

- \* Cllr Penny Rivers (Mayor)
- \* Cllr John Ward (Deputy Mayor)

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|--------------------------|--------------------------|
| * Cllr Lauren Atkins     | * Cllr Peter Martin      |
| * Cllr Jane Austin       | * Cllr Heather McClean   |
| * Cllr Zoe Barker-Lomax  | * Cllr Mark Merryweather |
| * Cllr David Beaman      | * Cllr Kika Mirylees     |
| * Cllr Dave Busby        | * Cllr Alan Morrison     |
| * Cllr Peter Clark       | * Cllr David Munro       |
| Cllr Carole Cockburn     | * Cllr George Murray     |
| * Cllr Janet Crowe       | Cllr Peter Nicholson     |
| * Cllr Jerome Davidson   | * Cllr Nick Palmer       |
| * Cllr Kevin Deanus      | * Cllr Ken Reed          |
| * Cllr Adam Duce         | * Cllr Ruth Reed         |
| * Cllr Tony Fairclough   | * Cllr Connor Relleen    |
| * Cllr Paul Follows      | * Cllr Paul Rivers       |
| * Cllr Maxine Gale       | * Cllr John Robini       |
| * Cllr Michael Goodridge | * Cllr Julian Spence     |
| Cllr George Hesse        | * Cllr James Staunton    |
| * Cllr Michael Higgins   | * Cllr Richard Steijger  |
| * Cllr Jerry Hyman       | * Cllr Phoebe Sullivan   |
| * Cllr Jacquie Keen      | * Cllr Liz Townsend      |
| * Cllr Victoria Kiehl    | * Cllr Philip Townsend   |
| * Cllr Andrew Laughton   | * Cllr Terry Weldon      |
| Cllr Andrew Law          | * Cllr Graham White      |
| * Cllr Gemma Long        | Cllr Michaela Wicks      |
| * Cllr Andy MacLeod      | * Cllr Steve Williams    |

\*Present

### **Apologies**

Cllr Carole Cockburn, Cllr George Hesse, Cllr Andrew Law and Cllr Michaela Wicks

The Mayor reported that the Rev'd Clive Potter had been called away and apologised for being unable to attend the Council meeting.

### CNL17/23 APOLOGIES FOR ABSENCE (Agenda item 1.)

- 17.1 Apologies for absence were received from Cllrs Carole Cockburn, Andrew Law, and Michaela Wicks.

CNL18/23 MINUTES (Agenda item 2.)

- 18.1 The Minutes of the Annual Meeting of the Council held on 23 May 2023 and the Extraordinary Meeting held on 7 June 2023 were confirmed and signed.

CNL19/23 DECLARATIONS OF INTEREST (Agenda item 3.)

- 19.1 There were no interests declared in relation to matters on the meeting agenda.

CNL20/23 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

- 20.1 The Mayor reported that since the last Council meeting, she had undertaken many engagements including: addressing the Ahmadiyya community; attending the Milford Village Show and Cranleigh Carnival; met Princess Anne; opened the new Godalming Funeral Service premises; and with Mark Foster and Colin Jackson, re-opened all four of Waverley's leisure centres under their new operator. The Pride Flag had flown outside the building for the entire month of June.
- 20.2 Her Civic Service, held on 2 July in St John's Parish Church, Farncombe had been a wonderful occasion. The Mayor thanked her PA, Chloe Mickiewicz, for organising the event and to all others who contributed their time and talents. The Mayor had been disappointed that there had only been fourteen Waverley councillors present, including herself and Cllr Paul Rivers, and a further three councillors had given their apologies. She hoped that more would be able to support her mayoral fundraising events during the remainder of her time in office, the first of which would be on Friday, 6 October 2023.

CNL21/23 LEADER'S ANNOUNCEMENTS (Agenda item 5.)

- 21.1 The Leader noted that he had been honoured to join the Mayor at her Civic Service, and a highlight had been seeing Rev'd Rattue following the Jamaican tradition of blessing the cake.
- 21.2 The Leader, and Executive colleagues, had been following closely the information reported by Guildford Borough Council regarding their financial situation. He had had several meetings with the Guildford leadership over the last couple of weeks, and both Executives had met informally as a group. The Leader reassured Members that Waverley and Guildford were still separate councils, with separate accounts, and whilst the scale of issues at Guildford were larger than expected the issues themselves were not of a surprise and had been factored into Waverley's risk assessments of the collaboration.
- 21.3 Waverley's collaborative work with Guildford continued to save the council hundreds of thousands of pounds per annum and there would be a report on the next steps for the collaboration in September, after the details of Guildford's financial issues had been properly absorbed. The Leader reminded those opposed to the collaboration that while Guildford's issues were not on the scale of Woking's, unless the Government and Chancellor started to address the crisis in local government funding there would be

many more councils issuing Section 114 notices or starting urgent remediation works as Guildford were doing. Net debt for the districts and boroughs in Surrey plus the County Council itself was now more than £5.5bn, with at least £1.5bn of that attributable to Woking. For comparison, Waverley had a debt of £138, almost all of which was contained in the Housing Revenue Account as the remainder of the loan that all councils who wanted to retain their Council housing were forced by government themselves to take out.

