

## Minutes of a Meeting of the Executive held on 21 July 2020

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+ Cllr Alan McClafferty (Chairman)

+ Cllr Colin Dougan	+ Cllr David Lewis
+ Cllr Josephine Hawkins	+ Cllr David Mansfield
+ Cllr Rebecca Jennings-Evans	+ Cllr Adrian Page

+ Present

In Attendance: Cllr Graham Alleway, Cllr Peter Barnett, Cllr Rodney Bates, Cllr Cliff Betton, Cllr Tim FitzGerald, Cllr Sharon Galliford, Cllr Emma-Jane McGrath, Cllr Sashi Mylvaganam, Cllr Robin Perry, Cllr Graham Tapper, Cllr Pat Tedder, Cllr Victoria Wheeler and Cllr Valerie White

### **20/E Minutes**

The minutes of the meeting held on 23 June 2020 were confirmed and signed by the Chairman.

### **21/E Community Infrastructure Levy**

The Council had been collecting Community Infrastructure Levy (CIL) funding since the Charging Schedule had come into effect on 1 December 2014. The CIL Regulations required the Council, as the collecting authority, to pay money over to the parishes, decide how to use the Fund, and to publish details of its CIL income and expenditure.

The Council had received a total of £1,013,934.13 for the reporting period 1 October 2019 to 31 March 2020. The Executive was advised that payments due to parishes from 1 October 2019 for income collected in the last reporting period had been as follows:

- Chobham - £23,641.66
- Windlesham - £16,246.70

The Executive was informed that, due to concerns about the economic impact of Covid-19 on the development industry, the Government would be publishing amended regulations to modify the collection of CIL and Section 106 payments, but was asking local authorities to modify their collection regime in the interim. A revised collection policy would be brought to the Executive once the amended regulations had been published and in the interim a flexible approach would be applied to collection where appropriate.

It was noted that, from 1 September 2019, new amendments to the CIL regulations introduced a requirement for Councils to publish "infrastructure funding statements". These statements would replace existing Regulation 123 lists and should include details of how much money had been raised through developer

contributions and how it had been spent. Councils would be required to publish their first statements by 31 December 2020.

The Executive considered the current policy and Section 123 list and requested that a report be brought to a future meeting, with a view to introducing a revised scheme, with alternative options including:

1. pooling CIL monies, whilst accepting priority for projects within a ward where the funds had been generated;
2. broadening the use of the funds so it is wider than at present; and
3. enabling community groups to apply for grants.

**RESOLVED that**

- (i) the CIL monies received in the reporting period be noted;**
- (ii) the likely impacts of Covid-19 on income be noted; and**
- (iii) a report be brought to a future meeting with proposals for introducing a new scheme for the allocation of CIL funds.**

**22/E Business and Planning Bill 2019-2021: Licensing Implications**

The Executive received a report detailing the likely implications of the Business and Planning Bill 2020 and seeking delegation of powers to enable the licensing provisions contained within the Bill to be implemented.

The Bill introduced a new, temporary, fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from this Council for the placement of furniture such as tables and chairs on the pavement outside their premises which would enable them to maximise their capacity whilst still adhering to social distancing guidelines. Currently, permission for businesses to place tables and chairs outside their premises on the public highway was granted by Surrey County Council. The Government had suggested that these arrangements would come to an end in September 2021 unless extended.

Although it was envisaged that the resources required to process an application was likely to cost in excess of £100, the maximum licence fee allowed under the Act was £100. It was therefore proposed that the licence fee be set at £100.

Members were advised there had initially been indications that the provisions set out in the Bill would be an executive function and consequently the responsibility of the Council’s Executive. However, recent amendments to the draft legislation had suggested it would be changed to a non-executive function and, if this was confirmed upon the Bill receiving Royal Assent, the matter would be reported to the Licensing Committee for consideration.

**RESOLVED that**

- (i) authority be delegated to the Executive Head of Community to determine any application for a pavement licence made in accordance with the Business and Planning Act 2020;**
- (ii) authority be delegated to the Executive Heads of Community, Regulatory and Transformation with regards to the remaining licensing provisions in the Act, including enforcement;**
- (iii) the Executive Head of Business be authorised to determine any appeals made against the decisions made at recommendation (i) above;**
- (iv) the fee for the Pavement Licence be set at £100; and**
- (v) the Guidance to Businesses, attached at Annex A to the agenda report, be noted.**

**23/E End of Year Performance Report**

The Executive received a report detailing the Council's performance in 2019/20.

