

**MINUTES**  
**OF A MEETING OF THE**  
**EXECUTIVE**

held on 13 July 2017

Present:

	Cllr D J Bittleston (Chairman)	
Cllr A Azad		Cllr Mrs B A Hunwicks
Cllr A C L Bowes		Cllr S Hussain
	Cllr M Pengelly	

Apologies: Cllr C S Kemp.

Also Present: Cllrs I Eastwood, W P Forster, K Howard, D E Hughes, I Johnson and Independent Member, Mrs C Storey.

**1. MINUTES**

RESOLVED

That the minutes of the meetings of the Executive held on 23 March and 22 May 2017 be approved and signed as true and correct records.

**2. DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, the Leader of the Council, Councillor D J Bittleston and Councillor Mrs B A Hunwicks declared a non-pecuniary interest in minute item 4 – Thamesway Energy Limited – Poole Road Energy Centre, minute item 7 – Economic Development Strategy Annual Report 2016-17 and 2017-18 Work Programme, minute item 9 – Treasury Management Annual Report 2016-17, minute item 11 – Risk Management and Business Continuity Annual Report, minute item 12 – Sheerwater Regeneration – Allocation of resources to Thamesway Developments Limited, minute item 13 – Sheerwater Regeneration – Special Letting Policy, minute item 14 – Performance and Financial Monitoring Information and minute item 15 – Monitoring Reports – Projects arising from their positions as Directors of the Thamesway Group of Companies. The interests were such that speaking and voting were permissible.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, the Deputy Chief Executive, Douglas Spinks, Strategic Director, Sue Barham and Head of Democratic and Legal Services, Peter Bryant, declared an interest in minute item 4 – Thamesway Energy Limited – Poole Road Energy Centre, minute item 7 – Economic Development Strategy Annual Report 2016-17 and 2017-18 Work Programme, minute item 9 – Treasury Management Annual Report 2016-17, minute item 11 – Risk Management and Business Continuity Annual Report, minute item 12 – Sheerwater Regeneration – Allocation of resources to Thamesway Developments Limited, minute item 13 – Sheerwater Regeneration – Special Letting Policy, minute item 14 – Performance and Financial Monitoring Information and minute item 15 – Monitoring Reports – Projects arising from their positions as Directors of the Thamesway Group of Companies. The interests were such that speaking was permissible.

In accordance with the Officer Procedure Rules, the Chief Executive, Ray Morgan, declared an interest in minute item 6 – Notice of Motion – Cllr Raja – Democratic Principles as a

result of being the subject of the Monitoring Officer's investigation. The Chief Executive would, if advised to do so by the Monitoring Officer, leave the Chamber during any discussion of the issues raised. Whether that was necessary would depend upon the nature of that discussion.

### **3. HOUSING STANDARDS ENFORCEMENT POLICY**

The Executive received a report which recommended to Council the adoption of the Housing Standards Enforcement Policy. It was noted that the Policy set out how the Council aimed to intervene in the private rented sector and utilise its wide-ranging statutory powers and duties to improve housing standards across all housing tenures and in particular within the private rented sector. Enforcement of Energy Performance Certificates (EPCs) and Gas Safety Certificates were raised. Officers reported that there was a requirement for private landlords to obtain an EPC before a property was rented and that the enforcement regime for EPCs sat with the trading standards authorities and not the Council. Regarding Gas Safety Certificates, Officers advised that landlords were required to provide a Gas Safety Certificate every year and failure to comply with the regulations was enforced by the Health and Safety Executive.

EXE17-040

#### **RECOMMENDED to Council**

- That (i) **the Housing Standards Enforcement Policy, as set out in the Appendix to the report, be adopted;**
- (ii) **the Strategic Director for Housing be delegated authority to agree minor amendments to the Housing Standards Enforcement Policy in consultation with the Portfolio Holder;**
- (iii) **the Head of Democratic and Legal Services be delegated authority to issue financial penalties under the Housing and Planning Act 2016;**
- (iv) **the Head of Democratic and Legal Services be delegated authority to issue financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015;**
- (v) **the Head of Democratic and Legal Services be delegated authority to issue financial penalties under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Regulations 2014;**
- (vi) **the Statement of Principles in respect of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as set out in Appendix 1 to the Policy, be adopted;**
- (vii) **the Strategic Director be delegated authority to apply for Banning Orders proposed in the Housing and Planning Act 2016 from the implementation date;**
- (viii) **the Strategic Director be delegated authority to enter relevant private landlord details onto the Rogue Landlord Database proposed in the Housing and Planning Act 2016 from the implementation date; and**
- (ix) **the Houses in Multiple Occupation Licensing Policy be amended to reflect the adoption of new powers to issue**