- 21.4 The Leader was proud of Waverley's own relative stability and relatively favourable position in this increasingly bleak local government picture and thanked, the council's Finance Team and Portfolio Holder, Cllr Merryweather, for their work in this regard.
- 21.5 The Leader referred to matters at The Edge, which would be raised again under public questions. He noted that the petition being presented had reached the threshold of signatures for the matter to be discussed at Overview and Scrutiny, and he intended to attend and speak on that occasion. The Leader apologised to users of The Edge for the gap in service, which was especially disappointing coming over the summer months. The Leader further noted that there were members of the public present who had been present at a meeting with Sport Haslemere prior to the May elections when he had given good faith assurances based on conversations with Surrey County Council and the school about the future of The Edge.
- 21.6 The current situation was deeply concerning, because discussions had started with Surrey County Council in early 2022 regarding the future of the building that was owned by Surrey County Council and that Waverley had been managing at public cost since 2003. Surrey County Council had stated that they did not run leisure centres, and the Leader emphasised that they were a discretionary service for any council, and Waverley continued to run four leisure centres in the major settlements.
- 21.7 Given the previous comments about the state of local government funding, the Leader found the response of the County Council and the intervention of the local MP quite distressing. He urged Mr Hunt to reply to one of the many letters from the council about local government funding, business rates retention, and a number of other issues material to the survival of local government and the provision of its services. The Leader renewed his invitation to Mr Hunt to meet to discuss The Edge and other issues that impact local government and its funding, and the consequences to services that the lack of funding brings.
- 21.8 Finally, the Leader referred to the recent appeal decision for Waverley Lane that the council had lost. This had been an incredibly disappointing decision and the wording of the Inspector's actual ruling had been quite disturbing in terms of the council's understanding of the Local Plan process and the role of Neighbourhood Plans in that process. The appeal decision had been discussed at length with Farnham Town Council and other councillors, and Waverley would be seeking a legal opinion on the appeal decision and options for a legal challenge.

21.9 With the agreement of the Mayor, the Leader then invited Executive members to give brief updates on matters in their remit not otherwise on the Council's agenda:

- Cllr Peter Clark provided a brief update on the Farnham Infrastructure Programme (FIP) which was launched three years ago. There had been a number of changes of personnel involved, and challenges between those in favour of pedestrianisation of Farnham Town Centre and those against, leading to a change in the leadership at Farnham Town Council. The support of Tim Oliver, Leader of Surrey County Council and Chair of the Farnham Board, had been constant throughout, but there had been a real challenge now to get the funding in place before it was too late. Cllr Clark was therefore delighted to report that on 27 June, the Surrey County Council Cabinet had signed off £14m to support the delivery of the project over the next 2 – 3 years, once the final designs had been approved and the business case and final costings prepared. The next stage was to look at the mitigation to alleviate disruption to Farnham town centre during implementation.
- Cllr Paul Rivers reminded Members that the Landlord Services Advisory Board would be meeting on 20 July, and encouraged Members, tenants and leaseholders to attend.
- Cllr Liz Townsend endorsed the Leader's earlier comments regarding the Waverley Lane appeal decision, and the surprise and disappointment at the Inspector's decision and his interpretation and planning weight attributed to the Farnham Neighbourhood Plan policies and the Surrey Hills AONB review. Cllr Townsend was concerned at some critical inconsistencies between the weight of harm given to the countryside afforded in the Waverley Lane decision compared to the Green Lane Farm and Lower Weybourne Lane appeals, and agreed with the Leader that it was right to obtain a legal opinion to determine whether the council had grounds to challenge the appeal decision.
- Cllr Steve Williams reported that visitors to Frensham Common were being warned not to enter the water at Frensham Great Pond because of the presence of blue-green algae which had been confirmed by the Environment Agency at its regular assessment on 7 July. Blue-green algae was extremely dangerous, especially to dogs and children, and could cause dermatitis, irritation, rashes, blistering, abdominal pain, diarrhoea, and nausea. Warning signs had been put up on site, there were warning messages on social media and Waverley's website, and Waverley's rangers were on site to provide advice to visitors. This was a seasonal occurrence and it was likely that the blue-green algae would persist until well into the autumn before the Environment Agency gave the 'all clear'.

