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To: All Members of the **EXECUTIVE**

The following papers have been added to the agenda for the above meeting.

They were not available for publication with the rest of the agenda.

Yours sincerely

Damian Roberts

Chief Executive

SUPPLEMENTARY PAPERS

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Surrey Heath Borough Council
Executive
17 January 2023

**Outcome of Executive Decisions Called-In and Considered
by the Performance & Finance Scrutiny Committee**

Portfolio Holder: Cllr Shaun Garrett – Economic Development & Transformation
Head of Service Gavin Ramtohal – Head of Legal & Democratic Services
Report Author: Katharine Simpson – Senior Democratic Services Officer
Key Decision: No
Wards Affected: Parkside; Town and St Michaels

Summary and purpose

To consider the recommendations of the Performance & Finance Scrutiny Committee in respect of:

- (i) The Settlement of Property Dilapidations; and
- (ii) Proposed additional contributions to Collectively Camberley BID

Recommendation

The Executive is advised to consider the recommendations of the Performance & Finance Scrutiny Committee and consider whether to adopt its recommendations in respect of Property Dilapidations and additional contributions to Collectively Camberley Business Improvement District.

1. Background and Supporting Information

- 1.1 The Performance & Finance Scrutiny Committee has considered two call-ins since November 2022, on 24 November 2022 and 5 January 2023, and its recommendations are set out below.

Call-In - Property Dilapidations

- 1.2 At its meeting on 24 November 2022, the Performance & Finance Scrutiny Committee considered a decision of the Executive made in October 2022 to accept a sum of money as full and final settlement of dilapidation payments owed in respect of a community property which had not been maintained in line with the agreed lease.
- 1.3 The Committee considered the matter and made the following recommendation to the Executive:

RESOLVED that the matter be referred back to the Executive for reconsideration and the following points to be made:

- i. The £12,000 offered by the parent organisation should be used solely for the refurbishment of the building. In the event that the Council made a decision, within 12 months of this meeting, not to progress the refurbishment the building then the £12,000 should be ring fenced to be used for projects for young people in the Borough with priority being given to those projects which fell within the ward in which the building was located.
- ii. The Council's inspection regime for leased properties should be reviewed to ensure that all properties were subject to regular inspections.

Call-In - additional funding for Collectively Camberley BID

- 1.4 At its meeting on 5 January 2023, the Performance & Finance Scrutiny Committee considered a decision of the Executive made in November 2022 to make additional funding available to Collectively Camberley Limited, the administering body for the Camberley Business Improvement District (BID) outside of the statutorily set BID levy, to facilitate the delivery of additional events in Camberley town centre.
- 1.5 The Committee considered the matter and made the following recommendation to the Executive:

RESOLVED that the matter be referred back to the Executive for reconsideration and that the following points be made:

- i. That the decision to add a supplementary estimate of £5,000 to the current capital programme to provide a capital grant to Collectively Camberley Limited be progressed.
- ii. That the decision to provide an additional one off grant of £55,000 to Collectively Camberley Limited through a supplementary estimate be deferred to enable detailed business cases to be prepared for each of the proposed events before a final decision was taken on whether each event would receive financial support from the Council.
- iii. That the Police and any other relevant partner agencies in Camberley be consulted on the proposals before they are progressed.

2. Reasons for Recommendation

- 2.1 The recommendation is in line with the requirements for responding to the Call-In of Executive decisions, as set out in the Local Government Act 2000 and the Council's Scrutiny Committee Procedure Rules.

3. Proposal and Alternative Options

- 3.1 The Executive is asked to consider the recommendations of the Performance & Finance Scrutiny Committee, as set out at paragraphs 1.3 and 1.5, and agree whether to support the recommendations from the Scrutiny Committee or uphold its original decisions.

4. Resource Implications

- 4.1 Any resource implications were addressed in the original report to the Executive meetings.

5. Section 151 Officer Comments:

- 5.1 The Section 151 Officer's comments were included in the original reports to the Executive, as referred to in the background papers below.

6. Legal and Governance Issues

- 6.1 The right for non-executive councillors to 'call-in' decisions of the Executive is provided for in the Local Government Act 2000 and is one of the tools available for non-executive councillors to hold the Executive to account for the decisions it makes.
- 6.2 Calling in the decision prevents the decision taking immediate effect to ensure that the Council's Overview and Scrutiny function has had an opportunity to question the Executive Member(s) and relevant Officers to find out more about the rationale behind the decision taken to assess alternative options.

7. Monitoring Officer Comments:

- 7.1 The Monitoring Officer's comments were included in the original reports to the Executive, as referred to in the background papers below.

