

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 5 MARCH 2024

SUBMITTED TO THE COUNCIL MEETING – 23 APRIL 2024

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

Present

Cllr Paul Follows (Chair)	Cllr George Murray
Cllr Tony Fairclough (Vice Chair)	Cllr Paul Rivers
Cllr Victoria Kiehl	Cllr Liz Townsend
Cllr Mark Merryweather	Cllr Steve Williams
Cllr Kika Mirylees	

Apologies

Cllr Nick Palmer

Also Present

Cllrs Clark, Crowe, Hyman and K.Reed

EXE 142/23 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 6 February 2024 were confirmed and signed as a correct record.

EXE 143/23 DECLARATIONS OF INTERESTS (Agenda item 3)

The Leader advised that respective Executive Members would recuse themselves for the consideration of Community Infrastructure Levy (CIL) Bid recommendations in their wards (agenda item 8).

EXE 144/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were none.

EXE 145/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were none.

EXE 146/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader expressed his thanks to the Monitoring Officer, Section 151 Officer and the Joint Senior Staff Committee their work in addressing senior staffing matters at Guildford Borough Council. Solace had been engaged to look into governance issues at GBC, and once completed, the Leader would ask the Joint Chief Executive to invite Solace to provide external validation and assurance on governance at Waverley.

At the invitation of the Leader, Executive Members gave the following updates:

- Councillor Fairclough praised the Enforcement team for its work around the Borough and in particular in Bramley and Haslemere
- Councillor Merryweather was concerned with recent incorrect claims about the increase in parking charges and clarified that the average increase was 11.4% from the 2021 baseline, when the charges had been frozen. This represented around 10p per hour; and there were no plans to introduce Sunday charging. Secondly, there were no plans to invest in commercial property such as the Boots site in Godalming. The investment in 69 High Street was primarily to deliver much needed affordable housing.
- Councillor Liz Townsend was delighted to report that the Council had launched its new Commonplace citizen engagement platform. The consultation on the Council's Statement of Community Involvement would open on 8 March and close on 19 April 2024. Secondly, funding had been secured to continue to develop digital planning processes to improve the plan submission process and speed up decision making. Thirdly, it was disappointing that Cranleigh residents had again suffered sewage overflow from the highway onto their gardens, together with overflow entering the river network. The incidents continued to highlight that the government needed to properly fund the Environment Agency.
- Councillor Williams was pleased that Officers were evaluating tender submissions for conducting habitat condition surveys and biodiversity net gain potential for all Council sites across the Borough as part of a rolling 4 year programme.

EXE 147/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES
(Agenda item 7)

The Leader advised that the Overview and Scrutiny Committees were scheduled to meet later in the month, and that any recommendations from those meetings would be reported to the April meeting of the Executive.

EXE 148/23 COMMUNITY INFRASTRUCTURE LEVY (CIL) BIDDING CYCLE 2023/2024
(Agenda item 8)

Cllr Liz Townsend, Portfolio Holder for Planning, Regeneration and Economic Development, introduced the report and advised that the recommendations had been altered to allow for respective Ward Members to recuse themselves during the consideration of recommendations within their Wards. Cllr Townsend:

- Thanked Officers and the Working Group for their preparation and deliberation, 22 submissions had been received, of which 2 were not valid
- Explained that one recommendation relating to the Farnham Infrastructure Programme would be for the Council to consider in accordance with the Constitution
- The total value of the bids was significantly greater than in previous cycles, and those recommended for approval were geographically spread across the Borough

Cllr Hyman, in attendance as Observer, had registered to speak in accordance with Executive Procedure Rule 5.6 a). Councillor Hyman expressed his:

- Disappointment in the progress of Surrey County Council's proposed £250m Farnham Infrastructure Programme, which was meant to resolve Farnham's traffic problems and improve air quality
- Concern that air quality modelling details had not yet been made public
- Concern that the modal shift and behaviour change anticipated to reduce traffic may not materialise.

Cllr Hyman sought assurance that the proposals would not worsen congestion and air quality.

Executive Members statements in response included:

- Surrey County Council had structured the delivery of the Farnham Infrastructure Programme over a significant number of years, and air quality monitoring had been factored into that
- Waverley Borough Council would continue to stress the importance of air quality monitoring in accordance with statutory obligations
- Traffic congestion was a complex matter which would also affect neighbouring wards
- Acknowledgment that the programme was just at the beginning, and would evolve and be delivered over a long period of time.