CNL22/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 6.)

22.1 The following questions were received from members of the public in accordance with Procedure Rule 10:

- (i) From Mr Daniel Kuszel, Godalming:

“Could the Portfolio Holder give their assessment of the state of street cleaning in Godalming High Street and the town generally. Also, does the Portfolio Holder believe it is reasonable for residents to take the time to report graffiti on Council owned property but to not see this removed even though 8 weeks have passed since it was reported?”

Cllr Steve Williams, Portfolio Holder for Environment & Sustainability provided the following response:

“In general I believe the cleaning of our towns, including Godalming, is generally very good and our contractor applies significant resources to each town centre every day. That said there will be occasions where something may be overlooked or litter is dropped after we have cleaned in which case we would encourage the public to report any concerns through our website or customer services.

In relation to graffiti we do aim to clean our own property within a few days of reports, but there can be complications which can lead to delays, for example “council owned” does not mean Waverley owned and could be the County Council or a Town or Parish Council. Graffiti is the responsibility of the owner to remove and not Waverley Borough Council by default and whilst we are happy to receive reports and pass these on to the relevant bodies, we are not in a position to remove graffiti from others’ property.”

(ii) From Brian Edmonds, Farnham:

“The question is sustained by statutory guidance issued under the Local Government Act 2003 that allows the public to assess a local authority’s total risk exposure because of its investment decisions.

The losses incurred by Waverley BC Leisure Centres from 2020 until 2022 advised by FOI request A12/4759 were understood to be £3,246,000 million with external support of £754,000 reducing the net impact to £2,492,000. Please advise why business interruption insurance did not mitigate these losses and who approved sustaining these losses by considering them an appropriate burden for council taxpayers?

The Statement of Accounts is the principal means by which the council is accountable to its electorate. However, it is understood that “the latest draft Statement of Accounts for the year ended 31 March 2022 is available on the Council’s website, subject to conclusion of the audit.” Recognising this limitation, what management controls are now in place to either prevent or mitigate similar substantial Waverley BC Leisure Centre losses?”

Cllr Mark Merryweather, Portfolio Holder for Finance and Assets, provide the following response:

“The losses referred to by Mr Edmonds were due almost wholly directly to lost revenue from income from the closures caused by the mandatory Covid lockdown which were not reimbursed from central government. Throughout the period of Covid there were many

decisions that had to be made to maintain and sustain services for residents. The council mitigated lost revenues and controlled costs wherever possible and the whole council approved the budgets and the revised contingency budgets.

Waverley contracts the operation of our leisure centres and for that reason no business continuity insurance was available on the market to us. We are aware however that our operator at the time, Places Leisure, did hold such insurance and like many of its peers continues to chase for a payout to mitigate these losses. To date, insurance companies have refused to do so. As a result of the pandemic any new contractual arrangements recognize and clearly define the financial responsibilities should such a circumstance arise again. All operating and management controls have been updated to reflect the lessons learned throughout the Covid pandemic.”

(iii) from Chris Grimes, Chairman of Sport Haslemere:

“The Council will be aware of the concerns Sport Haslemere has expressed on behalf of the clubs who use The Edge and the lack of certainty about their future use of the Building. To this end we have organised a petition entitled “Protect The Edge” which has over 2,500 signatures and we would like to present this at the meeting. We would also like to ask a question - can the Council give the clubs a categorical assurance that The Edge will re-open for Community Use by no later than 1st October 2023 so that they can plan their future activities?”

NB. At the Council meeting, Mr Grimes read out a slightly different question, reflecting the way in which discussions had moved on since he submitted his original question:

“Regarding The Edge Leisure Centre in Haslemere, this is a facility that was built by public subscription for the benefit of the people of Haslemere, thanks to the sterling work of the late Nick Chilton and the late Eric Thompson who have over many years done so much for the development of sport in Haslemere. Until 1st of July the building was used by a large majority of clubs and for some of these there are simply no alternative permanent locations for them locally. In addition Rachel Morris MBA a double Olympic gold medal winner in disabled sport has also had to suspend her activities which she runs for disadvantaged and disabled children as she is wholly dependent on The Edge to be able to deliver her program.