Annexes

Annex A – minutes of the meeting of the Performance & Finance Scrutiny Committee held on 24 November 2022

Annex B – minutes of the meeting of the Performance & Finance Scrutiny Committee held on 5 January 2023

Background Papers

Report to Executive – 18 October 2022 (exempt)

<https://surreyheath.moderngov.co.uk/ieListDocuments.aspx?CId=127&MIId=3894&Ver=4>

Report to Performance & Finance Scrutiny Committee – 24 November 2022 (exempt)

<https://surreyheath.moderngov.co.uk/ieListDocuments.aspx?CId=309&MIId=4072&Ver=4>

Report to Executive – 15 November 2022

<https://surreyheath.moderngov.co.uk/ieListDocuments.aspx?CId=127&MId=3895&Ver=4>

Report to Performance & Finance Scrutiny Committee – 5 January 2023

<https://surreyheath.moderngov.co.uk/ieListDocuments.aspx?CId=309&MId=4076&Ver=4>

**Minutes of a Meeting of the Performance
and Finance Scrutiny Committee held at
Council Chamber, Surrey Heath House,
Knoll Road, Camberley, GU15 3HD on 24
November 2022**

- Cllr Sashi Mylvaganum (Chairman)
+ Cllr Valerie White (Vice Chairman)

+ Cllr Graham Alleway	+ Cllr Edward Hawkins
+ Cllr Cliff Betton	+ Cllr David Lewis
+ Cllr Stuart Black	+ Cllr Liz Noble
- Cllr Vivienne Chapman	+ Cllr Darryl Ratiram
Cllr Paul Deach	+ Cllr Morgan Rise
+ Cllr Sharon Galliford	+ Cllr Victoria Wheeler
	+ Cllr Helen Whitcroft

+ Present

- Apologies for absence presented

Substitutes: Cllr Cliff Betton for Cllr Sashi Mylvaganum
Cllr David Lewis for Cllr Vivienne Chapman

Non Committee Members in Attendance: Cllr Rodney Bates and Cllr Tim FitzGerald

Portfolio Holders in Attendance: Cllr Shaun Garrett, Economic Development & Transformation
Cllr Robin Perry, Finance and Customer Services

Officers Present: Damian Roberts, Chief Executive
Nick Steevens, Strategic Director: Environment & Community

28/PF Declarations of Interest

It was noted for the record that:

- Councillor Liz Noble, had prior to 2018, reviewed the accounts of the third party organisation in question but no longer had dealings with them.
- Councillor Tim Fitzgerald had in the past volunteered for the third party organisation in question.

29/PF Exclusion of Public and Press

RESOLVED that pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) Access to Information) Regulations 2012, members of the public and press be excluded from the meeting for the consideration of item 4: Call in Settlement of Property Dilapidations which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

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

30/PF Call In- Settlement of Property Dilapidations

The Committee considered a report setting out a Member Call-in in respect of a decision taken by the Executive on 18th October 2022 to approve a decision to accept a sum of

money as full and final settlement of dilapidation payments owed in respect of a community property which had not been maintained in line with the agreed lease.

The Executive's decision to accept the payment had been called in by Councillors Rise and Whitcroft, who indicated that whilst they agreed in principle with the Executive's decision to accept the proffered monies their concerns primarily focused on the possibility that the funds would be subsumed into the Council's general budget to the detriment of the Borough's children and young people who had been the primary users of the facility in question until it had been deemed to be no longer fit for purpose.

It was noted that the organisation that the building had been leased to was no longer operational and that discussions with the parent organisation had resulted in an agreement that the Council would receive the balance on the account of the disbanded organisation to part cover the expected cost of dilapidations bill. In addition, the parent organisation, who bore no legal responsibility for the cost of the dilapidations, would as a goodwill gesture pay an additional £12,000 to the Council to assist with the dilapidations bill. The Committee was reminded that even with this additional sum the projected costs of refurbishing the building were expected to significantly exceed the money offered.

The Committee expressed concern that whilst the building had been let on a Fully Repairing and Insuring Lease the organisation that the building had been let to had made no visible effort to ensure that the building was kept in a good state of repair over the years. With this in mind, it was agreed that a recommendation would be made to the Executive that the Council's inspection regime for leased properties should be reviewed to ensure that all properties were subject to regular inspections, problems were identified and repairs made in good time.

RESOLVED that the matter be referred back to the Executive for reconsideration and the following points to be made:

- i. The £12,000 offered by the parent organisation should be used solely for the refurbishment of the building. In the event that the Council made a decision, within 12 months of this meeting, not to progress the refurbishment the building then the £12,000 should be ring fenced to be used for projects for young people in the Borough with priority being given to those projects which fell within the ward in which the building was located.
- ii. The Council's inspection regime for leased properties should be reviewed to ensure that all properties were subject to regular inspections.

