

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 3 OCTOBER 2023

SUBMITTED TO THE COUNCIL MEETING – 12 DECEMBER 2023

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

Present

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

Cllr Mark Merryweather
Cllr Paul Rivers
Cllr Liz Townsend
Cllr Steve Williams

Apologies

Cllr Kika Mirylees and Cllr Nick Palmer

Also Present

Cllrs Beaman, Gale, Hyman and Weldon

EXE 60/23 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 5 September 2023 were confirmed and signed as a correct record.

EXE 61/23 DECLARATIONS OF INTERESTS (Agenda item 3)

There were none.

EXE 62/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were none.

EXE 63/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

52.1 Cllr Beaman, Farnham North West ward, asked the following question:

“As the start of the updating of WBC's Local Plan with consequential work also starting to be taken on a number of current Neighbourhood Plans (including Farnham in which the Town Council allocated sites for new residential development) commences will WBC accept as a basic principle at the start of this planning that its highly unlikely that the number of new homes that are required under the standard delivery method can actually be delivered in a way that is sustainable as required under the NPPF given existing pressures on current supporting services (particularly transport, education and medical services as well as provision of water and sewerage services)?”

In response, Cllr Townsend explained that the plan had to be actively constructed without bias towards any one outcome at the early stage of its update, and that a Housing and Economic Needs Assessment would provide

evidence as to whether deviating from the standard method of calculating housing numbers was justified. Cllr Beaman noted the response and stated he would like the issue to be monitored.

51.2 Cllr Weldon, Haslemere East ward, asked the following question:

“Is it feasible, or would we intend, to use CIL (Community Infrastructure Levy) funding to fund solar panels over our car parks? In France it is now a legal requirement for all supermarkets with anything remotely large in terms of car parks to do that privately - I understand that Portsmouth has already done it in this country using CIL funding. I see three possible advantages to motorists: for shade over their cars, contribution towards our net zero aims, and potentially some revenue from selling power back to the National Grid.”

The Leader requested that Cllr Williams provide a response; Cllr Williams stated that a feasibility study into installing PV solar panels on car parks in Waverley had been carried out in 2022, and that officers would soon engage the public and relevant stakeholders over potential installation at Upper Hart Car Park in Farnham. This was set out as action E1 in the Climate Neutrality Action Plan; the aim was to carry that out in the next financial year, with potential for adoption across the borough if successful.

EXE 64/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

- 53.1 Cllr Fairclough updated the Executive on the successful prosecution of PGL Travel Limited which had resulted in the company receiving a fine of £1 million.
- 53.2 Cllr Kiehl updated the Executive that both Waverley and Guildford Borough Council's had appointed councillors to the Joint Constitution Review Group. Waverley's Standards and General Purposes Committee had appointed Cllr MacLeod as the joint committee's co-chair and provisional dates for quarterly meetings had been set. The first meeting was scheduled for November, where the work programme would be composed, and officer employment procedure rules and schemes of delegation to officers would be considered. The Joint Governance Committee would meet in October to review the Collaboration Risk Register and the Inter Authority Agreement.
- 53.3 Cllr Merryweather informed the Executive of the beginning of building works on Wey Court East and surveys at Wilmer House.

EXE 65/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES (Agenda item 7)

- 54.1 The Leader noted the recommendation of the Overview and Scrutiny Committee – Resources that took place on 19 September 2023 relating to 69 High Street, and assured all Members that the Council had professional staff, who were experienced and able to deliver the project, drawing on external advice when needed.

- 54.2 Cllr Merryweather clarified that the Assets Investment Executive Working Group had begun the Lessons Learned analysis before the meeting of the Overview and Scrutiny Committee, and emphasised that any lessons would be evidence-based. Cllr Merryweather queried the accuracy of the wording of the recommendation particularly the use of the word 'evidence'.
- 54.3 The Leader sought clarification through the Scrutiny Officer whether the Chair of the Overview and Scrutiny Committee – Resources would like the review of the 69 High Street project to be undertaken by the Executive or an Overview and Scrutiny Sub-committee, as good governance practice would indicate that the review not be undertaken by the body that was delivering the project.