We are now told by Surrey County Council that for the school and the Weydon Multi-Academy Trust to take over the facilities at The Edge will take a minimum of 12 months. We further understand that Surrey County Council are prepared to let Waverley Borough Council reinstate their lease for two years and this frankly is the only way that community use of The Edge can continue in the next 12 months. We realize that this will be at a cost but would save the council in the short term a lot of money in dilapidation costs. A group of users of the facilities has been set up and those people already have a track record of raising large sums of money for schemes for sport of up to

£1m and we are confident we'll raise the necessary funds in the next two years to enable continued use of The Edge for community purposes. Health and well-being is an essential part of modern life and what the clubs need is an assurance that The Edge will re-open. They need certainty to enable them to plan for the future. If the clubs fold due to that lack of certainty that will do untold harm to many athletes, some disabled, some with huge potential for the future, and some just denied access to be able to continue with their chosen sport.

Hence our petition entitled 'protect The Edge' which has huge local support with over 2,700 signatures which I have formally presented. The only opportunity now to keep The Edge open for community use is for Waverly Borough Council to take back the lease for two years whilst funding is sorted out. I was also aware of the letter that Jeremy Hunt had sent to the Leader this afternoon asking the council also to take back the lease. This is an opportunity for the Leader of the Council to make good on the promises he gave Sport Haslemere at its meeting on the 17th of April. He told us that The Edge would not close for community use and that Waverley Borough Council would be prepared to provide financial assistance for a two-year transitional period so I hope that the council will now agree to take back the lease as offered providing the categorical assurance that the club's need for them to be able to move forward.

Thank you very much."

Cllr Kika Mirylees responded to Mr Grimes original submitted question: "We are very sorry that Waverly Borough Council are unable to provide a categorical assurance The Edge will be reopened by 1 October. We are not the owners of the facility, as you know, Surrey County Council are. Where we do have ownership at the site, in the case of the playing pitches including the new 3G pitch, we have ensured that these are still open for community use. Without going into the details of all the things that we have encountered during this handover period we would assure you that we are very committed to supporting sports activities throughout the borough and negotiations and discussions with the multi-academy trust will continue and be aimed at re-opening The Edge facility as soon as possible. We are very much supportive of this, and I think that whatever we can do we will bring it to some happy conclusion."

Responding to Mr Grimes' question, the Leader advised that the petition had met the threshold to be referred to the Overview and Scrutiny Committee. He was unable to give the assurances that Mr Grimes was looking for as there were some contentious issues regarding the amount of money that would be required in dilapidations and these had not been agreed between Waverley and Surrey. The Leader offered to meet with Mr Grimes, and also Tim Oliver, Leader of Surrey County Council, and Jeremy Hunt MP, and officers to discuss this and the local government funding issues that had led the council to this point.

Waverley continued to support Sport and Leisure in Haslemere, primarily through the extant Haslemere Leisure Centre, so whilst he could not give a categorical answer to Mr Grimes' additional question, he was more than happy to extend an invitation for that meeting to take place and would certainly come along and speak to the subject at the Overview and Scrutiny Committee meeting.

CNL23/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

23.1 There were no questions received from Members.

CNL24/23 UPDATE OF THE LOCAL PLAN (Agenda item 8.)

- 24.1 The Mayor invited the Leader to introduce the item. The Leader moved the recommendation from the Executive, which was duly seconded by Cllr Liz Townsend, Portfolio Holder for Planning, Regeneration and Economic Development who introduced the report and recommendations.
- 24.2 Cllr Townsend reminded Members that Local Plan Part 1 was now over five years old and in February, Council had considered the outcome of the statutory review undertaken by officers. Council had agreed that Local Plan Part 1 needed updating and that officers were to explore all options, including updating the plan immediately to make what was referred to as a broadly compliant plan as well as a more comprehensive update of Local Plan Part 1 and Local Plan Part 2 together to produce a single Local Plan whilst acknowledging that the existing Local Plan and Neighbourhood Plans remained the starting point for all decisions on planning applications while the update was brought forward.
- 24.3 The report in front of Council now had been considered by the Services Overview and Scrutiny Committee on 21 June 2023, and their recommendations had been broadly agreed by the Executive on 4 July, along with a recommendation to Council that a comprehensive update of the Local Plan, into a single plan be undertaken. It was critical that an up-to-date assessment of local housing need be carried out to present an appropriate and achievable housing strategy to meet the Government's housing target while acknowledging the constraints across the borough, whether that be Green Belt, Areas of Outstanding Natural Beauty or other landscape designations.
- 24.4 Cllr Townsend advised that the report made it clear that it would be very difficult to convince an inspector that a partial update with an end date of 2032 would meet the requirements in the NPPF which stated that strategic policies should look ahead over a minimum 15-year period. That approach would be contrary to the advice of council officers and also the Planning Advisory Service and their consultants who considered a comprehensive update was likely to be the only feasible approach.
- 24.5 The Executive was also acutely aware of the limitations of local infrastructure, particularly water and sewage infrastructure, which had suffered from a lack of investment and oversight. The intention was to carry out a full water cycle study to ensure that there was understanding of the environmental and infrastructure capacity needed for fresh and wastewater.



