

MINUTES
OF A MEETING OF THE
EXECUTIVE

held on 24 March 2022

Present:

Cllr A Azad (Chairman)
Cllr S Ashall (Vice-Chair)

Cllr K M Davis Cllr D Harlow
Cllr G W Elson

Also Present: Councillors A-M Barker, I Johnson and A Kirby, and Independent Member Tim Stokes.

Absent: Councillor C S Kemp.

1. MINUTES

RESOLVED

That the minutes of the meeting of the Executive held on 3 February 2022 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Kemp.

3. URGENT BUSINESS

There were no items of Urgent Business under Section 100B(4) of the Local Government Act 1972.

4. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor A Azad declared a non-pecuniary interest in any items concerning the companies of which she was a Council-appointed director. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor K M Davis declared a non-pecuniary interest in any items concerning the companies of which he was a Council-appointed director. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor D Harlow declared a non-pecuniary interest in any items concerning the companies of which she was a Council-appointed director. The interests were such that speaking and voting were permissible.

The interest of Councillor C S Kemp was referred to in the agenda but it should be noted that Councillor Kemp sent apologies to the meeting.

In accordance with the Officer Employment Procedure Rules, the Chief Executive, Julie Fisher, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she was a Council-appointed director. The interests were such that Mrs Fisher could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Legal and Democratic Services, Joanne McIntosh, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she was a Council-appointed director. The interests were such that Mrs McIntosh could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Planning, Giorgio Framalico, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he was a Council-appointed director. The interests were such that Mr Framalico could advise the Executive on those items.

The interest of the Director of Neighbourhood Services, Geoff McManus, was referred to in the agenda but it should be noted that Mr McManus sent apologies to the meeting.

In accordance with the Officer Employment Procedure Rules, the Director of Housing, Louise Strongitharm, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she was a Council-appointed director. The interests were such that Mrs Strongitharm could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Finance, Leigh Clarke, declared a disclosable personal interest (non-pecuniary) in any items concerning Woking Football Club and/or the GolDev Woking Limited development. The interest arose from her husband having a small shareholding in Woking Football Club. The interest was such that Mrs Clarke could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Finance, Leigh Clarke, the Director of Housing, Louise Strongitharm, the Director of Planning, Giorgio Framalico, the Director of Legal and Democratic Services, Joanne McIntosh, the Head of Transformation and Digital, Adam Walther, and Project Consultant, Kevin Foster declared a disclosable personal interest (non-pecuniary) in Agenda Item 10 – Strengthening Corporate Leadership. The interest was such that Mrs Clarke, Mrs Strongitharm, Mr Framalico, Mrs McIntosh, Mr Walther and Mr Foster left the Council Chamber during the determination of the item.

Tim Stokes, Independent Person, declared a personal interest in Agenda Item 8 – Medium Term Financial Strategy (MTFS). The interest arose from his association with Woking Sixth Form College and was such that Mr Stokes left the Council Chamber during the determination of the item.

5. QUESTIONS

No written questions had been submitted under Section 3 of the Executive Procedure Rules.

6. NOTICE OF MOTION - CLLR A KIRBY - EASY ACCESS TO COUNCIL RECORDINGS EXE22-033

At its meeting on 10 February 2022, the Council referred the following Notice of Motion to the Executive.

Councillor A Kirby

“Easy access to Council recordings

This Council resolves that all video recordings of public meetings of Council and its Committees will henceforth be made available for public viewing on demand, in perpetuity.

Archive recordings of all previously public meetings of Council and Council Committees will also be made available for public viewing on the same platform, wherever this is legally and technically possible.”

Councillor Kirby attended the meeting and spoke in support of the Motion. The report before the Executive advised that data could not be retained indefinitely under the General Data Protection Regulation (GDPR) provisions and accordingly recommended that the Motion could be supported as amended below:

“Easy access to Council recordings

This Council resolves that all video recordings of public meetings of Council and its Committees will continue to be made available for public viewing on demand in accordance with the Council’s retention periods. The Council shall continue to keep its retention periods under review with particular regard being given to information held in respect of the Council’s long-term projects.

