

To: All Members of the EXECUTIVE

When calling please ask for:

Ben Bix, Democratic Services Manager

Legal and Democratic Services

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Date: 22 December 2023

Membership of the Executive

Cllr Paul Follows (Chair)
Cllr Tony Fairclough (Vice Chair)
Cllr Victoria Kiehl
Cllr Mark Merryweather
Cllr Kika Mirylees

Cllr George Murray
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, 9 January 2024

Time: 6.00 pm

Place: Council Chamber, Council Offices, The Burys, Godalming

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale

Executive Head of Legal & Democratic Services & Monitoring Officer

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Notes for members

Contact Officers are shown on 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 - 20)

To confirm the Minutes of the Meeting held on 28 November 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 Leader 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 Tuesday 2 January 2024.

5. 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 receipt of questions is Tuesday 2 January 2024.

6. Leader's and Portfolio Holders' Updates

7. Recommendations from the Overview and Scrutiny Committees

The Overview and Scrutiny Committees are scheduled to meet on 15 and 23 January 2024.

8. Housing Latent Defect Remediation, Farnham (Pages 21 - 26)

The Executive are recommended to make the resolutions set out in the report at agenda item 8.

Co-Portfolio Holder for Housing (Delivery)

9. Housing Delivery - Churt (Pages 27 - 34)

The Executive are recommended to make the resolutions set out in the report at agenda item 9.

Co-Portfolio Holder for Housing (Delivery)

10. 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 which a Motion to exclude the press and public will be moved by the Leader.

**For further information or assistance, please contact
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 - 28 NOVEMBER 2023

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2024

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

Present

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

Also Present

Cllrs Beaman and Spence

EXE 89/23 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 31 October 2023 were confirmed and signed as a correct record.

EXE 90/23 DECLARATIONS OF INTEREST (Agenda item 3)

There were no declarations of interest.

EXE 91/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were no questions from members of the public.

EXE 92/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

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

“Whilst accepting that the collaboration programme with Guildford Borough Council has yielded financial benefits for both authorities before members of either authority can agree to undertaking any studies of the operational potential and financial savings that might exist from further collaboration could all members receive a review of the operation of the Joint Management Team (JMT) to date given the increased workload now on all members of the JMT? Also would it not be better for any further studies of any further collaboration to await the appointment of a new Chief Executive so that full account can be taken of any input they might have?”

Councillor Kiehl, Portfolio Holder for Organisational Development and Governance responded by stating that the collaboration with Guildford Borough Council had already yielded financial benefits for both authorities in a time where all local authorities, Waverley included, faced significant financial challenges. Those benefits were much needed and were very welcome.

Councillor Kiehl continued by saying that whenever a new management structure was put in place it was good practice to monitor its effectiveness, seek feedback from members of the team and others, and to look at whether any adjustments might be needed to ensure that it was functioning as planned. Officers had confirmed that this was the approach being taken with regard to the Joint Management Team. The published risk register for the collaboration, kept under review by the Waverley and Guildford Joint Governance Committee comprised of Councillors from both authorities stated that the JMT structure would be kept under review, that commitment to keeping the structure under review was just one of a number of ongoing and future mitigating actions to reduce risks relating to the collaboration between the two authorities.

Councillor Kiehl explained that the intention was to commence the work of studying the options relating to staff and office locations rather than to conclude straight away what should be done; putting the work on pause, or not commencing with it, which would cause significant unnecessary delay further down the line. The input of the future Chief Executive would be important but it was not depended on to maintain momentum now that there was a clear policy direction with a democratic mandate. The report on the agenda gave the Council a framework for how to move ahead and in particular where to focus attention on its options.

EXE 93/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader was buoyed by the significant number of quality applicants for the Joint Chief Executive vacancy and was looking forward to the Joint Appointments Committee interviews on 14 December. Executive Members then gave the following updates:

- Councillor Clark announced that for medical reasons he would be stepping down from the Executive at the end of December. He was pleased that the Council had been progressive in recent years and thanked Officers and Executive Members for their support.
- Councillor Mirylees stated that a Memorandum of Understanding had been agreed with Surrey County Council regarding The Edge; and that community engagement and conservation activities were underway regarding the Museum of Farnham.
- Councillor Palmer expressed his thanks to the Executive Head of Housing who was leaving the Council, and likewise to the Joint Chief Executive.
- Councillor Townsend was pleased that the High Court had upheld the Council's decision to adopt Local Plan Part 2; and that the Cranleigh Village Hospital Hoppa bus service had been successfully launched. Officers in the Planning Policy and Community Development teams were thanked for their hard work.

Executive Members commended Councillor Clark for his tenure as an Executive Member and Deputy Leader and took solace that his wise words and good humour would still be heard from the backbenches.