Recent experience in Cranleigh showed that there was a duty to residents and future generations to plan properly and use all levers available to make sure residents and the environment could thrive together.

- 24.6 Cllr Townsend stressed that whilst the proposed timescale for a comprehensive update outlined in option A of the report was ambitious it was realistic, and it was unlikely that it could be accelerated although any opportunities to shorten this process would be taken. The existing evidence base and knowledge in relation to Local Plan Parts 1 and 2 would be used where appropriate in producing a single plan for the borough and officers would be working closely with our towns and parishes to achieve this.
- 24.7 The aim was to submit the Local Plan for examination in December 2026. The work would be supported by an Executive Working Group, and the Overview and Scrutiny Committee would be kept updated on progress. There continued to be considerable uncertainty surrounding the adoption or even possible abandonment of the government's planning reforms and therefore a twin-track approach was outlined working initially within the current legislation but with the ability to switch to a more streamlined approach for local plans as has been set out in the government's reforms should that be announced later next year.
- 24.8 To demonstrate that the council was making every effort to meet government targets the housing delivery action plan would also be updated to identify the reasons for under delivery of housing within Waverly and explore the ways to reduce the risk of further under delivery over the forthcoming year, as well as setting up measures for improving the levels of housing delivery across the borough. Cllr Townsend reminded Members that the ultimate responsibility for delivering housing lay with developers although the weakening position for house building added even more pressure on the Council.
- 24.9 The extant local plan continued to provide an up-to-date statutory development plan for Waverly along with the Neighbourhood Plans and these would remain the starting point for decisions on planning applications while an update was brought forward. While the council was doing all it could to comply with government policy, it remained subject to the inflexibility of the government's top-down housing targets. When developers did not deliver, the balance tilted away from local decision-making resulting in over-turned decisions, and there was a threat of the balance tilting even further away from local decision-making as activity in the housing market weakened.
- 24.10 Cllr Peter Martin told Members that he and members of the Conservative opposition took a different view to that put forward by the Portfolio Holder and the Executive. At the Council meeting in February, Cllr Cockburn expressed very strongly the view that the council should undertake a swift update of the existing LPP1, holding to the 15-year period ending in 2032. Members had been advised that this was not possible yet it had been done by other councils, notably Northamptonshire, Woking and Reigate and Banstead. If a swift review was not possible, Cllr Martin felt that Option B was preferable to Option A, being a partial alteration to the adopted LPP1 to address housing supply and related matters. Option A would take longer and was more complex and took the proposed period of the Plan to 2043, which he felt was

too far out and would require more sites to be identified for building, causing considerable angst and difficulty that could be avoided with Option B. Option A would necessitate the comprehensive update of every Neighbourhood Plan to accommodate housing over an extra 10 years, at considerable cost to the towns and parishes.

- 24.11 Cllr Martin was sceptical of the proposed timeline given the uncertainty around government planning reforms. Habitats constraints needed to be considered, which was of great significance to Farnham, and more SANG land would be needed without which brownfield sites in the town centre could not be developed. He believed that a more rapid and limited exercise was what was needed; he would be voting for Option B and urged Members to do the same.
- 24.12 Cllr Martin asked that there be a recorded vote at the end of the debate and this was supported by Cllr Follows.
- 24.13 Cllr Follows went on to speak in support of the recommended approach (Option A) and noted that the circumstances of the councils that Cllr Martin had cited as taking a different approach were all very different to Waverley's. He agreed with Cllr Martin's view that the planning system was flawed, but the proposed approach was optimal given the uncertainty around the government's planning reforms and the need for the Local Plan to meet the requirements of the NPPF.
- 24.14 Cllrs Clark, Merryweather, Williams, Davidson, Beaman, Palmer and Weldon all spoke in support of the recommended approach and highlighted the opportunity to strengthen policies to support sustainability, addressing the climate emergency, and increasing affordable housing provision.
- 24.15 Cllrs Deanus, Hyman, Goodridge, and Austin spoke against the recommendation citing concerns regarding the inadequate infrastructure in rural areas such as Alfold that made them unsuitable for further development; the ambitious timescale for producing the new Local Plan and officer capacity; the constraints of the Habitats Regulations on development; and continued uncertainty for residents over allocation of new sites for housing development.
- 24.16 The Mayor invited Cllr Townsend to sum up and respond to comments raised by Members. Cllr Townsend acknowledged the very valid concerns of Members, but reiterated that the advice of officers and the Planning Advisory Service was that trying to do a quick or partial update would be the wrong approach and would be challenged by developers. Presently there could be no certainty about the government's proposed planning reforms being implemented to enable the council to take a more streamlined approach to plan preparation, and that was why the twin-track approach was proposed, to provide maximum flexibility. In response to Cllr Deanus, Cllr Townsend emphasised that the LPP1 had never said that Alfold was a sustainable location for the volume of development that it had seen, and LPP1 had been successfully used to defend appeals in Farnham. LPP1 was not a 'developers' charter', the NPPF was. Habitats Regulations would be followed in the plan development; the timeline was ambitious but resources had been budgeted and officers were confident that the key milestones could be met.

