

MINUTES
OF A MEETING OF THE
EXECUTIVE

held on 23 March 2023

Present:

Cllr A-M Barker (Chairman)
Cllr W P Forster (Vice-Chair)

Cllr P J T Graves Cllr E Nicholson
Cllr I Johnson Cllr D Roberts
Cllr L S Lyons

Also Present: Councillors K M Davis and S Dorsett.

1. MINUTES

RESOLVED

That the minutes of the meeting of the Executive held on 2 February 2023 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

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 I Johnson declared an interest in minute item 12 – Cost of Living Crisis Update arising from his wife's employment by Citizens Advice Woking. The interest was such that Councillor Johnson left the Chamber during the determination of the item.

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 Strategic Director – Corporate Resources, Kevin Foster, 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 Foster could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Strategic Director – Place, 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 Strategic Director – Communities, Louise Strongitharm, was referred to in the agenda but it should be noted that Mrs Strongitharm sent apologies to the meeting.

5. QUESTIONS

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

6. MEDIUM TERM FINANCIAL STRATEGY (MTFS) EXE23-016

Councillor Roberts, Portfolio Holder for Finance, introduced the report which provided an updated Medium Term Financial Strategy (MTFS) for the period 2023/24 to 2025/26. Following the Budget report to Council on 23 February 2023, Councillor Roberts explained that the report provided an update on initiatives which the Council had agreed to commit to in order to pursue financial resilience and to constrain expenditure. The report set out a timetable with clear milestones for a further update of the MTFS in July 2023. The Executive noted that the report included a recommendation that the Council's future loans to Thamesway Central Milton Keynes Limited (TCMK) were supplied without margin in order to relieve the financial burden on the company. Regarding flexible use of capital receipts, the Executive was asked to recommend to Council that the flexible use of capital receipts be approved to fund transformational activities, an approach afforded by Government.

Following the recent review undertaken by the Department of Levelling Up, Housing and Communities (DLUHC) rapid review team, the Executive was informed that the review body had submitted its report to Government. The Leader advised that no timeline had been given for the Government's response. Regarding the Council's Minimum Revenue Provision (MRP) issues, the Portfolio Holder reported that work was in progress around the technical issues in order to inform future discussions with Government.

Discussion ensued on the Fit for the Future (FFtF) programme and it was explained that the budget for 2023/24 and the MTFS forecasts for 2024/25 and 2025/26 incorporated savings identified through the FFtF 1 and 2 exercises. The FFtF 3 exercise would identify minimum viable provision of services and no budget reductions had yet been made to reflect FFtF 3. It was noted that Officers had started the difficult work on FFtF 3 and updates would be provided in future reports. It was acknowledged that the Council would face difficult decisions ahead.

RESOLVED

That (i) the approach set out in the report for commencement of the process to balance budget year 2024/25 be noted; and

RECOMMENDED to COUNCIL

That (ii) the latest iteration of the Medium Term Financial Strategy be approved;

(iii) approval of the proposed Flexible Use of Capital Receipts in 2023/24 and submission of a plan to DLUHC be delegated to the Strategic Director – Corporate Resources, in consultation with the Finance Portfolio Holder;

(iv) the Parent Company Guarantee (PCG) be extended by delegation to the Section 151 Officer, in consultation with the Finance Portfolio Holder, for the provision of Gas to Thamesway Central Milton Keynes Ltd (TCMK); and

(v) from 1 April 2023 loans advanced to Thamesway Central Milton Keynes Ltd. (TCMK) to be at the relevant PWLB interest rate with no margin be approved.

Reason: The decision is sought to ensure open and transparent governance in the financial affairs of the Council in balancing the 2024/25 Budget and the achievement of attaining financial resilience and to comply with the process for Flexible Use of Capital Receipts as determined by Government. In addition, to enable Thamesway Central Milton Keynes Limited to acquire energy for onward sale and moderate the cost burden sustained by Thamesway Central Milton Keynes Limited in its business operations.