The Leader advised that Executive members' would recuse themselves during the consideration of bids in their Wards, accordingly:

- Cllrs Fairclough, Merryweather, Mirylees and Murray recused themselves for the consideration of a), being Farnham Ward Councillors
- Cllr Liz Townsend recused herself for the consideration of b), being a Cranleigh Ward Councillor
- Cllrs Follows, Kiehl, Rivers and Williams recused themselves for the consideration of c), being Godalming Ward Councillors. Consideration of c) was chaired by the Deputy Leader, Cllr Fairclough.

The Executive **RESOLVED**:

- I. To approve the allocation of Strategic CIL funding to the projects as set out in paragraph 7.24 of this report in the following areas:
 - a. Farnham (CIL Bid reference: 3; 7 & 11)
 - b. Cranleigh (CIL Bid reference: 12 & 22)
 - c. Godalming (CIL bid reference: 4 & 13)
 - d. Haslemere (CIL bid reference 8)
 - e. Other (14 & 16)

Subject to the completion of the final relevant checks and the signing of funding agreements, the details of which are delegated to the Strategic Director in consultation with the Portfolio Holder for Housing (Delivery).

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

- I. **To award £3,253,726.00 CIL funding to Surrey County Council for the Farnham Infrastructure Programme (Town Centre Improvement Scheme) to Council (CIL Bid reference 3), split equally across the financial year 2023/24 and 2024/25 (£1,626,863.00).**

Reason

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

EXE 149/23 MUSEUM OF FARNHAM MEND PROGRAMME: REPORT TO TENDER MAIN CONTRACTOR (Agenda item 9)

Cllr Mirylees, Portfolio Holder for Community Services, Leisure and EDI, introduced the report and summarised:

- The Arts Council had awarded the Council £735,000 to deliver a programme of essential conservation repairs to the grade one facade of Wilmer House, the home of the Museum of Farnham
- An invitation to Tender for the main contractor was required prior to obtaining listed building consent due to the timescale relating to the conservation works and Arts Council funding rules.

Executive members' statements in support of the proposal included:

- Expressing enthusiasm that a beautiful building would be restored by local craftspeople and brought back into use
- That Farnham Councillors should be commended for their persistence and determination that the project should succeed.

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

- I. Go to tender for the main contractor for the repair contract through a competitive tender process with the brickwork conservator, Simpson Brickwork Conservation Limited being a named sub-contractor.
- II. Issue the invitation to tender prior to obtaining listed building consent.
- III. Delegate authority to the Strategic Director for Community Wellbeing in consultation with the Joint Head of Legal and Democratic Services to award the contract to the successful bidder. This will be dependent upon listed building consent being granted prior to entering a contract with the recommended contractor.

Reason

As set out in the Report.

EXE 150/23 OFF-STREET PARKING ENFORCEMENT CONTRACT (Agenda item 10)

Cllr Fairclough, Deputy Leader and Portfolio Holder for Enforcement and Regulatory Services, introduced the report and summarised:

- The recommendations were for a six-month extension to the current contract which would give the Council time to consider the delivery of Waverley off street parking and cash collection together with any opportunities there may be to work in collaboration with Guildford Borough Council as part of developing a car parking strategy for the future
- The extension allowed the Council to take stock and consider the available options as part of its wider sustainable transport considerations
- An Executive Working Group would conduct a review of the Council's overall car parking policy and would examine the technologies and opportunities that exist.

Cllr Ken Reed, in attendance as Observer, had registered to speak in accordance with Executive Procedure Rule 5.6 a). Councillor Reed stated:

- That the report appeared to contain insufficient information for the Executive to make a decision and it was unclear what was meant by seeking a long term solution, particularly whether this would be limited to compliance enforcement or a root and branch review of how the Council's car parks operated
- That he was surprised to read that there were 7 Compliance Enforcement Officers (CEO) working on an ad-hoc rota around the Borough
- There was no explanation of how the rota was organised, but he had observed that a CEO was rarely seen in Cranleigh more than once per week
- Parking spaces in Cranleigh accounted for 15% of the total number of spaces in the Borough, and accordingly, the apportionment of CEO time spent in Cranleigh could, in his opinion, be increased to 5 days per week
- The ad-hoc rota, could arguably be replaced with fixed deployments of one FTE in Cranleigh, one in Haslemere, two in Godalming and three in Farnham for 5 days per week.