Cllr Townsend responded to Cllr Davidson, Cllr Austin and Cllr Beaman, and urged Members to support the recommended approach.

24.17 The Mayor noted that Cllrs Martin and Follows had asked for a recorded vote on the recommendation, and confirmed that there was the necessary support for this.

24.18 A recorded vote was taken by roll call, and the outcome was 35 votes in favour of the recommendation, 9 votes against and no abstentions. The recommendation was therefore carried, and **Council RESOLVED that work commences on a comprehensive update of the Local Plan (Option A), meeting the requirements of the existing development plan system but ensuring flexibility to migrate to the new system if implemented.**

Votes for:

Cllrs Beaman, Busby, Clark, Crowe, Davidson, Duce, Fairclough, Follows, Gale, Higgins, Kiehl, Keen, Laughton, Long, MacLeod, McClean, Merryweather, Mirylees, Morrison, Munro, Murray, Palmer, K Reed, R Reed, Paul Rivers, Penny Rivers (The Mayor), Robini, Spence, Steijger, L Townsend, P Townsend, Ward, Weldon, White, Williams

Votes against:

Cllrs Atkins, Austin, Deanus, Goodridge, Hyman, Martin, Relleen, Staunton, Sullivan

Abstentions:

None

#### CNL25/23 PUBLIC SPACE PROTECTION ORDERS NO 1. AND NO. 2 (Agenda item 9.)

25.1 The Mayor invited the Leader to introduce the report and move the recommendations. The Leader noted the very high level of engagement there had been on the consultation on the proposed PSPOs which showed strong support for renewing these measures which supported responsible dog ownership. He endorsed the recommendations and asked the Portfolio Holder, Cllr Tony Fairclough, to present the detail.

25.2 Cllr Fairclough advised that the PSPOs had to be reviewed every three years and were now due for renewal. The PSPOs addressed issues caused by irresponsible dog owners not the dogs themselves, and it did this by way of controls but also by seeking to educate dog owners about their responsibilities. There had been public consultation which had generated a high level of engagement and there had been a briefing for Members last week to address any outstanding matters. Cllr Fairclough recommended that Member support the proposals before them, and approve the two PSPOs relating to dog control and dog fouling.

25.3 Cllrs Keen, Weldon, Hyman, Beaman, Munro and Murray all spoke in support of the renewal of the PSPOs whilst noting that there were still issues involving dogs that were not addressed by the PSPOs. In response to their questions, Council noted that:

- enforcement resources were limited and would be deployed in response to intelligence provided about problem areas;
- the level of the Fixed Penalty Notice was set by government and was currently under review with the possibility of this being increased to £500;
- the council had no powers over privately owned land, including land owned by the MOD and National Trust;
- there were no requirements for licensing professional dog-walkers but it was possible that some licensing regime would be introduced once the Coroner's report into the incident in Tandridge had been published.

25.4 Cllr Munro particularly thanked the rangers and enforcement officers at Frensham Common, where the situation was much improved, but noted that it would be helpful if a uniform system of controls and enforcement could be adopted across open spaces across the borough, particularly MOD and NT owned land that bordered Waverley owned land. Cllr Fairclough also thanked Frensham Parish Council for their contribution to the PSPO schedules.

25.5 With the agreement of Members, the Mayor put the three recommendations to the vote together, and **Council RESOLVED unanimously that:**

1. **the updated Public Spaces Protection Order No. 1 relating to dog fouling be, approved;**
2. **the updated Public Spaces Protection Order No. 2 relating to dog controls, be approved; and**
3. **the Fixed Penalty Notice level be set at £100 for breach of the Order, where offered as a disposal.**

CNL26/23 APPROVAL OF FUNDING TO MEET THE BUDGETARY REQUIREMENT FOR THE MUSEUM OF FARNHAM MEND PROJECT, WHICH ENABLES BUILDING FABRIC REPAIRS AND CONSERVATION WORK TO GRADE 1 LISTED WILMER HOUSE (Agenda item 10.)

26.1 The Leader moved the recommendation, which was duly seconded by Cllr Kika Mirylees. The Leader noted his great pleasure at being able to bring this matter forward as it was one of the final steps to completing a project that many had told him was impossible. The Leader invited Cllr Mirylees to present the details.

