

MINUTES  
OF A MEETING OF THE  
**EXECUTIVE**

held on 22 March 2018

Present:

Cllr D J Bittleston (Chairman)

Cllr C S Kemp (Vice-Chair)

Cllr A Azad  
Cllr A C L Bowes

Cllr Mrs B A Hunwicks  
Cllr S Hussain

Also Present: Councillors A-M Barker, W P Forster, D E Hughes and L M N Morales.

Apologies: Councillors K M Davis, I Johnson and M Pengelly.

**1. MINUTES**

RESOLVED

That the minutes of the meeting of the Executive held on 1 February 2018  
be approved and signed as a true and correct record.

**2. DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, the Leader of the Council, Councillor D J Bittleston, Councillor Mrs B A Hunwicks and Councillor C S Kemp declared a non-pecuniary interest in minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR), minute item 11 – Housing Allocations Policy 2018 and minute item 14 – Performance and Financial Monitoring Information arising from their positions as Directors of the Thamesway Group of Companies. The interests were such that speaking and voting were permissible.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, Deputy Chief Executive, Douglas Spinks, Strategic Director, Sue Barham and Head of Democratic and Legal Services, Peter Bryant, declared an interest in minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR), minute item 11 – Housing Allocations Policy 2018 and minute item 14 – Performance and Financial Monitoring Information arising from their positions as Directors of the Thamesway Group of Companies. The interest was such that speaking was permissible.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan declared an interest in minute item 3 – Questions, minute item 4 – Notices of Motion, minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR) and minute item 14 – Performance and Financial Monitoring Information arising from his position as a Director of Victoria Square Woking Limited. The interest was such that speaking was permissible.

In accordance with Officer Procedure Rules, the Deputy Chief Executive, Douglas Spinks, and Head of Democratic and Legal Services, Peter Bryant, declared an interest in minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR), minute item 14 – Performance and Financial Monitoring Information and minute item 16 – Brookwood Cemetery arising from their positions as Directors of Woking Necropolis and Mausoleum Limited, Brookwood Park Limited and Brookwood Cemetery Limited. The interests were such that speaking was permissible.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, and the Deputy Chief Executive, Douglas Spinks, declared an interest in minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR) and minute item 14 – Performance and Financial Monitoring Information arising from their positions as Directors of Export House Limited. The interests were such that speaking was permissible.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, and the Head of Democratic and Legal Services, Peter Bryant, declared an interest in minute item 7 – Medium Term Financial Strategy, minute item 10 – General Data Protection Regulation (GDPR) and minute item 14 – Performance and Financial Monitoring Information arising from their positions as Directors of Dukes Court Owner T S a r l. The interests were such that speaking was permissible.

### **3. QUESTIONS**

The Chairman reported that a question had been submitted by Councillor K M Davis under Section 3 of the Executive Procedure Rules regarding Victoria Square Woking Limited. A copy of the question together with the reply was before the Executive and a copy is appended to the minutes at Appendix 1. The Chairman confirmed the reply. The Chairman asked all Councillors present if they would like to ask any further questions regarding Victoria Square Woking Limited as there had been a number of emails and recent press comment. The Chairman addressed the concerns of Cllr Barker regarding the current difficulties shopkeepers were having. Following a question regarding risk, the Chief Executive reported that the contractual arrangements around Victoria Square had been further strengthened in order to protect the Council if Bank of Ireland were to change its position and become aggressive towards Moyallen. The Chairman commented that it was unfortunate that no Labour or Independent Councillors had bothered to come to the meeting.

### **4. NOTICE OF MOTION - CLLR I JOHNSON - CHANGING PLACES CAMPAIGN**

At its meeting on 8 February 2018, the Council referred the following Notice of Motion to the Executive.

Councillor I Johnson

“The Council

- a) notes the national campaign ‘Changing Places’ which encourages the provision of public toilets which are accessible for people with such profound disabilities that they need additional facilities not met by the standard accessible toilets; and
- b) agrees to incorporate into the Victoria Square development the provision of a toilet which conforms to the standards requested by the Changing Places campaign.”

The Executive noted that the Council had already recognised the Changing Places campaign and that the specification for the Victoria Square development already incorporated a Changing Places toilet in its public toilets as part of the New Court area which was central to all the shopping areas in Wolsey Place, Peacocks and the new Victoria Square.

**RECOMMENDED to Council**

**That the Council notes the action sought by the Motion has already been taken.**

**5. PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

Following the meeting of the Executive on 23 March 2017, Councillor A C L Bowes, Portfolio Holder for Planning Policy, introduced the report which outlined the responses to the public consultation on the Parking Standards Supplementary Planning Document (SPD), and recommended to Council that the SPD be adopted for the purposes of managing development across the Borough. It was noted that the report had been considered by the Local Development Framework (LDF) Working Group at its meeting on 6 March 2018. Following a question regarding older person's flats, attention was drawn to page 21 of Appendix 2 to the report which set out the recommended parking standards for Use Classes C2 and C3 which included residential institutions and sheltered housing.