**RESOLVED to note the 2019/20 End of Year Performance Report.**

**24/E Council Finances as at 31 March 2020 and Requests for Carry Forward of Unspent Budget to 2020/21**

The Executive noted the Council's financial position as at 31 March 2020.

It was reported that the Performance & Finance Scrutiny Committee had reviewed the report at its meeting on 1 July 2020. At this meeting it had agreed to advise the Executive to consider asking the Section 151 Officer to lead the budget process following Zero Based Budgeting principles.

In line with Financial Regulations, the Executive was also asked to agree the carry forward of unspent budget from 2019/20 to 2020/21 totalling £170,507.

**RESOLVED that**

- (i) the Financial Performance for the year 2019/20 be noted;**
- (ii) the recommendations of the Performance & Finance Scrutiny Committee, as set out at paragraph 5.1 of the agenda report, be considered; and**
- (iii) the Carry Forward requests for 2019/20, as set out at Annex C to the agenda report, be agreed.**

## **25/E Review of the Corporate Capital Programme 2019/20**

The Executive received a report detailing the capital outturn for 2019/20 and requesting approval for any carry forward of budgets into the 2020/21 Capital Programme. Actual capital expenditure during 2019/20 had been £7.895m.

### **RECOMMENDED to COUNCIL that**

- (i) actual capital expenditure for 2019/20 of £7.895m against a budget of £40.328m be noted;**
- (ii) the carry forward budget provision of £32.406 million from 2019/20 into 2020/21 be approved;**
- (iii) the revised 2020/21 Capital Programme of £33.885 million be noted;**
- (iv) the final capital prudential indicators for 2019/20 be noted.**

## **26/E Monitoring Officer report - Decision to release local land charge over Field 81 Pennypot Lane Chobham Surrey**

The Executive received a report from the Monitoring Officer detailing his findings in respect of a decision to release a local land charge over Field 81 Pennypot Lane, Chobham, Surrey which appeared not to have been taken in accordance with the processes and delegations in the Council's Constitution.

The report had concluded that, although there may have been a rationale for the release of the local land charge, it appeared that the decision had not adhered to the procedures and delegations set out in the Council's Constitution. The limitations to the report identified by the Monitoring Officer were noted. Taking into account these limitations, the Monitoring Officer's conclusion was that he was satisfied that there appeared to have been a decision made which may be deemed to have exceeded the scope of any delegated decision making powers.

The Executive considered the report and agreed to endorse the recommendations proposed by the Monitoring Officer. The recommendations concerned updating the Constitution to expand the definition of a Key Decision and to also specify that no officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council's Section 151 Officer or relevant committee. It was suggested that the Governance Working Group would be asked to further consider the proposed constitutional changes. The Section 151 Officer would also be asked to consider whether it was appropriate that debts secured by local land charges should appear in the Council's accounts as assets. It was further agreed that, if this had not already taken place, the Council's external auditor would be made aware of the report

Consideration was given to commissioning an independent investigation into the matter but it was concluded that, on balance, the use of resources when compared

with the expected action the Council could take in response to any report, it would not be expedient to pursue this suggestion.

The Executive was advised that it would now be required to produce a report detailing the action it would be taking in response to the Monitoring Officer's report. A copy of the report would be sent to each member of the Council and the Council's Monitoring Officer.

**RESOLVED to note the content of the Monitoring Officer's report and produce a report on accepting the recommendations.**

**27/E Exclusion of Press and Public**

In accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the press and public were excluded from the meeting for the following items of business on the ground that they involved the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 as set out below:

Minute	Paragraph(s)
28/E	3
29/E	3

**28/E Parks and Grounds Maintenance Contract Renewal Arrangements for 2020**

The Executive considered a report detailing the outcomes of a tendering process for a new Grounds Maintenance Contract. The new contract would commence on 1 November 2020.

**RESOLVED that, subject to completion of the standstill process without challenge,**

- (i) the successful bidder be appointed to deliver the Grounds Maintenance Contract for Surrey Heath from 1 November 2020, at an annual tender cost as stated in section 2 of the report; and**
- (ii) the Executive Head of Business be authorised in consultation with the Portfolio Holder for Places & Strategy to issue a contract award letter and enter into a contract with the successful bidder that commences on the 1st November 2020.**

Note: It was noted that Councillor Rebecca Jennings-Evans declared that she was a member of Windlesham Parish Council, which made use of the contract in question.

## **29/E Review of Exempt Items**

The Executive reviewed the reports which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

### **RESOLVED that**

- (i) the decision at minute 29/E be made public following the completion of the standstill period; and**
- (ii) the report associated with minute 29/E be made public following the completion of the standstill period, subject to any necessary redactions.**

Chairman