps and photo voltaic (PV) panels as bolt-on technologies, to complement enhanced insulation (doors, windows, floor slab, roofs and wall) measures, the fabric-first elements.
- 15.7 Officers and the council's specialist consultants have applied lessons learnt in recent schemes (Laurel Close, (Site B) Ockford Ridge, Godalming, a Surrey Building Control Awards -winning scheme this year) to continue to improve performance in these areas.

16.0 Summary of Options

- 16.1 The options were proposed within the business case and covering report presented to members at Executive in November and Full Council in December 2022.

17.0 Conclusion

- 17.1 The Executive and Full Council have previously approved the business case and budget for delivery of 4 homes at Aarons Hill, Godalming. It is recommended that the Executive approve delegation to the Executive Head of Legal and Democratic Services approve the final form of legal agreements and to the Strategic Director (Place) to enter into the JCT Contract for the delivery of these homes and other delegations as set out in 1 (i -vi) of this report.

18.0 Background Papers

- 18.1 HRA Business Plan Strategic Review Housing Delivery - Executive 29 November 2022

HRA Business Plan Strategic Review Housing Delivery - Full Council 13
December 2022

Please ensure the following service areas have signed off your report.
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Service	Sign off date
Finance / S.151 Officer	CK 08/08/23
Legal / Governance	JLG 25/08/23
HR	-
Equalities	-
Lead Councillor	NP 18/08/23
CMB	15/08/23
Executive Briefing/Liaison	22/08/23
Committee Services	24/08/23

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