EXE 94/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES (Agenda item 7)

Regarding the recommendation from Overview and Scrutiny Resources Committee on the Housing Revenue Account – New Build Housing, the Leader stated that no evidence had been provided to support the assertion that the method of market valuation was incorrect. The reasoning for the market valuation method had been clearly explained by expert Officers at the meeting. The Leader urged that recommendations should be made with more substance in the future, and cautioned that Members should request more information from Officers if necessary in advance of a meeting, rather than make unfounded assertions during meetings.

Regarding the recommendation from Overview and Scrutiny Resources Committee on the exempt matter of the Resourcing of the In House Legal Services Function, the Leader stated that he agreed with the sentiment of the recommendation, which would be addressed in the form of an amendment when the report was considered at agenda item 18.

EXE 95/23 GUILDFORD AND WAVERLEY TRANSFORMATION AND COLLABORATION
(Agenda item 8)

Councillor Kiehl introduced the report, and thanked Officers accordingly. The report would be a catalyst for the next stages of collaboration and would enable the bringing forward of options for consideration on future staffing arrangements, co-location, and simultaneous Executive decision making. The Overview and Scrutiny Committees were recommended to engage with options appraisals when prepared. The same report had been agreed by the Executive of Guildford Borough Council on 23 November, which demonstrated the commitment of both councils to collaboration.

Visiting Member Councillor Spence had registered to speak and expressed his concern that the original objectives set in 2021 had subsequently been reformatted from having equal priority to a hierarchy, with bridging budget gaps having greater priority than the others. He cautioned that collaboration was more than a savings exercise.

Executive Members' statements in support of the recommendations included:

- Collaboration would bring economies of scale and sustainability benefits in the absence of financial assistance from the Government
- Both Councils would remain sovereign entities and continue to be accountable to their residents
- Counterpart Executive Members were in regular dialogue and were building good relationships
- The caution expressed by Councillor Spence was noted, collaboration would also provide opportunities to enhance value and productivity, and safeguard the delivery of services
- The priorities would be discussed at the informal meeting of the Executives scheduled for February 2024 to stress the non-financial benefits of collaboration

The Executive **RESOLVED** unanimously to:

- I. Note and endorse the Guildford and Waverley Partnership Vision statement in Appendix 1;**
- II. Note the progress made to date with regards to the Guildford and Waverley collaboration initiative as set out in Appendix 2 and section 7;**
- III. Adopt the proposed Transformation and Collaboration Programme set out at Appendix 3;**
- IV. Approve a project to explore the potential benefits of co-locating Guildford Borough Council and Waverley Borough Council staff within shared premises or single HQ, resourced separately from this Transformation and Collaboration Programme, and receive a report for consideration with an options appraisal and recommendations;**
- V. Approve a project to explore a single shared officer structure between Guildford Borough Council and Waverley Borough Council, resourced through the initial Transformation and Collaboration budget allocations, and receive a report for consideration with an options appraisal and recommendations;**
- VI. Agree the additional resources as set out in section 10 of this report (£100,000 of revenue and £100,000 of capital. For Guildford Borough Council this will be funded from flexible use of capital receipts and the Finance Recovery Reserve. For Waverley Borough Council this will be funded from the invest to save reserve) to support the initial start-up of this programme and note how the revenue funding will be spent to secure officer support as set out within Appendix 4;**
- VII. Note that the initial benefits realisation work with the joint Executive Heads of Service has been carried out by the Organisational Development and Finance Teams, with a rough order of magnitude for savings through collaboration projects at £700,000 but that this figure is expected to increase over time as the detail of more plans is developed;**
- VIII. Note that the required level of funding to support the delivery of the programme in the longer term cannot be made available at this time, necessitating a phased and prioritised approach in the first instance (focusing more on staff terms and conditions and immediate savings opportunities and less on the broader and more complex questions of the operating model for both authorities);**
- IX. Request that consideration be given in February 2024 to how the broader programme can be fully funded and taken forward when the budgets of both Councils are agreed (and adopting a revised programme structure in line with that increased level of funding at that time);**
- X. Approve the principle of the Guildford Borough Council and Waverley Borough Council Executives working in partnership on matters relating to the Transformation and Collaboration Programme;**
- XI. Approve the principle of Simultaneous Executive Meetings (SEMs) for the Executives of Guildford Borough Council and Waverley Borough Council to consider matters relating to the Transformation and Collaboration Programme;**
- XII. Delegate authority to the Joint Executive Head of Legal and Democratic Services to schedule regular meetings, as required,**

simultaneously of the Guildford Borough Council and Waverley Borough Council Executives, in consultation with the Leaders of both Councils, and