Archive recordings of all previously public meetings of Council and Council Committees will also be made available on request wherever this is legally and technically possible. The Council shall ensure that residents are fully informed as to how they can access these recordings and that access to this information is available in a quick and simple manner.”

Councillor Kirby acknowledged that retaining the recordings indefinitely would not be possible but encouraged the Executive to consider a retention period of 4 to 5 years. Councillor Kirby suggested that consideration be given to deferring a decision to enable the Council to reconsider the existing contract to review both the technical and legal implications of adopting a longer retention period.

In view of the Officer guidance in respect of the GDPR provisions on data retention and noting the few occasions on which a request had been received to view a recording of a meeting over a year old, the Executive supported the Motion as amended.

RECOMMENDED to Council

That the Motion, as amended, be supported.

7. WOKING FOR ALL STRATEGY AND DIRECTORATE SERVICE PLANS EXE22-007

Councillor Azad, Portfolio Holder for Corporate Services, introduced the report on the Woking for all Strategy 2022-27 and the Directorate Plans. The Strategy, which had been developed following community engagement roadshows and consultation, provided an overview of the Council's strategic outcomes over the coming five years. The contributions of both local residents and businesses in the development of the Strategy was acknowledged. The Strategy set out the actions for the coming year which would support the delivery of the outcomes.

The six Directorate Plans replaced the Council's existing service plans and provided the links between the strategic outcomes from the Woking for all Strategy and the Directorate priorities and service actions.

Councillor Barker, Shadow Portfolio Holder for Corporate Services, raised a number of questions over the Strategy, including the connection with the Medium Term Financial Strategy (MTFS), the size of the Resident's Panel, the provision of electric charging points for residents and the absence of references to the financial challenges faced by the Authority. Councillor Azad, Councillor Ashall and Councillor Davis responded to the points raised before moving to the recommendations in the report.

RECOMMENDED to Council

That (i) the Woking for all Corporate Strategy 2022-27, as attached to the report, be adopted; and

(ii) the Directorate Plans 2022/23, as attached to the report, be adopted.

Reason: To enable the Council to clearly articulate its strategic objectives and focus of work within the Council and beyond.

8. MEDIUM TERM FINANCIAL STRATEGY (MTFS) EXE22-030

The report before the Committee set out the Authority's Medium Term Financial Strategy (MTFS) for the period 2022/23 to 2025/26. The Strategy outlined the financial forecast for Woking Borough Council over the period following the approval of the 2022/23 budget in February 2022. The outlook over the period remained difficult to assess and it was emphasised that the financial forecast would remain under review, with any revisions to be incorporated into updates to the MTFS in July 2022 and throughout the year. It was noted that a full recovery was assumed to extend beyond the three years of the MTFS.

In terms of savings, over the past year the Council had identified £4.8m of savings over 2022/23 to 2024/25. The savings requirement for the coming four years was forecast to be £5.5m, of which £3m related to assumed withdrawal of Government support.

As part of the Strategy, the Executive was asked to consider a loan facility to Thamesway Energy Ltd. towards the costs of the Heating Network Investment Programme, moving the Byfleet Flood Scheme into the approved Investment Programme, allocating an additional Restrictions Grant for the delivery of a Digital Centre of Excellence, including the Old Woking Community Centre project in the Investment Programme and transferring the assets of Kingfield Community Sports Centre Ltd. to the Council.

Councillor Johnson, Shadow Portfolio Holder for Corporate Financial Planning and Policy, raised a wide range of questions on the MTFs, noting the complexity of the comprehensive Strategy and acknowledging that it formed a 'living' document. Areas raised included clarification of the additional project resources alluded to, improvement works at Export House, the implications of new contract arrangements with Surrey County Council in respect of grass verge maintenance, and the level of confidence in the business plans of the Council's companies.