**RECOMMENDED to Council**

- That (i) the various representations to the Parking Standards Supplementary Planning Document consultation together with the Officers' response and recommendations, as set out in Appendix 1 to the report, be noted;**
- (ii) subject to the proposed modifications, the Parking Standards Supplementary Planning Document in Appendix 2 to the report be adopted for the purposes of managing development across the Borough;**
- (iii) the requirements of the Parking Standards Supplementary Planning Document should apply to all relevant planning decisions on and after the date of adoption, in this case 5 April 2018; and**
- (iv) authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, to approve any changes to reflect new information before the SPD is adopted.**

**Reason:** To make sure that the Council has an up to date Parking Standards that complies with national and local planning policy.

## **6. SELF-BUILD AND CUSTOM HOUSEBUILDING GUIDANCE NOTE**

Following the meeting of the Executive on 23 March 2017, Councillor A C L Bowes, Portfolio Holder for Planning Policy, introduced the report which outlined the responses to the public consultation on the Self-build and Custom Housebuilding Guidance Note, and recommended to Council that it be approved as Guidance Note for individuals and organisations who wished to acquire serviced plots for self-build or custom housebuilding. It was noted that the report had been considered by the Local Development Framework (LDF) Working Group at its meeting on 6 March 2018. Following a question regarding the possible future release of Council land for self-build purposes, the Leader of the Council commented that the preference would be for social and affordable housing to be built on the Council's valuable land.

### **RECOMMENDED to Council**

- That (i) **the draft Self-build and Custom Housebuilding Guidance Note, as set out in Appendix 1 to the report, be adopted as Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self-build and custom housebuilding; and**
- (ii) **authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, to approve any amendments to the draft Guidance Note to reflect new information before it is approved, and thereafter to make sure that the Guidance Note is regularly reviewed to bring it up to date.**

Reason: To enable the Council to comply with the Self-build and Custom Housebuilding Act (2015) and the Self-build and Custom Housebuilding (Register) Regulations 2016.

## **7. MEDIUM TERM FINANCIAL STRATEGY**

Councillor A Azad, Portfolio Holder for Corporate Financial Planning and Policy, introduced the interim report which provided an update on the outlook following Council approval of the 2018/19 budget in February 2018. The Executive was advised that there remained funding uncertainties post 2019/20, including the Revenue Support Grant (RSG), Fair Funding Review (FFR), and extension of the Business Rate retention pilot. It was noted that the Council was responding to Government consultations regarding funding. Councillor Azad reported that the Council required ongoing savings or income of £3.5m by March 2022 and that it was proposed that the Council continued the strategy of seeking strategic commercial opportunities and supporting growth in the Borough. It was further reported that there was a risk of reduction in Surrey County Council (SCC) support of some £950k.

Discussion ensued on the Council's Investment Programme projects and Officers advised that caution was needed on projects which would have a net cost. The Executive was advised that there remained a budget for strategic investment opportunities of some £15m within the Medium Term Financial Strategy (MTFS). It was noted that Officers would review the investment strategy over the summer and bring a paper back to the Executive with proposals to generate the £3.5m required by March 2022. The Chief Finance Officer highlighted that the exact level of savings or income required would be uncertain until a

steer was given from Government on funding post 2019/20.

The Leader of the Council highlighted that the Victoria Arch funding bid had moved to the next stage and was SCC's preferred option. It was anticipated that the result of the bid would be known in six months time.

The Executive noted the positive investments made by the Council since 2010 to improve the retail and employment vitality of the Town Centre. Attention was drawn to the purchase of Wolsey Place Shopping Centre and the regeneration of Jubilee Square which had both achieved an increase in footfall in the Town Centre.

**RECOMMENDED to Council**

**That the Medium Term Financial Strategy report be approved and the Executive authorised to prepare an Investment Strategy for consideration as part of the Budget process for 2019/20 which would generate sufficient income to avoid reduction in services for local people.**

Reason: The decision is sought to set the framework for Officers to develop detailed proposals for consideration, in due course, by the Council to ensure the medium term financial stability of the Council in the context of its objective to support growth and to maintain services for local people.

**8. THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

The Executive received a report which sought approval of the Executive to recommend to Council the introduction of a fixed penalty notice (FPN) scheme for businesses selling motor vehicles from the public highway offences.