Chairman

**Minutes of a Meeting of the Performance
and Finance Scrutiny Committee held at
Council Chamber, Surrey Heath House,
Knoll Road, Camberley, GU15 3HD on 5
January 2023**

+ Cllr Sashi Mylvaganam (Chairman)
+ Cllr Valerie White (Vice Chairman)

- Cllr Graham Alleway	+ Cllr Edward Hawkins
+ Cllr Rodney Bates	+ Cllr David Lewis
+ Cllr Stuart Black	+ Cllr Liz Noble
Cllr Vivienne Chapman	- Cllr Darryl Ratiram
Cllr Paul Deach	- Cllr Morgan Rise
+ Cllr Sharon Galliford	+ Cllr Graham Tapper
	* Cllr Helen Whitcroft

+ Present
- Apologies for absence presented
* In attendance virtually

Substitutes: Cllr David Lewis for Cllr Darryl Ratiram
Cllr Graham Tapper for Cllr Morgan Rise

Members in Attendance: Cllr Shaun Garrett, Portfolio Holder: Economic Development & Transformation
Cllr Adrian Page, Portfolio Holder: Planning & Control

Officers Present: Damian Roberts, Chef Executive
Nick Steevens, Strategic Director: Environment & Communities
Bob Watson, Strategic Director, Finance & Customer Services

31/PF Declarations of Interest

Councillor Shaun Garrett declared a non-pecuniary interest as he was the Council's appointed representative on the Board of Collectively Camberley Ltd.

32/PF Call In Meeting Procedure

The Committee noted the procedure that would be followed during the meeting.

33/PF Call In of Executive Decision - Council Contributions to Collectively Camberley Limited

The Committee considered a report setting out a Member Call-in in respect of a decision taken by the Executive on 15th November 2022 to approve recommendations to make additional funding available to Collectively Camberley Limited, the administering body for the Camberley Business Improvement District (BID) outside of the statutorily set BID levy to facilitate the delivery of additional events in Camberley town centre.

The Executive's decision to approve the additional funding had been called in by Councillors Bates, Tapper and Wheeler, who expressed a number of concerns about the proposals including:

- The report contained insufficient evidence to enable an informed decision to be made and no business case had been made to justify the benefits that the proposed events would bring to the Borough.
- No evidence had been provided to show that local businesses were supportive of the proposed events
- The report provided no evidence that partner organisations including the police and the Integrated Care System had been consulted over the proposed events.
- The proposed Christmas Con event appeared to encourage the promotion of unhealthy lifestyles and anti-social behaviour something that went against the Council's agreed priorities

The members who had requested the Call-In indicated that they were in agreement with the Executive's decision to make available an additional £5,000 capital grant to cover the costs of items including safety barriers, gazebos, signage and stage decorations.

It was acknowledged that the BID, through Collectively Camberley, was beneficial to the town and that the events hosted previously by the organisation including the Car Show and Christmas lights switch on did increase footfall in the town centre. Notwithstanding this, no tangible evidence had been presented to support the assumption that an increased footfall on the days events were held had resulted in increased spending in the town centre. Furthermore, it was stressed that any events supported by the Council should be high quality and supported by solid fully costed business cases which set out tangible benefits not only to the town and current businesses and residents but also positively advertised Camberley to prospective tenants as a place that they could envisage doing business in.

It was clarified that the proposed events had been put forward by the BID as part of a larger package of potential events that the Council had been asked to consider sponsoring. The proposed events had been reviewed and the ones that were considered to be most beneficial to the town centre had been put forward for funding.

In respect of the proposed Christmas Con event it was explained that this would be based on similar events that had been held successfully elsewhere in the country and involved a series of linked events and activities including live band performances which would be used to encourage people to visit Camberley town centre in the evening boosting the night-time economy. It was confirmed that the funding would not be used to pay for alcohol.

The Committee was informed that the proposed life sized models would be of a similar standard to the model reindeer and rabbits that were placed round the town centre at Easter and Christmas, which whilst relatively robust were starting to show their age.

The anecdotal comments from retailers and business owners supporting the BID's previous events were noted. However, no evidence had been provided to corroborate the assumption that local businesses and retailers were supportive of the proposed events. The Committee was informed that the BID area covered the whole of Camberley town Centre and that 93% of the businesses within the BID's footprint had voted to support it however it was agreed that the BID would be asked to survey its contributors for their views on events.

It was recognised that the original report to the Executive lacked detail and more holistic information pertaining to the range of benefits that the proposed events would bring to Camberley as well as the cost implications for linked peripheral expenditure for example impacts on parking revenues and the cost of litter clearance and security. In addition, tangible success measures for any proposed events needed to be developed and

included in any business cases so that informed choices could be made about the success, or otherwise, of events.

RESOLVED that the matter be referred back to the Executive for reconsideration and that the following points be made:

- i. That the decision to add a supplementary estimate of £5,000 to the current capital programme to provide a capital grant to Collectively Camberley Limited be progressed.
- ii. That the decision to provide an additional one off grant of £55,000 to Collectively Camberley Limited through a supplementary estimate be deferred to enable detailed business cases to be prepared for each of the proposed events before a final decision was taken on whether each event would receive financial support from the Council.
- iii. That the Police and any other relevant partner agencies in Camberley be consulted on the proposals before they are progressed.

Chairman

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