7. REVIEW OF THE CONSTITUTION EXE23-033

The Leader of the Council, Councillor Barker, introduced a report which recommended to Council the adoption of the revised Constitution following a comprehensive review. The Leader thanked Councillors and Officers for their input through the review engagement process. The Executive was advised that the new Constitution was a living document and had been refreshed, made easier to navigate, and included flowcharts. Attention was drawn to an updated clean copy of the Constitution, and a supplementary report which set out comments from the Overview and Scrutiny Committee at its meeting on 20 March 2023 in respect of Terms of Reference, namely that the requirement for an Opposition Member to be Chairman be removed from Terms of Reference.

The Leader highlighted some of the proposed changes to the Constitution following the review. The Executive was advised of the proposed changes to the Notice of Motion process, which was currently a lengthy procedure. It was proposed that Notice of Motions be submitted earlier to allow the Monitoring Officer or s151 Officer to advise if there was a legal, policy or financial reason why the Notice of Motion could not be considered on the night at Full Council. Should a reason be identified, the Notice of Motion would revert to the Executive and then Full Council. Councillor Dorsett suggested that the proposer of a

Notice of Motion be able to request that a Motion be submitted to the Executive. Changes in relation to modernised behaviours at Full Council were highlighted, such as dress codes and no longer standing to speak. Following discussion, it was noted that there were differences in opinion regarding Opposition Members being specified as Chairmen of Task Groups, dress codes and standing to speak at Full Council, and these areas would be debated further at Full Council on 30 March 2023.

It was noted that a Corporate Governance Working Group would be established reporting to the Standards and Audit Committee to ensure the continuous review of the Constitution.

The Executive welcomed the new Constitution which had been streamlined, simplified and would make the decision-making process easier to understand for Councillors, Officers and members of the public.

RECOMMENDED to COUNCIL

- That (i) **the Constitution and all the provisions contained within it be adopted with effect from 5 May 2023; and**
- (ii) **the Corporate Governance Working Group be formally established in accordance with the Terms of Reference included within the body of the Constitution.**

Reason: The revised Constitution will ensure that the Council's policies and procedures are consistent with delivering good governance.

8. AFFORDABLE HOUSING DELIVERY SUPPLEMENTARY PLANNING DOCUMENT (SPD) EXE23-008

The Executive received a report which recommended to Council the adoption of the revised Affordable Housing Delivery SPD for the purposes of managing development across the Borough and other planning decisions. The Local Development Framework (LDF) Working Group had considered the consultation responses and the report at its meetings on 11 January 2023 and 1 February 2023. Councillor Lyons, Portfolio Holder for Planning Policy, thanked Officers for their hard work on the revision of the SPD.

RECOMMENDED to COUNCIL

- That (i) **the various representations to the Affordable Housing Delivery Supplementary Planning Document (SPD) consultation together with Officer's responses and recommendations as set out in Appendix 1 to the report be noted;**
- (ii) **the revised Affordable Housing Delivery SPD included in Appendix 2 to the report be adopted as Supplementary Planning Document for the purposes of managing development across the Borough and other planning decisions; and**
- (iii) **the requirements of the SPD should apply from the date of adoption, in this case 30 March 2023.**

Reason: To ensure that there is up to date guidance on the interpretation of Woking Core Strategy Policy CS12: Affordable Housing.

9. CLIMATE CHANGE STRATEGY REVIEW EXE23-009

Councillor Graves, Portfolio Holder for Greener Woking, introduced the report which presented the draft Climate Change Strategy and highlighted that it was a 'living draft'. Following the last update to the Strategy in 2015, Councillor Graves explained that the Strategy had been revised to reflect the Council's net zero commitment in line with the Council's climate and ecological emergency declaration in 2019. The Executive was advised that the draft Strategy would be subject to a six-week consultation period from mid-May to the end of June.

The Executive was also asked to endorse the Take the Jump climate campaign which promoted a greener way of living and encouraged people to try out six lifestyle shifts to live more sustainably.

The Leader welcomed the report and the input of Woking Environment Action (WEAct) into the Council's Climate Change Strategy consultation.