EXE 66/23 CLIMATE NEUTRALITY ACTION PLAN (Agenda item 8)

- 55.1 Councillor Williams introduced the third annual update of the Carbon Neutrality Action Plan (CNAP) since its adoption in 2020, and highlighted that the Council had achieved a 39% reduction in its organisational greenhouse gas emissions. He thanked Officers for their work and emphasised that there had been an organisational cultural shift toward sustainability. The report set out that budgetary support would be needed to deliver future climate and sustainability projects, in order to deliver Net Zero by 2030.
- 55.2 Executive Members' statements in support of the recommendations included:
- The Council's achievements had been delivered despite the withdrawal of government support for climate initiatives, and had demonstrated that those that doubted the ambitions were wrong
 - Greater emphasis on clean air monitoring and active travel initiatives particularly around schools, would be welcome
 - 'Business as usual' was no longer an option, sustainability had to continue to infuse everything the council did; and
 - The hostile language and negativity around climate change initiatives was negligent.

The Executive **RESOLVED** unanimously to:

- 1. Agree to endorse the updated content of Version 4 of the CNAP as presented in Annexe 1;**
- 2. Note the progress made on the CNAP during 2023 attached as Annexe 2;**
- 3. Consider the financial summary in Annexe 3 and agree to review a proposal for a top-up budget for the Climate Emergency Reserve at the next budget setting; and**
- 4. Agree in principle to reviewing a budgetary framework at the next budget setting that could enable revenue from income generating climate projects to be used to fund further climate change projects.**

Reasons

1. To ensure that the Executive is up to date with the Council's progress on its response to the Climate Emergency
2. To ensure that there is increased capacity for priority being given to the Council's climate change strategy in view of the accelerating threat of climate change.

EXE 67/23 FARNHAM BUSINESS IMPROVEMENT DISTRICT (BID) BALLOT AND GODALMING BUSINESS IMPROVEMENT DISTRICT (BID) BALLOT (Agenda item 9)

- 56.1 Councillor Townsend was pleased to introduce the report which demonstrated a continued commitment to building a thriving economy across the Borough. Business Improvement Districts (BIDs) had been developed to generate additional investment for focused activities to support retail and other businesses in high streets. Legislation enabling the formation of BIDs was passed under the Local Government Act 2003, specifically the BIDs (England) Regulations 2004.
- 56.2 It was explained that in 2021 the Council had allocated £40,000 of the Additional Restrictions Grant to support the process, which had enabled the employment of Mosaic Partnership to develop the BIDs ready to go to ballot with a BID business plan for each settlement in June or September 2023. The Council as a business rate payer had a number of votes (relating to the number of rateable properties) to cast in the ballot. Ballot papers had been issued with returns expected by 31 October 2023.
- 56.3 Executive Members' statements in support of the recommendations included:
- Frustration with the inequity of business rates retention where only 5p in each £1 was retained by WBC, whilst the government received 80p from each £1 collected
 - It was disappointing that the government had again delayed a much needed review of business rates
 - Town and Parishes Councils received nothing from business rates collected, despite being readily associated with high streets by residents
 - The projects outlined would bring tangible improvements to town centres, including improving the appearance of empty shops; and
 - The proposed investment in wifi for Godalming town centre was welcomed together with destination marketing to promote the 'dwell time' opportunities that were already established.

The Leader clarified that every rateable business in the BID area would receive a ballot.