- XIII. Invite Overview and Scrutiny Committees to scrutinise and comment upon the draft options appraisals, the recommendations and the costs and savings before these are finalised and brought back to the Executive for further consideration.**

Reasons:

- I. Articulate and set the framework and goals for the collaborative work between Guildford Borough Council and Waverley Borough Council and provide a direction of travel;
- II. Enable collaborative work to continue with the resources available and allow officers to resubmit bids for funding to deliver the vision in future years;
- III. Ensure Executive members of both Councils can jointly debate and decide matters coming to them relating to the Transformation and Collaboration programme, ensuring transparency and agile decision making across both authorities, whilst maintaining sovereignty of both councils;
- IV. Ensure decisions relating to sharing premises and staffing are subject to proper scrutiny; and
- V. Support the plans of both councils to achieve financial sustainability, particularly for Guildford Borough Council in the light of the reset Budget 2023/24 report (Full Council 25 July 2023) and Financial Recovery Plan (Full Council 10 October 2023) and revised Medium Term Financial Plan (MTFP).

EXE 96/23 GENERAL FUND MTFP MID-YEAR REVIEW (Agenda item 9)

Councillor Merryweather introduced the report, thanked Officers for their work in its preparation, and summarised that the general fund budget remained broadly on target. Overall inflation was a dominant characteristic, but work was ongoing to mitigate cost pressures and to improve productivity over the medium-term. Whilst inflation was decelerating it was not as fast as forecast. Those higher costs magnified the Council's structural deficit and increased the quantity of sustainable measures that would need to be taken to compensate now and in future years. One consequence of higher inflation was higher interest rates which the Council had benefited from, but that benefit would dissolve as rates fell. Councillor Merryweather continued to explain that high interest rates consequentially increased the viability threshold for capital spending decisions; and advised that contextually, there was increased demand for Council services and a challenging labour supply market.

There being no further discussion, the Executive **RESOLVED** to **RECOMMEND** that the Council:

- I. Note the 2023/24 forecast outturn position for the General Fund**
- II. Note the emerging pressures and risks set out in the report**
- III. Note the position regarding the General Fund capital programme and individual capital projects.**

Resolved:

- I. The annual General Fund budget is a major decision for the Council and setting a balanced budget is a statutory requirement. The uncertain economic climate necessitates a review of the MTFP in the light of its financial impacts on the council: the Council must act quickly to ensure the risk of a net budget shortfall is addressed so that the Council can continue to function.
- II. Scrutiny of this MTFP through a Mid-Year Review demonstrates transparency and good governance.

EXE 97/23 HRA MID-YEAR REVIEW (Agenda item 10)

Councillor Rivers explained that rising inflation and interest rates were challenging for the HRA Business Plan. Changes flowing from the Social Housing Regulation Act were expected to have a significant impact, together with the uncertainty as to whether the government would bring in a cap on rent increases. The Leader concurred that there would be a tension between making sure that rents were affordable for tenants but also having enough money to build new and maintain existing properties.

There being no further discussion, the Executive **RESOLVED** to **RECOMMEND** that the Council:

- I. **Notes the 2023/24 forecast outturn position for the Housing Revenue Account;**
- II. **Notes the emerging pressures and risks set out in the report;**
- III. **Notes the position regarding the HRA capital programme and New Development Scheme.**

Reasons:

- I. The annual Housing Revenue Account budget is a major decision for the Council. The uncertain economic climate necessitates a review of the HRA and Capital budget in the light of its financial impacts on the long term sustainability of the HRA Business Plan
- II. Scrutiny of the HRA budget and capital budgets through a Mid-Year Review demonstrates transparency and good governance.

EXE 98/23 COVERT INVESTIGATIVE POWERS (SURVEILLANCE) POLICY (Agenda item 11)

The Leader welcomed the alignment of Guildford and Waverley policies and summarised that the policy made clear that such powers were to be used sparingly, with proper authority, and with due diligence. Councillor Kiehl concurred, and added that Officers across both Councils would benefit from the clarity of using the same policy.

There being no further discussion, the Executive **RESOLVED** to **RECOMMEND** to Council the adoption of the Policy.

Reasons:

- I. To align the policies of Waverley and Guildford and to improve consistency in reporting, monitoring and approval of covert surveillance and acquisition of communications data.
- II. To ensure the integrity of the processes in place for the use of directed surveillance, covert human intelligence sources (CHIS) and acquiring communications data.
- III. To maintain compliance with the Legislation and Codes of Practice that govern Investigatory powers and Human Rights
- IV. To ensure collaborative engagement with IPCO and their inspectors
- V. To ensure staff are fully trained and aware of their powers, duties and the authorisation process.