RESOLVED

- That (i) the contents of the proposed draft climate change strategy (attached at Appendix 1 to the report) be noted and approved for public engagement and consultation commencing mid-May 2023;
- (ii) delegated authority be given to the Strategic Director - Place, in consultation with the Greener Woking Portfolio Holder, to approve amendments to the draft strategy to reflect new information before it is published for public engagement;
- (iii) the Take the Jump campaign be endorsed, and staff and Councillors be encouraged to consider what behaviour shifts they can take in support of the Council's corporate climate commitments;
- (iv) the activities undertaken to date and those planned in furtherance of the Council's climate and ecological emergency declaration, be noted as reported to the Overview and Scrutiny Committee on 20 February 2023; and
- (v) the Terms of Reference for the Greener Woking Working Group be approved.

Reason: To note the review of the Council's climate change strategy and planned public consultation; the role of public engagement in local climate action and the continuing activities of the Council and its partners in furtherance of its climate and ecological declaration commitments.

10. RECOMMENDATION FROM OVERVIEW AND SCRUTINY COMMITTEE FOLLOWING WEACT PRESENTATION EXE23-044

RESOLVED

- That (i) the proposals for action set out in the Executive Summary of the 'Recommendation to the Executive following WEAct Presentation' report OSC23-021 to the Overview and Scrutiny Committee on 20 March 2023 be referred to the Greener Working Working Group for consideration; and
- (ii) the Greener Working Working Group to report back to a future meeting of the Executive.

Reason: To consider the recommendation from the Overview and Scrutiny Committee following the presentation made by representatives of WEAct.

11. CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT (SPD) EXE23-011

The Executive received a report which sought approval of the Executive to publish the draft Climate Change Supplementary Planning Document (SPD) for public consultation in parallel with the draft Climate Change Strategy considered earlier on the agenda. It was noted that the last SPD was adopted in 2013 and was in need of review to keep up-to-date with changes to building practice. The importance of releasing and reviewing the SPD in conjunction with the emerging Climate Change Strategy to enable the Council to reach net-zero targets was highlighted. Under the National Planning Policy Framework, it was noted that SPDs should not add any significant financial burden to developers and applicants.

The Executive approved the SPD for a six week public consultation from mid-May and hoped that the consultation would attract a good response.

RESOLVED

- That (i) the contents of the draft Climate Change Supplementary Planning Document (SPD), attached at Appendix 1 to the report, be noted and approved for public consultation for a period of 6 weeks; and
- (ii) delegated authority be given to the Strategic Director - Place, in consultation with the Portfolio Holder for Planning and Regulation, to approve any minor amendments to the SPD before it is published for public consultation.

Reason: To give the public an opportunity to comment on the draft revised Climate Change SPD, and for their comments to be considered before the SPD is adopted.

12. COST OF LIVING CRISIS UPDATE EXE23-014

The Executive received a report on the ongoing local response to the Cost of Living crisis from the Council, partners and organisations across the voluntary and faith sector in line with the action plan. It was noted that progress was continuing to support vulnerable residents. Attention was drawn to the research undertaken by Surrey Minority Ethnic Forum (SMEF) and the Surrey Coalition of Disabled People to identify the effect of the cost of living on ethnic minority communities and disabled people. The Leader highlighted progress in the action plan concerning food, in particular the move towards a Surrey-wide food warehouse. It had not been possible to find a premises large enough in Woking, however a suitable warehouse was available in Guildford. It was noted that a start-up grant from Surrey County Council had been received by Foodwise and discussions were in progress to secure the site for the countywide food distribution hub.

The Executive recognised the voluntary work carried out by residents across the Borough and thanked them for their efforts. The work of the Angelic Network in Maybury distributing food parcels was highlighted.

Members also discussed promotion of Cost of Living information to residents, including the Warm Hubs map, noting that information had been promoted using a range of digital and off-line channels.

RESOLVED

That the ongoing local response to the Cost-of-Living crisis from the Council, partners, and organisations across the voluntary and faith sector be noted, in line with the action plan.

Reason: To ensure Woking residents access the support they need this Winter with the Cost of Living and to monitor progress against the action plan.