**financial penalties for certain offences, as set out in Appendix 2 attached to the report.**

Reason: It is best practice for the Council to adopt a policy setting out how it intends to make use of its wide-ranging enforcement powers in respect of private sector housing interventions. The policy will ensure consistency of approach as well as providing private sector landlords and tenants with transparent information regarding how the Council will undertake enforcement action.

The Council is required to adopt a policy for the issuing of civil penalties that have been introduced under the Housing and Planning Act 2016, and this policy fulfils that purpose.

To ensure that the policy remains fit for purpose during its life and to ensure flexibility it is proposed that the Strategic Director (in consultation with the Portfolio Holder) have delegated authority to agree minor amendments to the policy during its life.

The introduction of new powers to issue civil penalties for certain offences requires that the Council Houses in Multiple Occupation Licensing Policy also be amended to reflect the enforcement approach within this policy.

#### **4. THAMESWEY ENERGY LIMITED - POOLE ROAD ENERGY CENTRE**

The Executive received a report which recommended to Council the provision of a Loan Facility to Thameswey Energy Limited (TEL) for the purpose of the development of a new TEL Energy Centre in Woking Town Centre. Discussion ensued on the economic case for the proposal and the assumptions used in the financial model. The Executive noted that the proposal would support the Council's Town Centre sustainable development ambitions and would serve the approved Victoria Square development. It was further noted that the Energy Centre would have capacity to serve further developments which had been approved, planned or were anticipated. The Executive was informed that additional investment would be required to enable the Energy Centre to expand to meet the needs of future developments and that such investment would be considered in future TEL Business Plans to be approved by the Council. The positive contribution to the Council's Medium Term Financial Strategy achieved by the interest margin over the life of the Loan was highlighted.

Officers informed the Executive that the proposal contained a series of assumptions which were considered to be reasonably sound and that a prudent approach had been taken. It was highlighted that there was confidence that Thameswey possessed the necessary resources to build and operate the Energy Centre. It was further reported that the scheme was well advanced and that it was hoped that construction could commence in the Autumn, subject to Council approval of the Loan Facility.

Regarding the Hockey Museum, it was noted that a report would be received at a future meeting of the Executive once the Hockey Museum had presented its Business Case to occupy space in the Energy Centre to the Leader and the Portfolio Holder for Leisure and Cultural Services. The Executive would make a recommendation to Council on whether or not it supported the Museum occupying one floor of the Energy Centre. The Executive would also determine the property terms for the Ground Rent at a future meeting, provided the Council approved the Loan Facility for the development of the Energy Centre. The Leader confirmed that neither the report before the Executive or the approval of the Loan Facility

would automatically entitle the Hockey Museum to occupy the space without prior Executive approval. EXE17-046

**RECOMMENDED to Council**

**That a Loan Facility of up to £25.117m based on an initial development facility and then converted to a 50 year annuity from the completion of the development or 30 September 2020, whichever is the earlier, at an interest rate of 1% above the relevant prevailing PWLB Certainty Rate and subject to a 1% one off arrangement fee payable at the outset, be made available to Thameswey Energy Limited for the purpose of the development of the Poole Road Energy Centre.**

Reason: To enable the development of the Poole Road Energy Centre to serve the sustainable energy needs of Woking Town Centre.

**5. ELECTORAL INTEGRITY PILOTS - MAY 2018**

The Executive received a report which recommended to Council the inclusion of Woking Borough Council in the Government's 2018 electoral integrity pilots due to the historical allegations and instances of electoral fraud in the Borough. Concern was expressed regarding the acceptable ID requirements to be used during the pilot and the risk of electors being disenfranchised. It was noted that, if the Council was chosen to be part of the pilot scheme, Officers would work with the Cabinet Office to finalise the details of the ID requirements. The Executive was informed that the pilot would be Borough-wide and the objectives were to reduce the opportunity for electoral fraud and enhance public confidence in the security of the polling station. EXE17-038

**RECOMMENDED to Council**

**That (i) the inclusion of Woking Borough Council in the 2018 electoral integrity pilots be supported; and**

**(ii) if Woking Borough Council is selected as a pilot authority,**

- a. the Elections and Electoral Registration Review Panel be consulted on the final ID requirements; and**
- b. the final ID requirements be submitted to Council for approval.**

Reason: To enable Officers to confirm that the Council supports the application to conduct a pilot at the Borough elections scheduled to be held in May 2018.