EXE 99/23 GROWTH BID - OPERATIONAL SAFEGUARDING (Agenda item 12)

Councillor Mirylees introduced the report and contextualised that there had been a significant increase in community safeguarding concerns due to factors which included the aftermath of the Covid pandemic and the cost of living crisis. The increased pressure on statutory partners, particularly Surrey County Council, meant that safeguarding risks had to be absorbed by the Borough Council without additional funding, despite a request being made. A Safeguarding Co-ordinator role was requested to ensure clear reporting lines, good governance, and the mitigation of risk to individuals and to the Council.

The Leader proposed an additional recommendation to write to Surrey County Council to request appropriate financial support for the role, seconded by Councillor Townsend.

The Executive **RESOLVED** unanimously to:

- I. Establish a dedicated Safeguarding Coordinator to act as a safeguarding operational lead to support all officers in the management of safeguarding referrals, be approved**
- II. Approve the supplementary budget for 2023/24 to recruit to the role in this financial year**
- III. Approve the addition of the post to the establishment budget from 2024/25 onwards; and**
- IV. That Officers in consultation with the Portfolio Holder write to Surrey County Council to request appropriate financial support for the role.**

Reasons:

- I. Due to the increase in safeguarding concerns for our most vulnerable residents and the and the increased thresholds of need to evoke statutory partner involvement, there is a need for a dedicated resource to help the council manage the associated risk.
- II. The role will support officers in coordinating safeguarding concerns and enquiries to ensure that there is a clear audit trail of key decisions and actions that demonstrates sound management at local level and referral of cases with increasing complexity for multi-agency intervention.
- III. The role will help reinforce and embed our safeguarding culture to be at the heart of all that we do when working with our communities.

EXE 100/23 HOMELESSNESS PREVENTION STRATEGY 2023-28 (Agenda item 13)

Introducing the report, Councillor Palmer highlighted that the Council with its Housing Association partners had delivered 933 new homes in the last five years. A further 72 homes for social and housing rent would become available in 2023/24. Councillor Palmer cautioned however that the Homelessness Prevention Grant was expected to halve from the current year, and in order to continue to deliver the same level of service, growth in the MTFP of approximately £300,000 was anticipated. Given the current forecast gap in the MTFP over the next 4 years, a full review would be required to ensure costs would be kept down where possible to minimise the impact on the General Fund.

Executive Members' statements in support of the recommendations included:

- That the Government was not tackling the causes of homelessness
- The language used by the Government when discussing homelessness was disappointing
- That thanks be conveyed to Officers for their work.

The Executive **RESOLVED** to **RECOMMEND** to Council the adoption and publication of the Strategy.

Reasons:

- I. To comply with legislation.
- II. To mitigate the challenges outlined in the report and as far as possible, to build on the Council's success in preventing and relieving homelessness.

EXE 101/23 HOUSING REVENUE ACCOUNT - NEW BUILD HOUSING DELIVERY (Agenda item 14)

Councillor Palmer was pleased to bring forward the report to facilitate the delivery of 46 new homes. The report demonstrated the momentum of the Council to achieve the strategic priorities of its Corporate Strategy 2020-2025 and its commitments within the Affordable Homes Delivery Strategy 2022 -2025.

There being no further discussion, the Executive **RESOLVED** unanimously to:

Springfield, Elstead

1. **Progress with Option 4 to demolish the existing accommodation and re-develop a scheme that incorporates a variety of homes of varying sizes and tenures that can accommodate different individual and local housing need.**
2. **Delegate authority to the Strategic Director of Place, in consultation with the Portfolio Holder for Housing (Delivery), to submit a planning application, including demolition to facilitate delivery of 26 new affordable homes.**

3. Approve the sale of shared ownership homes to be delivered on the site at Springfield with the Executive Head of Housing Services in consultation with Portfolio Holders for Housing (Delivery and Operations) to approve the final terms of such sales having regard to market value and giving the Executive Head of Legal and Democratic Services authority to approve the final form of the sale agreements and any ancillary related legal agreement.
4. Delegate authority for Executive Head of Housing Services in consultation with Portfolio Holders for Housing (Delivery and Operations) to approve the future sale of percentage shares of shared ownership homes.
5. Delegate authority for the Executive Head of Housing Services in consultation with the Executive Head of Finance to review and change the tenure of an affordable shared ownership home to affordable rented should the housing market negatively impact the sale of these homes (subject to provision of full financial information and appraisal and that there is not a negative net revenue impact to the business plan for the scheme)
6. Delegate authority to the Strategic Director of Place to:
 - i. Approve the commencement of the tender process for the demolition and construction contracts
 - ii. Approve the appointment of contractors following the appropriate procurement subject to the appointment being within the identified budget
 - iii. Approve the use of pre contract agreements with the preferred contractor to enable the development of the project and authorise spend in accordance with the budget.
 - iv. Approve enter into the JCT Contracts (Works/Design and Build) for both demolition and delivery of new homes.
 - v. Approve the entering into any related contractual documentation (including collateral warranties, novation agreements, easements other ancillary agreements) relating to the delivery of the project
 - vi. 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, management of any services to facilitate or deliver the project.
 - vii. Approve entering into an agreement with Homes England should grant funding be secured from the Affordable Homes Delivery Programme (provided there is not a negative net revenue impact to the business plan for the scheme.)
7. Delegate authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements including those with utility companies and other statutory authorities.

