

EXECUTIVE – 21 NOVEMBER 2019

## QUESTIONS

### Executive Summary

The following questions have been received under Section 3 of the Executive Procedure Rules. The replies by the Portfolio Holder are set out below.

1. Question from Ms Carole Charge

“Can Woking Borough Council justify the need for a 10,000 seat stadium beyond it simply being a previous statement in minutes of the Policy and Resources Committee?”

Reply by Councillor A Azad

“Any new stadium at Kingfield should have sufficient capacity to meet the needs of Woking Football Club, both now and in the future. A capacity of 10,000 was originally requested by the Football Club. This formed the basis of discussions between the Council, the Club and GolDev Woking Limited. As has been publicised recently, the Council (as landowner) agreed that GolDev’s proposed planning application could be submitted with a reduced capacity of 9,026. This capacity enables the new Stadium to include sufficient facilities for Woking Football Club to have a viable future.

At its meeting on 17 October 2019, Council passed two resolutions. The first resolution requested GolDev, Woking Football Club and other stakeholders to reassess their plan to redevelop the Laithwaite Community Stadium and surrounding area in light of (i) a petition considered at that Council meeting and (ii) concerns of local people. The second resolution instructed Officers to assess the effect, on current development proposals, of stadium capacities at various levels between 6,000 and 8,000.

Officers met with Woking Football Club and GolDev to address the issues raised in the resolutions. The final outcome, when it has been determined, will be reported to Members and made public.”

2. Question from Ms Carole Charge

“In relation to Woking Football Club, are any alternative proposals due to be or have been submitted to Council, which are both viable and on a smaller and less dense scale than the current proposal i.e. in keeping with the single storey bungalow housing which is the dominant housing of Westfield Avenue.”

Reply by Councillor A Azad

“No such proposals have been submitted, or are (to my knowledge) due to be submitted, to the Council.”

3. Question from Ms Carole Charge

“In the opinion of the Executive does Woking Football Club need to be re-built or can it be re-furnished and renovated? Would not a renovated football club give a more than satisfactory uplift without the enormous cost both financially and environmentally that the current proposals are set to inflict on the residents of the Borough and the Westfield area in particular?”

Reply by Councillor A Azad

“As stated in my reply to Ms Charge’s first question, the proposed stadium includes sufficient facilities for Woking Football Club to have a viable future. Refurbishing and/or renovating the existing stadium would not do this. The effect of the new stadium and related housing will be assessed by the Planning Committee.”

4. Question from Ms Karen Woodland

“Is the Executive aware of the health and safety problems and risks that currently face the Woking Football Club?”

Reply by Councillor A Azad

“The football stadium is owned by Kingfield Community Sports Centre Limited, a company owned by the Council. The Council’s Head of Democratic and Legal Services (Peter Bryant) and Finance Director (Leigh Clarke) are directors of this company. Mr Bryant and Mrs Clarke have satisfied themselves that there are no health and safety problems at the stadium. They did this by (i) undertaking a full site-inspection and (ii) questioning relevant Woking Football Club directors. It should also be noted that the stadium is inspected by outside agencies who are satisfied that it meets current requirements.

As with any property, health and safety risks will always exist. Mr Bryant and Mrs Clarke are satisfied that these are properly addressed by Woking Football Club. By way of example, specific game-related safety plans are formally determined by the Club ahead of each home match.”

5. Question from Ms Karen Woodland

“Given that the Football Club has some large health and safety concerns, what is the Council doing to ensure the health and safety of the public given the Council’s ownership of the land?”

Reply by Councillor A Azad

“My reply to question 4 above answers the points raised in this question.”

6. Question from Ms Monique van Bellen

“The exemption from public domain referred to in the Local Governments Act 1972 applies if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In light of this and all the public interest in the development proposal, is the Council reviewing the information that has not been released to the public in relation to the proposed Woking football club development to ensure that the information being withheld is still being held back justifiably in accordance with the Local Governments Act 1972?”

Reply by Councillor A Azad

“The extent to which it is in the public interest to keep information confidential is reviewed by the Council’s Monitoring Officer, Peter Bryant. Mr Bryant advises me that he undertook a further review of the confidential information relating to the Woking Football Club development earlier this week, and that he anticipates making public a large amount of information which is currently confidential. Further details should be released next week.”

7. Question from Ms Monique van Bellen

“Has Woking Borough Council seen a business case from the Football Club which assesses the future financial viability of the club including things such as the maintenance and operating costs of the new stadium against the current income levels of the Woking Football Club?”

Reply by Councillor A Azad

“Woking Football Club has provided details of its projected financial viability if the new stadium development goes ahead. I am advised that it is proposed that the business case will accompany the proposed planning application, when it is submitted.”

8. Question from Ms Monique van Bellen

“Can the Council advise what the plans are for Woking Gymnastics Club and Woking Snooker Club in the Woking Football Club redevelopment?”

Reply by Councillor A Azad

“It is proposed that Woking Gymnastics Club will relocate to a new site. The future of Woking Snooker Club is being discussed with the Club.”

9. Question from Mr Lorin Adams

“Considering an FOI request on 16/11/2017, we know that two of the Sean Henry sculptures cost £157,500 to acquire. Can you please provide the acquisition cost of the two other sculptures, the accounts from which the money originated, and the justification for such a large expenditure on a relatively minor public realm improvement?”

### Reply by Councillor A Azad

“The Council has undertaken extensive work to enhance the public realm throughout the town centre; the provision of sculptures is part of making the area better for the future. In 2017, as part of the work in Broadway and at the Station, it acquired the two sculptures, ‘Seated Man’ which is on Platform One and ‘Wanderer’ which is in Station Plaza. The two additional sculptures of “Standing Man” and “Woman being looked at” were acquired by Victoria Square Woking Limited for £180,000 as part of its programme of public art for the Victoria Square development.

