

**Minutes of a Meeting of the Executive
held on 17 November 2020**

+ 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 Paul Deach, Cllr Tim FitzGerald, Cllr Sharon Galliford, Cllr Shaun Garrett, Cllr Sashi Mylvaganam, Cllr Graham Tapper, Cllr Victoria Wheeler, Cllr Helen Whitcroft and Cllr Valerie White

61/E Minutes

The minutes of the meeting held on 20 October 2020 were agreed.

62/E Petition - Security at Old Dean Recreation Ground

The Executive receive a presentation from Mr Trefor Hogg, chairman of the Old Dean Community Group (ODCOG), on a petition submitted concerning Old Dean Recreation Ground. The petition asked the Council to invest in better lighting that was able to resist vandalism and invest in CCTV to protect the playground area at Old Dean Recreation Ground so that the asset remained fully usable by the community. The petition had been available for signing on the Council's website between 9 July and 9 October 2020 and had received 520 signatures.

Mr Hogg presented the petition, highlighting the recent investment by the Council, Accent Housing, and ODCOG to the play area. Members were informed about vandalism and deliberate damage to the play equipment, along with other anti-social behaviour at the site. He asked the Executive to consider the following measures to help address these issues:

1. Install lighting that worked and was robust, in order to make the footpaths safer and to deter misuse of the area at night;
2. Install CCTV recording; and
3. Install an alarm system in the pavilion.

Members considered the petition and agreed to support its aim. It was agreed that a report would be brought to an Executive meeting within the next 3 months, addressing each of the points raised by the petitioner. It was also agreed to look at reports that the pavilion was not currently in use as part of this work.

The Places & Strategy Portfolio Holder also undertook to discuss with officers issues raised concerning the durability of play equipment.

RESOLVED that

- (i) **the petition be supported;**
- (ii) **a further report be brought to the Executive within 3 months, setting out options for**
 - (a) **replacing the lighting on the paths;**
 - (b) **CCTV recording;**
 - (c) **an alarm scheme at the pavilion; and**
 - (d) **bringing the pavilion back into use.**

Note: The following declarations were made in connection with this item:

- (i) in accordance with the Members' Code of Conduct, Councillors Rodney Bates and Shaun Garrett declared that they were trustees of the Old Dean Community Group; and
- (ii) it was noted for the record that Councillor Rebecca Jennings-Evans declared that she had met with the petitioner.

63/E Local Enforcement Plan

The Executive considered a revised Local Enforcement Plan (LEP), which provide a framework of local guidance for the investigation and assessment of breaches of planning control in line with current national policy.

All Councillors had been consulted on the draft LEP, with any comments received from councillors, plus officers' responses to those comments, set out in Annex A to the report. Members discussed the extent of councillor involvement in enforcement matters, taking into account the need to balance legal processes whilst enabling councillors to represent their wards. The need to ensure there was sufficient communication with councillors on enforcement matters within their wards was noted, whilst recognising the operational nature of the work.

RESOLVED that the Surrey Heath Local Enforcement Plan, as attached at Annex B to the agenda report, be agreed.

64/E Householders Duty of Care - setting of fee

The Executive was informed that under section 34(2A) of the Environmental Protection Act 1990, occupiers of domestic property disposing of household waste had a duty of care for the disposal of that waste. The duty of care required householders to ensure that they take all reasonable measures available to ensure that they only transfer household waste produced on their property to an authorised person.

It was reported that failure to meet the householder's duty of care was a criminal offence which could result in prosecution. As an alternative, a fixed penalty notice (FPN) may be given; prosecution would only then occur if the fixed penalty sum remained unpaid.

Members agreed to introduce a fixed penalty sum of £400, the maximum permitted by legislation. It was also agreed to apply a discounted penalty of £300 for any FPNs paid within 14 days.

RESOLVED that

- (i) the Fixed Penalty Charge be applied where the occupier of a residential premises has failed in their waste duty of care;**
- (ii) the Fixed Penalty Charge be set at £400; and**
- (iii) a discounted penalty of £300 be agreed for any Fixed Penalty Notices paid within 14 days.**

65/E Community Infrastructure Levy

The Council had been collecting Community Infrastructure Levy (CIL) funding since the Charging Schedule had come into effect on the 1st 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 £740,106.93 for the reporting period 1 April 2020 to 30 September 2020. Payments to parishes and neighbourhood funds payable from 1st October 2020 for income collected in the last reporting period were as follows:

- Chobham £526.89
- West End £35,522.64
- St Michaels £25,201.82

It was noted, that during this reporting period, the national lockdown had taken place due to Covid 19, with the building industry temporarily shut down. As a consequence, this had impacted on the amount of CIL receipts collected by the Council during this reporting period.

RESOLVED to

- (i) note the CIL monies received; and**
- (ii) note the impacts of Covid19 on income.**

66/E Local Plan Authority Monitoring Statement

The Executive considered the Surrey Heath Authority Monitoring Report (AMR) which had been produced in line with the requirements set out in the Localism Act 2011. The AMR monitored the period from 1 April 2019 to 31 March 2020. The purpose of the AMR was to provide details of the actions which had been taken to implement a Local Development Plan and the Local Development Scheme, to indicate the extent to which policies in the current Surrey Heath Local Plan had

been achieved, and to identify any solutions and changes where targets were not being met.