The Executive **RESOLVED** unanimously to:

- 1. Give delegated authority to the Leader of the Council to vote in support of the Farnham Page 4 BID with the Council's nine votes as a levy payer;**
- 2. Give delegated authority to the Leader of the Council to vote in support of the Godalming BID with the Council's six votes as a levy payer; and**
- 3. Note the annual cost to the Council of its levy contributions set out at 11.1, the cost of which have been included in the Medium Term Financial Plan (MTFP).**

Reasons

1. Supporting BIDs forms part of the Council's existing and emerging Economic Development Strategy to support the high streets and a vibrant business economy in the borough.
2. The Council has invested in the BID development process since 2018, having commissioned a feasibility study and provided grant funding to each BID area.
3. The Council has a statutory responsibility to work with BIDs, which provides a good opportunity to build a partnership with these stakeholders.
4. The Council voted for the Cranleigh BID in June 2023 and therefore precedent has been set for the Council's support of further proposed BIDs

EXE 68/23 SCOPE AND TIMETABLE FOR THE NEW LOCAL PLAN (Agenda item 10)

- 57.1 Councillor Townsend introduced the report and explained that it was clear that an updated Local Plan was required in order to meet the government's housing targets and to mitigate the potential of speculative development. The report provided more detail about the scope and set out an ambitious timeline for the new plan for submission in autumn 2026 and adoption towards the end of 2027. The planning policy team would also be working separately on design codes for the borough in tandem with the development plan process but not as part of it.
- 57.2 Councillor Townsend cautioned that there was considerable uncertainty with regard to the government's planning reforms which were due to come into force in November 2024 but there was mitigation within the project plan to take account of any transitional arrangements. An Executive Working Group had been established to advise on and monitor progress, the Services Overview and Scrutiny Committee would continue to be engaged and Member briefings would be provided at key milestones. A briefing had also been arranged for Town and Parish Councils in November.

- 57.3 Having registered to speak, non-voting visiting Member Councillor Hyman spoke against the recommendations and expressed his disappointment that the original intention of Council to simply update the Local Plan had been superseded by a full review, which would instead take many years to come into effect, leaving the Council vulnerable. There was a risk that habitats constraints would again not be fully assessed, and questioned whether the assessment for Farnham Park SANG was available.
- 57.4 The Leader countered that Councillor Hyman had received responses to his query several times previously, along with Counsel opinion. The Leader continued by cautioning that a Local Plan review should not be light touch, but should be comprehensive in order to be assessed as sound by the Planning Inspectorate at examination.
- 57.5 Executive Members' statements in support of the recommendations included:
- The approach to consultation and engagement as set out was thorough and accessible
 - Individual Members could approach the Portfolio Holder directly with any concerns they may have; and
 - There was uncertainty as to the timing of a possible general election during 2024, and that the Council was right in its approach to make progress in the light of uncertainty

The Executive **RESOLVED** unanimously to:

- 1. Note the approach to, scope and timetable for preparing a new Local Plan; and**
- 2. Note the basis upon which there will be initial engagement with stakeholders.**

Reasons

1. To assist in progressing work on the new Waverley Borough Local Plan.

EXE 69/23 CRANLEIGH LEISURE CENTRE NEW BUILD (Agenda item 11)

- 58.1 Cllr Townsend provided updated recommendations to the meeting, as drafted by the Legal advisor. The updated recommendations were displayed to those present and those watching the meeting remotely.
- 58.2 Cllr Townsend stated that the proposal was in agreement with the recently procured leisure management contract and the council priorities to improve residents' health and wellbeing, support a resilient local economy by attracting visitors to the borough, secure health benefits through rehabilitation, connect with the local community and facilitate improvement of residents' mental health. The carbon neutrality benefits of the proposal were also emphasised.