The Executive **RESOLVED** to **RECOMMEND** to Council

1. The approval of a project budget allocation of £10,074,928m, with the delegation to Executive to approve the final budget once tender returns for the construction contract have been received.

Ockford Ridge (Site F)

- I. Progress with Option 2 to demolish the existing accommodation and re-develop a scheme that incorporates a variety of homes of varying sizes and tenures that can accommodate different individual and local housing need.**
- II. Delegate authority to the Strategic Director of Place, in consultation with the Portfolio Holder for Housing (Delivery), to submit a planning application, including demolition to facilitate delivery of 20 new affordable homes.**
- III. Approve the sale of shared ownership homes to be delivered on the site at Site F, Ockford Ridge with the Executive Head of Housing Services in consultation with Portfolio Holders for Housing (Delivery and Operations) to approve the final terms of such sales having regard to market value and giving the Executive Head of Legal and Democratic Services authority to approve the final form of the sale agreements and any ancillary related legal agreement.**
- IV. Delegate authority for Executive Head of Housing Services in consultation with Portfolio Holders for Housing (Delivery and Operations) to approve the future sale of percentage shares of shared ownership homes.**
- V. Delegate authority for the Executive Head of Housing Services in consultation with the Executive Head of Finance to review and change the tenure of an affordable shared ownership home to affordable rented should the housing market negatively impact the sale of these homes (subject to provision of full financial information and appraisal and provided there is not a negative net revenue impact to the business plan for the scheme)**
- VI. Delegate authority to the Strategic Director of Place to:**
 - i. Approve the commencement of the tender process for the demolition and construction contracts**
 - ii. Approve the appointment of contractors following the appropriate procurement subject to the appointment being within the identified budget**
 - iii. Approve the use of pre contract agreements with the preferred contractor to enable the development of the project and authorise spend in accordance with the budget**
 - iv. Approve entering into the JCT Contracts (Works/Design and Build) for both demolition and delivery of new homes.**
 - v. Approve the entering into any related contractual documentation (including collateral warranties, novation agreements, easements other ancillary agreements) relating to the delivery of the project.**
 - vi. 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, management of any services to facilitate or deliver the project.**
 - vii. Approve entering into an agreement with Homes England should grant funding be secured from the Affordable Homes Delivery Programme (provided there is not a negative net revenue impact to the business plan for the scheme.)**

VII. Delegate authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements including those with Homes England, utility companies and other statutory authorities.

The Executive **RESOLVED** to **RECOMMEND** to Council:

1. **The approval of a Site F project budget allocation of £7,270,379m, with the delegation to Executive to approve the final budget once tender returns for the construction contract have been received.**
2. **The approval of an additional and specific budget of £150k to facilitate the design of Site E Ockford Ridge by the appointed contractor for Site F.**

Reasons:

- I. 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.'
- II. 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.
- III. To seek ensure that the Executive is up to date with the progress made with the next phase of delivery of affordable homes and request support for the development projects described in this report and Exempt Annexe 1 a – b as part of the council's new affordable homes programme financed in compliance with the HRA Business Plan Strategic Review report and recommendations approved in December 2022.

EXE 102/23 HOUSING DELIVERY - 12 NEW HOMES AT WOODSIDE PARK, CATTESHALL LANE (Agenda item 15)

Councillor Palmer explained that the Council had previously agreed the Business Case and funding on 13 December 2022. However, due to the time delay in securing the planning consent for the development, the developer had sought an additional sum to reflect build cost inflation and market conditions. Consequently, an additional budget was required to ensure that necessary contingency was in place. The scheme to deliver 12 homes remained financially viable.

There being no further discussion, the Executive **RESOLVED** unanimously 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 these agreements with the developer.**
- II. **Give delegated authority to the Strategic Director (Place) to approve pre legal agreements with the developer 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.**

The Executive **RESOLVED** to **RECOMMEND** to Council

1. **the approval of the allocation of an additional £276,342 budget to be met through a combination of capital receipts and borrowing.**

Reasons:

- I. The Executive and Full Council have previously approved the Business Case for this site and the recommended authority is required to enter into the legal agreements with the developer and approve additional budget to facilitate delivery of the new homes on this site through these agreements. Through delivery of the project there may be a requirement to enter into project related contractual documents or ancillary agreements for example with utility companies and other statutory authorities.
- II. 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.'
- III. 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.
- IV. Delivery of 12 homes at Catteshall Lane, will support meeting these priorities and commitments.