26.2 Cllr Mirylees reminded Members that the council had been awarded a capital MEND grant of £734,335 from the Arts Council to carry out essential brickwork repairs and conservation works to Wilmer House, home of the Museum of Farnham. The estimated cost of the works was £1.03m and after currently identified external funding left a potential budget gap of £275,000. The aim was to raise as much of this as possible from external funders, but to accept the grant it was necessary for the council to agree to meet this funding gap in case there was a shortfall in additional fundraising. Cllr Mirylees urged Members to support this request so that the work to repair Wilmer House could move forward which would be a wonderful outcome for the Museum.

- 26.3 Cllr Hyman noted the long history to this project, and thanked the current and previous administration for their work in achieving this outcome. He thanked Cllr Mirylees, and also former Cllr Sally Dixon and others, who had campaigned relentlessly in support of restoring Wilmer House.
- 26.4 Cllr Higgins advised Members that he had visited the Museum of Farnham for the first time recently with his son and had been hugely impressed by the Grade 1 Listed Building, and the fantastic volunteers who had greeted them. He felt that the museum collection made it an asset for the whole of Waverley and while he supported the recommendation, he also hoped that further external funding could be raised to provide an extra cushion against cost inflation and unexpected expenses.
- 26.5 Cllr Beaman spoke and noted that Farnham Town Council had now pledged a further £10,000 towards the project, bringing the total from the Town Council to £20,000.
- 26.6 Following the Leader's final comments the Mayor put the vote to Members and **Council RESOLVED unanimously that a budget of up to £275 000 be approved from capital receipts or the Property Investment Reserve to fund a potential budget gap in the MEND project if efforts to obtain external funding are unsuccessful or overall project costs increase following the tender for the main build contractor.**

**CNL27/23 PROPOSED REVISIONS TO THE SCHEME OF DELEGATION TO OFFICERS, PLANNING COMMITTEE PROCEDURE RULES, AND COUNCILLORS' PLANNING CODE OF GOOD PRACTICE (Agenda item 11.)**

- 27.1 Cllr Andy MacLeod introduced the report from the Standards and General Purposes Committee and moved the recommendations, which were duly seconded by Cllr Robini. Cllr MacLeod advised Members that the proposals had been very thoroughly discussed by the Committee and there had been some relatively straightforward amendments made. Officers had brought forward the proposals very quickly following the Council meeting on 7 June 2023 in order to maintain support for the new planning committee arrangements.
- 27.2 Cllr MacLeod briefly outlined each of the recommendations:
- The first recommendation related to the revised Scheme of Delegation to the Executive Head of Planning Development and there were four key points to note: the requirement to put all planning applications for more than 25 dwellings to the Planning Committee had gone as this was a holdover from when there was a Joint Planning Committee; second, the 21 days cut off for members to request that an application be called in to the Planning Committee had gone as it was felt that this put too much pressure on councillors and did not give them enough time to properly consider applications and discuss it with the residents; thirdly the number of objections on householder applications required to trigger an automatic referral to the Planning Committee had been set at 10; and the equivalent threshold for non-householder applications (majors and minors) was 20

objections. These last two provisions did not prevent a councillor calling in an application that had fewer objections.

- The second recommendation related to the Planning Committee Procedure Rules, which had been revised to provide more clarity around when councillors could address the committee, including Ward councillors on applications in their Ward. They also now made better provision for the Planning Committee to propose an alternative recommendation to that put forward by the planning officers.
- The third recommendation was to adopt a revised Councillor's Planning Code of Good Practice, which provided guidance to councillors on how best to engage with the planning process from start to finish, whether or not they were members of the Planning Committee.
- The final recommendation sought agreement for the Executive Head of Planning Development to continue discussions with councillors about how councillors and planning officers engage, with the aim of drawing up a Memorandum of Understanding so that all parties were clear about their roles, responsibilities and expectations.

27.3 Cllr Follows spoke to thank officers for bringing these matters forward so quickly, and the Standards and General Purposes Committee for their careful consideration of the proposals. He reiterated that the rights of ward councillors to speak at the Planning Committee were set out in the Council Procedure Rules 23.1 and 23.2, and these had not changed. Also, the right of councillors to call an application to the Planning Committee, provided there were good planning reasons, was separate to the number of letters of objection that had been received. The proposals strengthened the ability of Ward members to properly represent the views of their residents and their Ward on planning matters.