- 58.3 GT3 had been appointed as the architects with whom the Council would move into the detailed design phase. A revised capital budget of £31.1 million had been established to account for build cost inflation, and a budget review had identified the differences between that and the initial cost plan. The revised cost remained within the limit set by the treasury management strategy. Potential cost reductions would be investigated throughout the design phase, although Cllr Townsend cautioned that any reduction from the cost plan may compromise the services and facilities offered to the local community. The Leader assured the Executive that the Passivhaus standard also conferred better build quality and cost control alongside carbon neutrality benefits.
- 58.4 Having registered to speak, non-voting visiting Member Councillor Hyman was concerned about build cost inflation since the project's inception, and queried whether the treasury management strategy required the Council to have an exit strategy for the project which would be triggered once a specific cost threshold would be exceeded.
- 58.5 The Leader reminded the Executive that the project's cost had been unstated under previous administrations, and that the lower energy costs associated with the new build specification would represent a saving over coming years. The Leader also mentioned safety concerns with Cranleigh Leisure Centre's present estate.
- 58.6 Cllr Merryweather clarified in response to Cllr Hyman that the exit strategy was set out in the asset management strategy and that the current proposal represented the exit strategy from the problems posed by the poor build quality of the current Cranleigh Leisure Centre. He noted that the Executive was at a review point in deciding whether to proceed and that the evidence showed the financial benefits of the proposal.
- 58.7 The Deputy Leader agreed with Cllr Merryweather's remarks, but cautioned that cost controls should continue to be exerted. The Leader acknowledged that the earliest commitment possible would help to control costs and reiterated the cost benefits conferred by the Passivhaus standard.
- 58.8 Cllr Townsend also informed the Executive that the new design would involve the usage of fewer chemicals in the building's water supply; greater control of the water supply; no damp or mould within the building; and a longer lifespan for the building. The Executive heard that the extra investment for Passivhaus certification would be recouped within 9-15 years at the lowest predicted level of energy saving, and that a 15% cost contingency was factored into the current pricings to account for possible future cost increases.

The Executive **RECOMMENDED** to **COUNCIL**:

1. **That a revised capital budget of £31,137,252, as shown in the financial viability assessment at Exempt Annexe 1, be agreed to deliver a new-build Cranleigh Leisure Centre**

The Executive **RESOLVED** unanimously:

2. **That the leisure centre be built to Passivhaus certification standards;**
3. **That authority be delegated to the Joint Director for Place, in consultation with the relevant portfolio holder, to submit a planning application in respect of the proposed new build;**
4. **That authority be delegated to the Joint Director for Transformation and Governance, in consultation with the relevant portfolio holder, to conduct the procurement of a contractor for the build and all related professional services, including, but not limited to, the Employers Agent and Design team;**
5. **That authority be delegated to the Joint Executive Head of Legal and Democratic Services to complete and execute all necessary contractual documents.**

Reason

To deliver a new build low carbon leisure centre in Cranleigh, as per Council approval in December 2021.

EXE 70/23 EXCLUSION OF PRESS AND PUBLIC (Agenda item 12)

The Leader sought advice from the Monitoring Officer as to whether the Executive could consider item 13 in open session rather than exempt. The Monitoring Officer explained that it was for the Executive to decide upon the Motion set out on the agenda as Officers had marked the report as wholly exempt, but should the Executive resolve to consider the item in open session, the effect of that resolution would be to remove the exempt status of the report and its annexe.

The Leader moved, with the assent of the Executive, that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, it be agreed:

1. that the public be excluded from the meeting during consideration of the matter 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 the item, 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; and

2. that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

EXE 71/23 SOLAR PV FOR LEISURE CENTRES (Agenda item 13)

The Executive returned to Open session and **RESOLVED** unanimously to:

1. **Approve the award of a contract(s) for the installation of roof top solar PV on Haslemere and Godalming Leisure Centres to Joju Solar;**
2. **Delegate authority to the Executive Head of Commercial Services to enter into the necessary contractual agreement(s) in accordance with the requirements of the Council's Contract Procurement Rules.**

Reasons

1. A tender process was carried out within the Fusion 21 Framework and Joju Solar were successful in that process.
2. Retrospective approval to appoint Joju Solar is required from the Executive as not previously secured.

The meeting commenced at 6.00 pm and concluded at 7.36 pm

Chairman