EXE 103/23 NEW BUILD HOUSING DELIVERY - WITLEY (Agenda item 16)

Councillor Palmer introduced the report which sought approval for the acquisition of three new homes through S106 agreements on a site at Wheeler Street. Councillor Palmer was pleased that affordable housing would be provided in a village location.

There being no further discussion, the Executive **RESOLVED** unanimously 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 the land and build agreements with the developer.**
- II. **Give delegated authority to the Strategic Director (Place) to enter into any related contractual documentation (including collateral warranties or other agreements) relating to the project.**
- III. **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.**

The Executive **RESOLVED** to **RECOMMEND** to Council

1. the approval of the allocation of a project budget of £818,253 to be met through a combination of capital receipts and borrowing.

Reasons:

- I. 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.'
- II. 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.
- III. Delivery of 3 homes on the developer site at Wheeler Street, Witley will help meet local housing need and allocation of a budget by Full Council is required to achieve this.

EXE 104/23 EXCLUSION OF PRESS AND PUBLIC (Agenda item 17)

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 Paragraphs 1 and 2 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 105/23 RESOURCING OF WAVERLEY BOROUGH COUNCIL'S IN-HOUSE LEGAL SERVICES FUNCTION (Agenda item 18)

The Executive returned to open session and **RESOLVED** unanimously that the recommendations set out in the Exempt Report at 2.1 – 2.3 be approved; and that the date of the Council meeting set out in recommendation 2.4 be amended from February 2024 to 12 December 2023; and

The Executive **RESOLVED to RECOMMEND** to Council recommendation 2.4, as amended.

Reasons:

As set out in the Exempt Report.

The meeting commenced at 6.00 pm and concluded at 7.12 pm

Chairman

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Waverley Borough Council

Report to: Executive

Date: 9 January 2024

Ward(s) affected: Farnham Firgrove

Report of Director: Community Wellbeing

Author: Louisa Blundell

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Executive Portfolio Holder: Councillor Paul Rivers

Email: paul.rivers@waverley.gov.uk

Report Status: Open

Housing Latent Defect Remediation - Farnham

1. Executive Summary

- 1.1 The purpose of this report is to seek Executive approval to formally allocate the current Latent Defects budget to complete the phased remedial works to existing first floor level and associated repairs in three homes at Cedar Close, Farnham.

2. Recommendation to Executive

It is recommended that the Executive approves:

- i. Use of the current Latent Defects budget to procure a Contractor to carry out the required remedial works.
- ii. The allocation of an £114,225 budget from Latent Defects budget that exists within the Housing Revenue Account Delivery Budget.
- iii. Delegate authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreement including JCT Contract.
- iv. Delegated authority to the Strategic Director (Wellbeing) to enter into any related contract documentation or ancillary agreements required to the remedying of these latent defects.

3. Reason for Recommendations:

- 3.1 The defects in these properties are long standing and will only be permanently resolved by the proposed type of intervention.
- 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.'

4. Exemption from publication

- 4.1 Open Report

5. Purpose of Report

- 5.1 To obtain approval for the Latent Defects budget to be spent on these phased remedial works to existing floor level and associated repairs within the occupied properties of 1,2 and 3 Cedar Close, Farnham.

6. 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.'

7. Background

- 7.1 Properties at 1,2, 3 and 4 Cedar Close were delivered as part of the new build housing delivery programme and completed in 2017. These homes have developed latent building defects which have resulted in noisy floor joists and uneven first floor levels.
- 7.2 The original contractor went into administration after the initial 12-month defect period and officers have pursued the invocation of Local Authority Building Control Warranty (LABC), was refused by LABC.
- 7.3 The defects were present in No 4 Cedar Close but were successfully resolved in July 2019. The remaining three properties were due to be completed earlier but the impact of COVID meant that access became impossible.
- 7.4 Officers have procured and appointed a Contract Administrator and Principal Designer to prepare revised cost estimates and the documentation for tender to procure a contractor to effectively deliver these remedial works over an expected programme of nine-weeks.
- 7.5 The works will include removal and reinstallation of sanitaryware, lifting and relaying floor boarding and installation of noggins to joists and making good.
- 7.6 Officers will continue to work with the Contract Administrator, Principal Designer and Housing Management Team to effectively

resolve these latent defects with the minimum disruption/ impact on our residents.

8. Procurement

- 8.1 Subject to the approval of recommendations made at 2 (i-iv) of the report, Officers will procure a Contractor to deliver these remedial works to permanently resolve the defects.