Councillor Barker raised further questions arising from the report, including how the current value of investments compared to previous years' values, the impact of the recommendation in respect of the Byfleet Flood Scheme, scrutiny of the review of the Thamesway governance arrangements and the progress of the 2019/20 accounts.

Councillor Ashall responded to the points raised and agreed with Councillor Johnson's suggestion of Member training on the Strategy and its implications in view of the complexity. The Executive was directed to the recommendations outlined in the report and in doing so thanked the Officers for the comprehensive paper.

RESOLVED

- That (i) a 12 year annuity loan facility of £4.6m be made available to Thamesway Energy Ltd (TEL) at 1% over the PWLB interest rate, as the Council contribution towards the Heating Network Investment Programme (HNIP) government loan funded project for Network Extension and Decarbonisation works at Poole Road Energy Centre, and the Council acts as guarantor for the BEIS loan to TEL;
- (ii) the Byfleet Flood Scheme be moved from the suspended Investment Programme into the approved Investment Programme and an 'In Principle' agreement to a contribution of £5m be provided to the Environment Agency so that the project can progress to Outline Business Case;
- (iii) Additional Restrictions Grant of £400k be allocated to the delivery of a Digital Centre of Excellence incorporating a business support incubator and accelerator service. A proposal for capital improvements to facilitate this service to be considered at a future meeting of the Executive;
- (iv) the Old Woking Community Centre project be included in the Investment Programme at a total project cost of £2m of which £1.4m to be funded by the Council through S106 developer contributions;
- (v) the assets of Kingfield Community Sports Centre Ltd (KCSC) be transferred to the Council and the company dissolved; and

RECOMMENDED to Council

That (vi) the Medium Term Financial Strategy (MTFS) report be approved.

Reason: The decision is sought to agree the framework for Officers to develop further proposals for consideration, in due course, by the Council to ensure the medium term financial stability of the Council.

9. SAFEGUARDING POLICY EXE21-053

The Portfolio Holder for Community Safety, Councillor Harlow, outlined a report proposing the implementation of the updated Safeguarding Policy for the Authority. The policy would ensure that the Council continued to safeguard children and adults at risk of harm, and support staff, Councillors, volunteers and relevant external services to stay updated on safeguarding practices.

Councillor Barker enquired after the division of responsibilities between Woking Borough Council and Surrey County Council and asked whether guidance had yet been received from the Government on the support for Ukrainian refugees. It was noted that the revised Policy included signposting to original sources of information, largely gathered by the Surrey Safeguarding Children's Partnership and Adults Board. In respect of support for Ukrainian refugees, whilst guidance had not yet been received from the Government, the Council had drawn up its own checklist for assessing suitable properties and had already undertaken some home visits. In terms of safeguarding measures, it was not yet clear whether this would fall to the County Council or the Borough Council.

RECOMMENDED to Council

That (i) the Safeguarding Policy dated April 2022, attached at Appendix 1 to the report, be implemented with a formal review every two years; and

(ii) the Director of Housing, in consultation with the Portfolio Holder, be given delegated authority to update the Policy when changes occur, as informed through countywide safeguarding networks and lead officer/member groups.

Reason: To ensure Woking Borough Council's Safeguarding practice is current and agreed at all levels.

10. STRENGTHENING CORPORATE LEADERSHIP EXE22-039

Councillor Azad, Portfolio Holder for Corporate Employer, introduced the report on strengthening corporate leadership. It was noted that, as part of Council's Fit for the Future programme, the Authority needed to strengthen its commercial and financial capability to manage the Borough's investments. The report recommended a new strengthened leadership team structure to achieve the Council's objectives, creating three new Strategic Director roles. The associated processes and timeframe for the changes were set out in the report.

The Shadow Portfolio Holder, Councillor Barker, asked whether the proposals would take into account the recommendations from the Planning Peer Review, where the responsibility for the Thameswey Group of Companies would sit, and whether there was a possibility of confusion in the reporting lines of the Statutory Officers, who would have a reporting line to both the Chief Executive and the Strategic Directors.