The proposal to report the AMR to the Performance and Finance Scrutiny Committee in future was noted.

RESOLVED that

- (i) the Surrey Heath Local Plan Authority Monitoring Report be approved for the purpose of making the document publically available on the Council's website; and**
- (ii) authority be delegated to the Executive Head of Regulatory in consultation with the Planning & People Portfolio Holder to approve publication of the Authority Monitoring Report from 2021 onwards; and**
- (iii) the Authority Monitoring Report be hereafter reported to the Performance & Finance Scrutiny Committee on an annual basis.**

67/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)
68/E	1&3
69/E	3
70/E	3
71/E	3
72/E	3
73/E	3
74/E	3

68/E Community Services Partnership

The Executive was reminded that, at its meeting on 26 May 2020, it had considered a report proposing the further development of the Community Services Partnership between this Council and Runnymede Borough Council (RBC). The report had detailed a proposal for developing the existing partnership arrangements into a host/lead authority model, with it proposed that RBC would be the host authority. The proposed partnership model would include the TUPE transfer of Community Services employees from this Council to RBC.

Members noted the outcome of the consultation with staff. The financial information relating to the partnership was also considered, including opportunities to offset the financial growth required as detailed in the report to the Executive in May 2020.

RESOLVED that

- (i) the outcome of the staff consultation and consultation with UNISON be noted;**
- (ii) the opportunities for the Council to offset a proportion of the financial growth required by Community Services in agreeing the integrated partnership be noted; and**
- (iii) an agreement be entered into with Runnymede Borough Council for the shared delivery of Community Services to vulnerable people across both boroughs who want to live independently within their homes and remain active within their community.**

Note: In accordance with the Members' Code of Conduct, Councillor Rodney Bates declared a non-pecuniary interest as he was a member of UNISON.

69/E Review of Jersey Property Unit Trust

The Executive was reminded that in 2016 the Council had purchased units in a Jersey Property Unit Trust (JPUT) from Capital and Regional. The JPUT held the interest in The Square Shopping Centre and other retail units around Camberley Town Centre.

Members considered an exempt report reviewing the JPUT and agreed the recommendations set out in the report.

RESOLVED that the recommendations set out in the exempt agenda report be agreed.

70/E Acquisition of Night Stop Property

The Executive was reminded that, at its meeting on 20 October 2020, it had agreed to support a Night Stop project aimed at stopping people moving to and staying on the streets by providing stop gap accommodation. The report had indicated the most likely option for provision to be a portacabin or modular building and it had been agreed a further report would be submitted to the Executive by March 2021 to obtain authority to fund the project. Since that meeting a property had come onto the market in Camberley which was thought to be suitable for a Night Stop.

The Executive considered an exempt report setting out details of the property identified. The acquisition could be wholly funded from the reserve fund for affordable housing. Some works to the property would be needed and it was

considered that these could also be funded from the reserve fund remaining after the purchase.

RESOLVED that, subject to due diligence,

- (i) the proposed property be purchased for the recommended price, as set out in the exempt report, for Night Stop Accommodation; and**
- (ii) authority be delegated to the Executive Head of Regulatory in consultation with the Property Investment Working Group to progress the acquisition.**

RECOMMENDED to Full Council that

- (i) the acquisition be funded from the funds remaining in the Affordable Housing Reserve; and**
- (ii) any capital works needed be funded from the Affordable Housing Reserve, with a report being taken to Property Investment Working Group to advise of costs.**

71/E Development of a transit site in Surrey

The Executive considered an exempt report and agreed recommendations concerning the development of a Gypsy and Traveller transit site in Surrey.

RESOLVED to note an ongoing revenue contribution of £7,500 per annum for the maintenance of the Transit site.

RECOMMENDED to Council an increase to the Capital Programme the sum of £127,000 as a one off contribution to the construction of a Gypsy and Traveller Transit site at a location in Surrey.

72/E Executive Working Group notes

The Executive received the notes of the Working Group meetings that had taken place in the previous few months.

RESOLVED to note the Working Group notes.

73/E Urgent Action

RESOLVED to note the Urgent Action taken under the Scheme of Delegation of Functions to Officers.

74/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 68/E be made public once affected staff have been informed;**
- (ii) the decision at minute 69/E be made public following the completion of any legal procedures;**
- (iii) the details of the decision at minute 70/E be made public following the completion of the acquisition;**
- (iv) any decision to make details public relating to the decision at minute 71/E be agreed in consultation with the Surrey Authorities;**
- (v) in relation to the Executive Working Group notes presented to the meeting:**
 - a) the Camberley Town Centre Working Group notes from 7 October 2020 remain exempt for the present time;**
 - b) the Climate Change Working Group notes from 25 June and 3 September 2020 be made public;**
 - c) the Equality Working Group notes from 13 August 2020 be made public;**
 - d) the Local Plan Working Group notes from 3 August and 24 September 2020 remain exempt for the present time;**
 - e) the Property Investment Working Group notes from 6 July, 10 August and 7 October 2020 remain exempt for the present time;**
 - f) the Surrey Heath Villages Working Group notes from 3 September 2020 be made public;**
 - g) all Working Group notes remaining exempt to be periodically reviewed by the Chief Executive and Monitoring Officer, with a view to making them public when appropriate; and**
- (vi) the decision on the tenancy made in the Urgent Action at minute 73/E be made public but any contractual information remain exempt.**

Chairman