9. Key Risks

- 9.1 Delay in resolving these defects will mean the continued dissatisfaction of residents living in these properties and the potential of future repair costs rising.

10. Financial Implications

- 10.1 There is a previously approved Latent Defects budget with £189,446 available to fund this project. Cost estimates have been obtained for the proposed works and together with on-costs the total budget allocation requested from the latent defect budget is £114, 225.
- 10.2 The costs have risen since the defects were resolved at No 4 Cedar Close, and allowances have been made to take account of the expected build cost inflation.

11. Legal Implications

- 11.1 Waverley Legal Services team will review any key contract information prior to issue including JCT Minor Works Building Contract (2016), and the proposed JCT Amendments.
- 11.2 The delegations included in the report will enable the Housing Development Team to procure and appoint a Contractor to proceed with the works whilst being managed by our appointed Contract Administrator and Principal Designer.

12. Human Resource Implications

12.1 There are no human resource implications.

13. Equality and Diversity Implications

13.1 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.

14. Climate Change/Sustainability Implications

14.1 The four homes completed in 2017 were of traditional construction, taking a fabric first approach with provision of photovoltaic cells on the roofs.

14.2 The tender for the minor works contract will include criteria to enable the Council to take account of the qualitative, technical and sustainability aspects of the tender as well as price when evaluating and reaching a contract award decision.

15. Summary of Options

15.1 Option 1 - Do nothing and leave the properties in their current condition with latent defects.

15.2 Option 2 (preferred option) - Approve the use of the latent defects budget available within the Housing Revenue Account to tender for a contractor to resolve the defects for the long-term benefit of the residents and Waverley Borough Council in maintenance of its assets.

16. Conclusion

16.1 The Executive are asked to consider report, and the recommendations made to facilitate the delivery of the work to address the latent defects in these properties. [OBJ]

Please ensure the following service areas have signed off your report.
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Service	Sign off date
Finance / S.151 Officer	30/11/23
Legal / Governance	28/11/23
HR	N/A
Equalities	N/A
Lead Councillor	23/11/23
CMB (Corporate Management Board)	28/11/23
Executive Briefing/Liaison	05/12/23
Committee Services	6/12/23

Waverley Borough Council

Report to: Executive

Date: 9 January 2024

Ward(s) affected: Churt

Report of Director: Place

Author: Louisa Blundell

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Executive Portfolio Holder: Councillor Nick Palmer

Email: nick.palmer@waverley.gov.uk

Report Status: Open

Housing Delivery - Churt

1. Executive Summary

- 1.1 The purpose of this report is to seek Executive approval to demolish the existing property on the development site which consists of an underused Community Room with a first floor flat in Churt and garage and works associated with implementation of the planning consent. The demolition approval will be ahead of approval of a full business case to deliver a development of 4 sustainable homes to meet local housing need.

2. Recommendation to Executive

It is recommended that the Executive approves:

- i. The demolition of the existing Community Room with a First Floor Flat and garage together with works associated with implementation of the planning consent in advance of submission of a full business case for the scheme.
- ii. The allocation of an £120k budget from reserves to commission consultant services and demolition contractor to demolish the existing property and associated works to implement the planning consent. This budget allocation will be included within financial viability appraisal that will accompany the business case and full project budget request for the new build scheme when it is bought forward.
- iii. Delegate authority to the Executive Head of Legal and Democratic Services to approve the final form of any legal agreements associated the demolition of existing property and implementation of the planning permission.
- iv. Giving delegated authority to the Strategic Director (Place) to enter into any related contractual documentation relating to this stage of this project.
- v. Giving delegated authority to the Strategic Director (Place) to enter into any ancillary agreements related to the project provided that these are within the allocated budget.

3. Reason for Recommendations:

- 3.1 The existing community Room has been vacant since 2019 when the lunch club moved to Quinnettes. Planning consent was obtained in September 2021 and is due to lapse in September 2024. It is envisaged the site would be developed along with an adjacent site at Crossways Close which is currently undergoing planning revisions. To avoid losing the planning approval for Parkhurst Fields under lapsed time, it is proposed to progress with demolition and early stage works to implement the consent.

- 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 Demolition of the community room will keep the planning consent in force for the delivery of 4 new two bed sustainable homes in Churt with two parking bays for each property and 4 extra parking bays for visitors.

4. Exemption from publication

- 4.1 Open Report

5. Purpose of Report

- 5.1 To brief Executive on progress made with the approved planning consent to demolish the existing community room and build 4 new two bed homes with two parking bays for each property and 4 extra parking bays for visitors.
- 5.2 To provide background on and reason behind the request for approval of the allocation of a specific pre-development budget for this project to facilitate procurement of a demolition contractor to demolish the existing community room with a first floor flat.