**6. NOTICE OF MOTION - CLLR RAJA - DEMOCRATIC PRINCIPLES**

EXE17-053

**RECOMMENDED to Council**

**That (i) Council notes the outcome of the Monitoring Officer's investigation into the issues raised by Councillor Raja's Notice of Motion, i.e.**

- that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview referred to in the Notice of Motion, and**

- **accordingly, the Chief Executive did not breach the Officer Procedure Rules.**
- (ii) **Councillor Raja’s Notice of Motion be not supported; and**
- (iii) **Council reaffirms the sentiments contained in the resolution passed by it on 14 July 2016 (following the EU referendum), i.e.**
- “That we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country.***
- We, Woking Borough Council, condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.***
- Woking Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.***
- We reassure all people living in Woking that they are valued members of our community.”***

Reason: To recommend action to Council on Councillor Raja’s Notice of Motion.

## **7. ECONOMIC DEVELOPMENT STRATEGY ANNUAL REPORT 2016-17 AND 2017-18 WORK PROGRAMME**

The Executive received the Economic Development Strategy Annual Report 2016-17 and the 2017-18 Work Programme. The Chairman of the Economic Development Task Group, Councillor I Johnson, explained that the Task Group was responsible for following through the performance of the Strategy and commented that the new layout of the Work Programme and Strategy themes would make progress easier to follow going forward. EXE17-043

### **RESOLVED**

- That (i) the initiatives identified in the main report be pursued in the 2017-18 year; and
- (ii) the Economic Development Task Group keeps the Economic Development Strategy under review.

Reason: To ensure successful delivery of the Economic Development Strategy 2017-22, to agree that the activities that are ongoing are supported and to agree the funding required.

## **8. SURREY COUNTY COUNCIL INTER-AUTHORITY ARRANGEMENTS**

The Executive received a report which provided an update on inter-authority agreements and the potential impact on the Council. Discussion ensued on the environmental maintenance and parking agency agreements and it was noted that the Chief Executive had confirmed to the County Council the Borough Council’s desire to continue with both agency arrangements. Councillor K Howard raised the potential reduction in grass cutting in the Borough if the County Council took back environmental maintenance and the nature conservation benefits of fewer grass cuts. The Executive acknowledged the importance of the appearance and quality of public realm space and the need for grass cuts in the denser urban area. Officers advised that wildflower areas had been created in the Borough’s SANGs, including the proposals for meadowland creation in the Hoe Valley. It was agreed that further discussion

be held at the Climate Change Working Group regarding grass cutting and how any future management strategy could be influenced.

Regarding Housing Related Support, the Executive was advised that the County Council was currently undertaking a consultation with tenants who received the service directly. Officers were currently working on options, however it would be unclear what future services would be required and how those could be delivered until the consultation outcome was known.

EXE17-049

RESOLVED

That the report be noted and the action taken by the Chief Executive be supported.

Reason: To receive an update and approve action taken by the Chief Executive.

**9. TREASURY MANAGEMENT ANNUAL REPORT 2016-17**

EXE17-048

RESOLVED

That the annual report on Treasury Management performance for 2016/17 be received, and the compliance with the Council's approved arrangements be noted.

Reason: To receive the annual report on Treasury Management performance for 2016/17 in accordance with the Council's policy on Treasury Management.

**10. EQUALITIES ANNUAL REPORT - 2017**

The Executive received the Equalities Annual Report - 2017 which set out the progress on the equalities agenda. The Executive welcomed the work undertaken by Officers during the year, including Refugee Week, Living Well Week, Diwali, dementia awareness and women's only yoga and swimming sessions. Equalities monitoring data of Council employees was highlighted and it was queried whether work was in hand to increase the number of employees from minority ethnic backgrounds as well as young people under the age of 25.

EXE17-042

RESOLVED

That the report be received.

Reason: To meet the requirement to report on annual progress on the equality agenda.