The Leader thanked Cllr Reed for his comments and advised that Officers would be asked to circulate the rota to Executive Members and Cllr Reed, together with some advice on how the rota operated. Whilst the rota would not be made publicly available, the Executive Working Group would use it to inform its considerations. Councillor Murray asked whether a quarterly summary of the locations where PCNs had been issued could be made available.

The Executive **RESOLVED** to

- I. Segregate cash collection and enforcement services.
- II. Agree a short term six-month contract with Marston Group Ltd, NSL, for the provision of enforcement services only at a quoted value of £163,320, to allow time for the development of a business case for a long-term solution.
- III. Delegate authority to the Joint Executive Head of Commercial Services to agree the final terms of cash collection services as long as

the value of such contract falls below the key decision and non key decision threshold and subject to there being a waiver granted by the s151 officer.

Reason

The current contract expires on the 31st of March 2024 and the procurement timelines were too tight to achieve an effective tender.

EXE 151/23 BRIGHTWELLS YARD DEVELOPMENT PROJECT (Agenda item 11)

Cllr Fairclough, Deputy Leader and Portfolio Holder for Enforcement and Regulatory Services, introduced the report and summarised:

- That the original development agreement had been signed in 2018 with the development having started on site the same year. It was now largely complete with the cinema open and many of the residential properties were occupied
- Some elements on site were not yet finished, including Brightwell's House, the remaining residential units, and the proposed new bridge at Borelli walk
- Not all planning elements had been resolved but Officers and Councillors wanted to get the best result regarding the bridge in light of the planning permission that had already been granted to Crest
- Extending the longstop date and removing the bridge from practical completion of works would allow the site to open sooner than would otherwise allow
- There was also an opportunity to facilitate some minor amendments in the form of the under lease for the car park
- There were no direct financial implications to the Council, however the option of not changing the longstop date had also been considered fully by the Council's legal advisors
- The decision was a non-key decision for the Executive to make and was sited in only one Ward (Castle Ward).

Cllr Hyman, in attendance as Observer, had registered to speak in accordance with Executive Procedure Rule 5.6 a). Councillor Hyman stated that:

- He was of the opinion that the decision was a key decision, potentially of £120million and would affect several Wards
- The project had been controversial for many years
- The report did not set out the potential financial benefits or disbenefits fully
- In his opinion, Crest had not performed well throughout the development
- The Council had been underwriting the risks of the project and the financial implications of not agreeing the recommendations had not been made clear.

Executive Members responded accordingly:

- Governance advice was that the decision was not a key-decision as it had no direct financial implications and was limited only to the Castle Ward in which the development was situated

- The Executive were determined to move the project forward for the residents of Waverley, and particularly Farnham
- The report represented assurance for Crest in their negotiations with prospective tenants
- The bridge would be built, and a guarantee in the form of a bond would be put in place. The recommendations effectively enabled the progression of a vibrant development that would be a great success.

The Development Manager clarified that the financial implications had been fully considered by the Council's legal team as set out in the exempt Annex.

The Executive **RESOLVED:**

1. That the terms of the Brightwells Yard Development Agreement be varied as follows:
 - i. The ultimate long-stop date for Practical Completion to change from 15 August 2024 to 28 February 2025.
 - ii. Developer obligations to deliver the Borelli Bridge ("the Bridge") be removed from the DA and a separate agreement entered into obliging the developer to deliver the bridge by 31 August 2025.
 - iii. That the full and final set of drawings, plans and specifications comprising the Works and agreed between the parties since the Development began, be appended to the Development Agreement thereby superseding the original documents included.
 - iv. That the previous form of Car Park Underlease be removed and replaced with a new revised version of the Car Park Underlease which takes account of agreed changes to the service charge provisions which WBC's officers have in principle agreed.
 - v. Authority be delegated to the Strategic Director - Place, to settle the terms upon which these changes will be documented and to authorise execution of any deeds and documents required to give effect to those changes in consultation with the Portfolio Holder for Finance, Assets and Property, the Portfolio Holder for Brightwells and Executive Head of Legal and Democratic Services.

Reason

The developer, Crest Nicholson, approached the Council and explained that there were certain delivery complications which will mean that they would be unable to deliver the scheme in accordance with the original timeline. They had therefore asked for more time to deliver the scheme.

The meeting commenced at 6.00 pm and concluded at 7.10 pm

Chairman