Councillor Azad advised that the proposals had taken into account the recommendations of the Planning Peer Review, strengthening Place Shaping. The governance arrangements for the Thamesway Group were to be reviewed and within the subsequent recommendations would be a proposal for Officer responsibilities. Finally, in respect of the reporting lines, it was noted that the proposals were similar to structures in place in other Local Authorities and were not expected to lead to any confusion.

RESOLVED

That (i) the proposed new Corporate Leadership Team structure set out in the report be noted; and

(ii) the processes required to put in place a new Corporate Leadership Team, including the staff consultation process, be noted.

Reason: To strengthen strategic leadership in the Council and develop a stronger commercial and financial focus, organisational capability and skills.

11. CORPORATE PLAN 2021-22 - REPORT BACK ON ACHIEVEMENTS EXE22-038

The Executive received a report which provided an overview of performance and achievements against the 2021/22 Corporate Plan, adopted in April 2021. It was hoped that an annual report on achievements would be published in future years, reflecting how the Council had performed against strategic priority outcomes.

RESOLVED

That the achievements against the 2021-22 Corporate Plan be noted.

Reason: To enable the Council to clearly report on the achievements against the Corporate Plan 2021-22 priority objectives.

12. REPORT OF THE GOLDEV LOAN AGREEMENT TASK GROUP EXE22-032

Tim Stokes, Independent Person and Chair of the GoldDev Loan Agreement Task Group, presented a report on the Task Group's findings. The Task Group had been established to consider questions which had been raised through a petition considered by the Executive in June 2021, and to establish the status of the Loan Agreement and formulate the Council's response to the petition.

The Task Group had received advice from the Council's Monitoring Officer and independent advice from Matt Hutchings QC, and had concluded that GolDev had not been in breach of its obligations under the loan facility agreement. The full opinion of the QC was appended to the report.

RESOLVED

That the report be received.

Reason: To note the findings of the Task Group.

13. REGULATION OF INVESTIGATORY POWERS ACT 2000 - ANNUAL MONITORING REPORT EXE22-009

Each year, the Executive received a report on any use of investigative powers by the Council in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA). The report confirmed that no RIPA authorisations had been issued during the 2021 calendar year.

RESOLVED

That the Council's non-use of the Regulation of Investigatory Powers Act 2000 during the 2021 calendar year be noted.

Reason: To comply with the Council's RIPA policy and Home Office Codes of Practice.

14. WRITE OFF OF IRRECOVERABLE DEBT EXE22-010

The Members were advised, that under Financial Regulation 12.14, the write off of any debt over £10,000 had to be authorised by the Executive. A small number of housing benefit, business rate and sundry debts had been identified as irrecoverable and were now before the Executive.

RESOLVED

That the debts listed in Appendix 1 to the report be written off.

Reason: To write off debts over £10,000.

15. PERFORMANCE AND FINANCIAL MONITORING INFORMATION

The Executive considered the Performance and Financial Monitoring Information (Green Book) December 2021 and January 2022. Questions were raised over Freedom Leisure and its staffing numbers, the high level of external legal costs, public liability claims, and the funds for the plant room maintenance.

Councillor Ashall advised that the public liability claims largely arose from fallen tree branches and emerging tree roots, and had been exacerbated by storms. Freedom Leisure continued to struggle to recruit lifeguards and it was noted that pay levels had been recently increased to encourage applications. Legal costs were being addressed and the Council had recently recruited a housing lawyer as part of measures to increase the Authority's legal resources. In regard to the plant room maintenance, carried forward from the previous year, no specific funds had previously been set aside for the work and no funds had therefore been brought forward.

RESOLVED

That the Performance and Financial Monitoring Information, December 2021 and January 2022, be received.

Reason: To manage the performance of the Council.

This document was published on Friday 25 March 2022 and the decisions within it will be implemented on Monday 4 April 2022, subject to call-in.

The meeting commenced at 7.00 pm
and ended at 8.33 pm.

Chairman: _____

Date: _____