**11. RISK MANAGEMENT AND BUSINESS CONTINUITY ANNUAL REPORT**

The Executive received the annual report on Risk Management and Business Continuity. Following a suggestion from Councillor I Johnson, the Leader of the Council agreed that it would be helpful for Members to receive a briefing on emergency planning as part of the Members Training Programme and undertook to discuss the matter with Officers.

The Chief Executive advised that arrangements were in place with the County Council and the military regarding the Council's ability to respond in an emergency. Members were assured by the Chief Executive that they would be kept informed during an emergency situation. EXE17-044

RESOLVED

That the report be noted and that Risk Management processes remain sound and that work is ongoing to update Business Continuity arrangements within the Council.

Reason: The continuous development of the Council's Risk Management Strategy and Business Continuity Management Plan is essential to ensure the security of services to citizens.

**12. SHEERWATER REGENERATION - ALLOCATION OF RESOURCES TO THAMESWEY DEVELOPMENTS LIMITED** EXE17-050

RESOLVED

That a Development Loan Facility of £2.5m be made available to Thameswey Developments Limited, in accordance with the arrangements approved by the Council on 6 April 2017.

Reason: To enable Thameswey Developments Limited to progress the Sheerwater Regeneration proposals upon behalf of the Council.

**13. SHEERWATER REGENERATION - SPECIAL LETTING POLICY**

Following Council on 6 April 2017, the Executive received a report on a Special Letting Policy to enable secure tenants, subject to the availability of property, to leave the regeneration area in advance of their property being needed for the regeneration. It was explained that the Policy would take effect from 1 October 2017 in order to ensure that the resources were in place to engage with tenants. The need to engage appropriately and sensitively with tenants on their individual needs was highlighted, including the role of the Sheerwater Regeneration Oversight Panel in overseeing tenant consultation. EXE17-051

RESOLVED

That (i) with effect from 1 October 2017 Secure Tenants who wish to move out of the Regeneration Area in advance of any required relocation date will be eligible for Home Loss and Disturbance Payments provided they surrender the Right of Return to the Sheerwater Regeneration area; and

(ii) 50% of the new Units in the Housing Revenue Account will be earmarked and made available for Secure Tenants from within the Sheerwater Regeneration area.

Reason: To provide arrangements for Secure Tenants within the Sheerwater Regeneration Area who wish to move out of the area in advance to do so and benefit from the Home Loss and Disturbance Payments provided they surrender the automatic right to return.

**14. PERFORMANCE AND FINANCIAL MONITORING INFORMATION**

The Executive considered the Performance and Financial Monitoring Information (Green Book), April/May 2017. Members discussed fly tipping and Councillor Mrs B A Hunwicks, Portfolio Holder for Waste and Recycling, reported that SCC's Enforcement Officer had been present at the recent meeting of the Surrey Waste Partnership and had advised that tonnage figures of fly tipping had decreased in Surrey. The Portfolio Holder further reported that fines were being enforced more vigorously and that reporting of fly tipping had increased. Staff sickness levels were also raised and Officers commented that the Council actively engaged with staff via interviews.

RESOLVED

That the Performance and Financial Monitoring Information, April/May 2017, be received.

Reason: To manage the performance of the Council.

#### **15. MONITORING REPORTS - PROJECTS**

The Executive received a quarterly monitoring report on the progress of projects in the interest of financial prudence and to ensure open and transparent corporate governance. The Chief Executive acknowledged that the report contained historical information as projects were not closed until issues were transparently resolved. It was agreed that the Chief Executive would discuss the way forward with the Leader. EXE17-047

RESOLVED

That the report be received.

Reason: To monitor the position of active projects on SharePoint and to note all stand-alone releases.

#### **16. EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during consideration of item 17 in view of the nature of the proceedings that, if members of the press and public were present during this item, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, to the Local Government Act 1972.

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

#### **17. WOKING GATEWAY - PROCUREMENT EXERCISE**

A supplementary report was tabled at the meeting. The recommendations to the Executive remained as set out in the original report. EXE17-054

RESOLVED

That the recommendations set out in the Part II report be agreed, including recommendation (iv) which stated that the decisions of the Executive on this matter were urgent, of immediate effect and not subject to call-in.



Reason: To enable the procurement exercise to continue in accordance with the Public Contract Regulations 2015 and European law.

**This document was published on Friday 14 July 2017 and the decisions within it will be implemented on Monday 24 July 2017, subject to call-in.**

The meeting commenced at 7.00 pm  
and ended at 8.36 pm.

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_