6. 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 Whilst this report is seeking approvals which will enable commencement of pre-development works the overall 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.

7. Background

7.1 The scheme obtained planning consent in September 2021 [Planning | Waverley Borough Council](#) (WA/2021/0212). To keep the consent in force, a material start to works is required by 23 September 2024. The demolition of the existing buildings on the site and for example laying a small section of the foundation or drainage is a material start to work as agreed by planning.

7.2 It is proposed the site would be developed along with Crossways Close which is currently undergoing planning revisions.

7.3 A meeting to discuss the proposals for the Crossways Close site has been held with the current Executive Head of Planning to discuss the layout and density that can be supported on this site.

7.4 Officers will continue to work with the design team for Crossways Close to develop the scheme to the point where a business case and supporting viability appraisal will be submitted for consideration by members of Executive and Full Council ahead of submission of a full planning application. Information to inform the viability appraisal has been commissioned including provision of build cost estimates and independent valuation of the proposed scheme at feasibility stage. Due to the work required for the planning application on Crossways Close it is not known when development can start on site for Parkhurst Fields, and this requires need to keep the planning consent in place.

7.5 The Council has instructed an independent valuation of the 4 new two-bedroom properties and has obtained the build cost estimates for their construction, delivered in conjunction with the Crossway Close site which is expected to deliver 10-12 new homes.

8. Future housing scheme

- 8.1 It is proposed that following demolition of the existing property, the site will be bought forward as a 100% affordable housing scheme of 4 homes.

9. Procurement

- 9.1 Subject to the approval of recommendations made in Section 1 of the report, officers will procure an employer's agent, and a demolition contractor to demolish the existing property on site to leave a clear site ready for delivery of new affordable homes and undertake necessary works to implement the planning permission.

10. Key Risks

- 10.1 Delay in demolition of the community room will cause planning consent to lapse and as a result incur additional costs associated with submission of a new application.

11. Financial Implications

- 11.1 Demolition of the existing properties on the site removes the Council tax, business rates and utility bill liabilities. There is also a loss of rental income from the former staff accommodation which has been used under license, whilst the regeneration of the site is undertaken, and new homes are delivered.
- 11.2 The budget for the demolition of the existing properties and associated work to implement the planning consent for the development of four new homes can be met from the New Development Impact Reserve.

12. Legal Implications

- 12.1 The Council has functions to provide social housing and to build and develop these schemes. The individual projects are at various stages of the development cycle and accordingly the legal risks and

elements with these projects is kept under review to ensure the Council's position is protected and appropriate advice and support is sought.

- 12.2 The delegations included in the report enable the procurement, and appointment of an employer's agent and demolition contractor, to be managed in an effective and co-ordinated way having regard to the budget allocation up to £120k to safely demolish the existing property and undertake work associated with implementation of the planning consent.

13. Human Resource Implications

- 13.1 There are no human resource implications.

14. 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. Climate Change/Sustainability Implications

- 15.1 The consultant and contractor shortlisting / tender process supports the Council's ambition of being carbon neutral by 2030. Tender criteria are used to enable the Council to take account of the qualitative, technical and sustainability aspects of the tender as well as price when evaluating and reaching a contract award decision.
- 15.2 Demolition contractors are required to operate in an environmentally responsible manner with a firm commitment to recycle and reclaim the maximum materials recovered during demolition and dismantling process.

16. Summary of Options

- 16.1 Option 1 - Do nothing at this stage and submit a planning application for a lapsed consent at an appropriate time to coincide with the Crossways Close scheme, incurring more costs and risk the Parkhurst Fields scheme to be declined. This would enable the business case for the demolition and delivery of the new affordable housing scheme to be submitted to Executive and Council in full, at the same time as the proposed developed Crossways Close scheme.
- 16.2 Option 2 (preferred option) - Demolition of the property on the site and works associated with implementation of the consent will keep the planning consent in force and will provide a site ready for delivery. Subject to approval of the full business case for the Parkhurst Fields site and Crossway Close site (subject to planning) the two sites can be delivered together by a single contractor which should provide greater value for money for the Council due to the greater scale of contract.

17. Conclusion

- 17.1 The Executive are asked to consider report, and the recommendations made to approve a budget allocation of £120k to demolish the existing property on site and works associated with implementation of the existing planning consent for Parkhurst Fields.

Please ensure the following service areas have signed off your report.
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Service	Sign off date
Finance / S.151 Officer	30/11/23
Legal / Governance	28/11/23
HR	N/A
Equalities	N/A
Lead Councillor	28/11/23
CMB (Corporate Management Board)	28/11/23
Executive Briefing / Liaison	05/12/23
Committee Services	9/12/23