27.4 During the course of the debate Cllr Goodridge and Cllr Martin reiterated their objection to the move to one Planning Committee and what they felt to be a reduction in the power of councillors. Cllr Goodridge was broadly supportive of the proposals but did not think it was practical to try and divide the discussion at the Planning Committee between questions and debate. He also objected to the provision whereby a committee member had to be present for the whole of any item in order to take part in the debate and vote. He felt that they should only be barred from voting.

27.5 Cllr Gale had reservations about the 10 objections threshold being too high in rural areas. Cllr Robini felt that the first two meetings of the Planning Committee had gone well and welcomed the new arrangements, as did Cllr Merryweather and Cllr Townsend. Cllr Clark welcomed the proposal in the draft Memorandum of Understanding for shared training with Members and officers. Cllr Hyman was concerned about a possible conflict with the Statement of Community Involvement and felt that there should be consultation with residents. Cllr Ward agreed with Cllr Goodridge regarding committee members being able to speak in the debate on an item even if they had missed part of the presentation or public speaking but should not be able to vote on the application.

27.6 Following up on this point, Cllr Goodridge proposed an amendment to the wording of paragraph 2.3 of the Planning Committee Procedure Rules, to

delete the words “*take part in the debate and*”; and to the equivalent section of the Planning Code of Good Practice, paragraph 22.4, deleting the words “*take part in the Committee discussion, debate and*”. Cllr Goodridge explained that committee members should be able to take part in the participate in the debate on an application even if they had missed part of the presentation or public speaking. The amendment was seconded by Cllr Ward, and following a short debate was passed by general assent.

27.7 The Mayor invited Cllr MacLeod to sum up after which she put the four recommendations, as amended, to the vote together, which were passed with 32 votes in favour, 10 votes against and two abstentions.

27.8 Therefore, **Council RESOLVED that:**

1. **the proposed revised Scheme of Delegation to the Joint Executive Head of Planning Development, be approved.**
2. **the proposed revised Planning Committee Procedure Rules, as amended, be approved.**
3. **the proposed revised Councillors’ Planning Code of Good Practice, as amended, be approved.**
4. **a consultation with councillors is undertaken to inform the content of a Memorandum of Understanding between planning officers and councillors.**

#### CNL28/23 APPOINTMENT OF MEMBERS TO COMMITTEES (Agenda item 12.)

28.1 On the recommendation of the Mayor, **Council RESOLVED to note the updated committee memberships that had been completed by the Executive Head of Legal and Democratic Services under delegated authority and in line with Group Leaders’ wishes, following the agreement of the revised committee structure at the Council meeting on 7 June 2023.**

28.2 Council further **RESOLVED to agree the appointment of Cllr David Beaman as Chair of the Planning Committee and Cllr Penny Rivers as Vice-Chair of the Planning Committee for the remainder of 2023/24.**

#### CNL29/23 MOTIONS (Agenda item 13.)

29.1 There had been no motions submitted for debate.

#### CNL30/23 MINUTES OF THE EXECUTIVE (Agenda item 14.)

30.1 On the recommendation of the Mayor, Council **RESOLVED to receive and note the Minutes of the Meetings of the Executive held on 4 April, 11 May and 6 June 2023.**

30.2 Cllr Gale had registered to speak in relation to the question she had asked at the Executive meeting on 4 April. She had asked the Leader to consider a

policy requiring all SANG provided in Waverley to be fully funded and maintained for a minimum period of 80 years to avoid undue costs and expense falling on householders in new developments through higher levels of service charge. The Leader had responded that he would add this to the matters for the Executive to consider, subject to the outcome of the elections. Cllr Gale asked the Leader whether this was now being considered.

- 30.3 The Leader thanked Cllr Gale for reminding him of his commitment and this would be discussed at an Executive Briefing meeting in September ahead of more formal consideration by the Executive.

CNL31/23 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Agenda item 15.)

- 31.1 On the recommendation of the Mayor, Council **RESOLVED to receive and note the Minutes of the Meeting of the Licensing and Regulatory Committee held on 27 February 2023.**
- 31.2 There were no Members registered to speak on matters set out in the Minutes.

CNL32/23 MINUTES OF THE AUDIT COMMITTEE (Agenda item 16.)

- 32.1 On the recommendation of the Mayor, Council **RESOLVED to receive and note the Minutes of the Meeting of the Audit Committee held on 13 March 2023.**
- 32.2 There were no Members registered to speak on matters set out in the Minutes.

CNL33/23 MINUTES OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE (Agenda item 17.)

- 33.1 On the recommendation of the Mayor, Council **RESOLVED to receive and note the Minutes of the Meeting of the Standards and General Purposes Committee held on 30 November 2022 and 7 June 2023.**
- 33.2 There were no Members registered to speak on matters set out in the Minutes.

The meeting concluded at 8.35 pm