13. REVOCATION OF THE AIR QUALITY MANAGEMENT AREA (AQMA) AT ANCHOR HILL, KNAPHILL EXE23-029

The Executive received a report which sought approval for the Air Quality Management Area (AQMA) on Anchor Hill, Knaphill to be revoked, following several years of continued compliance with the national Air Quality Objectives (AQO). The Executive welcomed the great news that nitrogen dioxide levels had complied with the AQO at every Anchor Hill monitoring site since 2017 due to the upgrading of the traffic light system. Following a question regarding future monitoring of the area, it was confirmed that the Council had an obligation to monitor air quality levels across the Borough and that this would include Anchor Hill, Knaphill.

RESOLVED

That (i) the Air Quality Management Area (AQMA) on Anchor Hill, Knaphill, be revoked; and

(ii) the Council revoke the AQMA officially by means of an AQMA Revocation Order and notification to Defra (The Department for Environment, Food and Rural Affairs).

Reason: To comply with legislative requirements and DEFRA guidance related to air quality, as well as support Woking For All Strategy objectives to improve air quality across the Borough.

14. APPOINTMENT OF INDEPENDENT DIRECTORS TO COUNCIL COMPANIES EXE23-042

As part of the continuous programme of work in respect of the governance of the ThamesWey Group Companies, the Executive received a report which sought approval of a recruitment strategy for the appointment of Independent Directors to Council Companies. The Executive heard that a review of the skills required on the Boards had been undertaken by ThamesWey, and a recruitment strategy had been developed to strengthen the Boards. It was proposed that the existing Non-Executive Directors (NEDs) stepped down, end dates to be staggered over a two year period commencing April 2023, and would be replaced via a new appointment process.

The Executive noted the significant growth of the activity and scale of the ThamesWey Group and the changes to governance arrangements. The Executive agreed that it was necessary to properly resource and refresh the Boards following best practice. It was confirmed that there would be an interview process for the appointment of NEDs.

Councillor Davis raised a number of questions regarding the proposals, including the remuneration of NEDs, agency costs, performance of NEDs and attendance record of NEDs. Councillor Barker responded to the points raised before moving to the recommendations in the report.

RESOLVED

That the report be noted and recruitment strategy be supported.

Reason: To strengthen the Board of Directors of the ThamesWey Group to ensure that they continue to bring oversight, experience and skills that are advantageous and appropriate to the companies.

15. REGULATION OF INVESTIGATORY POWERS ACT 2000 – ANNUAL MONITORING REPORT EXE23-006

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 2022 calendar year.

RESOLVED

That the Council's non-use of the Regulation of Investigatory Powers Act 2000 during the 2022 calendar year be noted.

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

16. WRITE OFF OF IRRECOVERABLE DEBT EXE23-007

The Leader reported that the item had been withdrawn to allow the Interim s151 Officer to investigate further. The Write off of Irrecoverable Debt report would be received at a future Executive.

17. PERFORMANCE AND FINANCIAL MONITORING INFORMATION

The Executive considered the Performance and Financial Monitoring Information (Green Book) December 2022. Councillor Johnson, Portfolio Holder for Housing, drew attention to empty homes brought back into use and explained the reasons for the target not being met. The Executive was informed that staff resources had been diverted in the first half of 2022/23 to supporting the Homes for Ukraine initiative. Currently, due to the increased demand, staff were securing private rented homes for households facing homelessness. The Portfolio Holder encouraged Members to report any properties that could be empty.

Members discussed fly tipping and the Executive was advised that the total number of incidents was lower than last year. It was noted that as well as a static enforcement camera at Parley Drive, the Council had recently required two re-deployable cameras for enforcement at hot spots.

RESOLVED

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

Reason: To manage the performance of the Council.

18. MONITORING REPORTS - PROJECTS EXE23-030

The Executive received a report which provided an update on progress in relation to the Council's project management arrangements, assurance and processes. The report included the status of projects as at the end of January 2023. Members discussed the Woking Town Centre Masterplan, Leisure Lagoon Modernisation and Playground Improvements Phase 4 projects.

RESOLVED

That (i) the report be received; and

(ii) the detailed project monitoring recorded in Appendix 1 to the report be approved.

Reason: To monitor progress on development to the Council's project management approach.

<p>This document was published on Friday 24 March 2023 and the decisions within it will be implemented on Monday 3 April 2023, subject to call-in.</p>

The meeting commenced at 7.00 pm
and ended at 8.39 pm

Chairman: _____

Date: _____