The Planning Authority seeks improvement in public areas and a commitment to deliver public art; historically this was known as a 1% for Art. The Council seeks to set a positive example by providing Public Art wherever possible. In the context of over £600m of investment in infrastructure, employment, retail, commercial and residential space the current investment in Public Art is considered reasonable and proportionate.

Due to the leadership shown by the Council other organisations have sought to provide Public Art either to recognise historic events, activities or notable people both in existing public space and/or new developments.”

### 10. Question from Mr Lorin Adams

“In an Overview and Scrutiny meeting 16/9/2019, the Chief Executive explained that the reason for the confidential nature of the Victoria Square development was the "relationship for those other companies" (referring to potential tenant companies) and "not about... public interest". Can the Executive confirm whether it is true that information can be withheld in the interests of private companies, without due consideration for the public interest?”

### Reply by Councillor A Azad

“The information to which Mr Morgan referred was in respect of potential tenants for a number of the spaces to be let within the new development. That information will remain confidential until such time as the legal agreement is reached with the prospective tenants and then it is made public. Such information concerning a person or a business can be properly withheld until agreement is reached and both parties agree the publication of information.”

### 11. Question from Mr Lorin Adams

“It has long been stated that the Council's policy has been a 10,000 seat stadium at the Kingfield site, and that only the Council could change that policy. Considering this policy was suddenly changed by an Officer of the Council, can the executive now confirm the extent of Officer powers and *guarantee* that due process is always followed at Woking Borough Council?”

### Reply by Councillor A Azad

“The Council’s Constitution sets out the matters delegated to Officers. The decision that the Council should agree (as landowner) to a planning application being submitted with a stadium having a capacity of 9,026 was made by the Officer concerned in accordance with powers delegated to him.

No-one could reasonably *“guarantee”* that due process is *“always”* followed at the Council. What I can say, is that I am not aware of any situations where due process has not been followed.”

12. Question from Ms Judy Adams

“Can the Executive explain its understanding of what constitutes the public interest?”

Reply by Councillor A Azad

“What is meant by the term “public interest” will depend on the context in which it is being considered. I anticipate that Ms Adams’ question relates to what is meant by “public interest” on the rare occasions when confidential Part II information is considered by the Council. In this context, what constitutes the “public interest” is considered with reference to guidance issued by the Information Commissioner’s Office. The guidance includes the following:-

*“The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society. Thus, for example, there is a public interest in transparency and accountability, to promote public understanding and to safeguard democratic processes. There is a public interest in good decision-making by public bodies, in upholding standards of integrity, in ensuring justice and fair treatment for all, in securing the best use of public resources and in ensuring fair commercial competition in a mixed economy. This is not a complete list; the public interest can take many forms.*

*However, these examples of the public interest do not in themselves automatically mean that information should be disclosed or withheld. For example, an informed and involved public helps to promote good decision making by public bodies, but those bodies may also need space and time in which to fully consider their policy options, to enable them to reach an impartial and appropriate decision, away from public interference.*

*The public interest is not necessarily the same as what interests the public.”*

From this, it is clear that what is in the public interest depends on a careful assessment of the particular circumstances of each case.”

13. Question from Ms Judy Adams

“Dukes Court was acquired by the Council using a tax avoidance scheme. By the leader's admission, the Thameswey group allows the Council to avoid having to fulfill their obligation to residents through the Right-to-Buy scheme. Does the Executive actively seek legal loopholes in order to circumvent responsibilities?”

Reply by Councillor D J Bittleston

“Dukes Court was not purchased using a tax avoidance scheme. The Council paid all tax due as a result of the purchase.

The Council has not sought, and does not seek, legal loopholes to circumvent its responsibilities.

Thameswey Housing Limited (THL) is established to support the Council’s delivery of the Woking 2050 Strategy, the Housing Strategy and the Economic Development Strategy. It does this through the provision of residential accommodation of all types and tenures. A core objective is to provide homes that are affordable to those who, due to their circumstances, are not able to access open market housing or social rented accommodation provided by the Council or a registered social landlord.

The right-to-buy provisions applicable to the Council's social rented housing stock do not apply to THL's homes. However, THL's tenants are eligible for the innovative "Earn Your Deposit Scheme". This scheme allows tenants to earn money towards a deposit if they chose to move and buy their own home. By way of example, a tenant of a two-bedroom property would receive £2,400 p.a. towards their deposit. The only condition is that the tenant is a "good tenant". This means the tenant pays the rent on time, looks after their home and does not engage in anti-social behaviour. The scheme has been well received by tenants and is a good example of our commitment to helping people get on to the property ladder, whilst maintaining a supply of rented homes for people that need them. The Council has promoted the scheme to Government as an excellent alternative to right-to-buy."

14. Question from Ms Judy Adams

"In the last round of Executive Questions, the Council stated that the carrying value of the stocks held in Kingfield Community Sports Centre was £102. To the lay person, this seems very misleading, considering the Share Capitalisation was valued at £2,000,000 in your Green Book. Can the Executive explain this discrepancy?"

Reply by Councillor A Azad

"The acquisition of Kingfield Community Sport Centre Ltd (KCSC) was for £2m, this represented the negotiated price for the land and assets owned by the company. The investment was £500,000 for the share capital and £1,500,000 loan to the company to assign debt to the Council. The presentation will be corrected in the next Green Book to reflect this balance between loan and share capital.

KCSC holds shares in Woking Football Club Ltd which are held at a carrying value of £102."

**Background Papers:** None.

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