**RECOMMENDED to Council**

**That (i) the Council issue fixed penalty notices for offences under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;**

**(ii) the level of fixed penalty notices shall be set at £100 per penalty notice where it is considered that a person has committed an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;**

**(iii) authority be delegated to the Assistant Director (Place), in consultation with the Portfolio Holder for Environmental and Well Being Services, to vary all environmental fixed penalty notice charges in accordance with the legislation; and**

**(iv) authority be delegated to the Assistant Director (Place) to authorise any persons to issue fixed penalty notices for an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005.**

Reason: The introduction of a fixed penalty notice scheme for businesses selling motor vehicles from the public highway offences is considered a necessary and proportionate response to the current environmental issues facing the Council.

**9. FIXED PENALTY NOTICE (FPN) POLICY FOR LITTERING FROM VEHICLE OFFENCES**

The Executive received a report which sought approval of the Executive to recommend to Council the introduction of a fixed penalty notice (FPN) scheme for littering from vehicle offences.

**RECOMMENDED to Council**

- That (i) the Council issue fixed penalty notices for the offence of littering from vehicles under section 88A of the Environmental Protection Act 1990 from 6 April 2018;
- (ii) the level of fixed penalty notices shall be set at £100 per fixed penalty notice, such penalty to be reduced to £50 if paid within 14 days as provided for under section 6 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018;
- (iii) authority be delegated to the Assistant Director (Place) to authorise any persons to issue fixed penalty notices from 6 April 2018 for littering from vehicles under section 88A of the Environmental Protection Act 1990; and
- (iv) from 6 April 2018 the level of fixed penalty notices shall be set at £100 per penalty notice where it is considered that a person has committed an offence under section 88 of the Environmental Protection Act 1990.

Reason: The introduction of a fixed penalty notice scheme for littering from vehicles offences is considered a necessary and proportionate response to the current environmental issues facing the Council.

**10. GENERAL DATA PROTECTION REGULATION (GDPR)**

The Executive received a report which set out the progress made by the Council on compliance with the EU's General Data Protection Regulation (GDPR) and the work still to be carried out before the GDPR came into force in May 2018. The proposed training for Members was welcomed. Members thanked Officers for their hard work to enable the Council's compliance with the GDPR.

**RECOMMENDED to Council**

- That (i) the progress made on compliance with the General Data Protection Regulation, as well as the need for further work, be noted;

(ii) the draft new Data Protection Policy be adopted; and

(iii) Peter Bryant (Head of Democratic and Legal Services/Monitoring Officer) be appointed Data Protection Officer.

Reason: Consideration of these matters will enable the Council to comply with the EU's General Data Protection Regulation when it comes into force in May 2018.

## **11. HOUSING ALLOCATIONS POLICY 2018**

Councillor C S Kemp, Portfolio Holder for Housing, introduced the report which sought approval of the Executive to recommend to Council the adoption of a fully revised Housing Allocations Policy. The Executive was informed that the updated Policy reflected best practice and was in-line with neighbouring authorities. Councillor Kemp further added that the revised Policy recognised and referenced throughout the Homelessness Reduction Act 2017, due to come into force from 3 April 2018. The Executive noted that the revised Policy had been robustly discussed at the Housing Task Group at its meeting on 22 February 2018. Following a question regarding the lowering of the age range for supported housing, Councillor Kemp advised that it was necessary to look at supported housing for all age groups and types of people and that Officers would monitor the situation going forward. Officers were thanked for their hard work on the revised Housing Allocations Policy.

### **RECOMMENDED to Council**

That (i) the Housing Allocations Policy, as set out in Appendix 3 to the report, be adopted; and

(ii) the Strategic Director, in consultation with the Portfolio Holder for Housing, be delegated authority to make minor amendments to the Policy as part of an annual review.

Reason: The Council has a legal duty to have an Allocations Policy which states how priority will be awarded to applicants on the Housing Register and how the Choice Based Lettings Scheme (Hometrak) operates. It is good practice to review the Housing Allocations Policy from time to time to ensure it reflects local housing priorities and changes in legislation. The revised Policy reflects this and will become subject to annual review.

## **12. REGULATION OF INVESTIGATORY POWERS ACT 2000 - ANNUAL MONITORING REPORT**

### **RESOLVED**

That the Council's non-use of the Regulation of Investigatory Powers Act 2000 ("RIPA") during the 2017 calendar year be noted.

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

**13. WRITE OFF OF IRRECOVERABLE DEBT**

The Executive received a report which sought authority for the debts over £10,000 listed in the report to be written off. Following a query regarding 22 Brookfield, Horsell, listed under Sundry Debtors in Appendix 1 of the report, the Chief Finance Officer explained that it related to a commercial property and undertook to provide Councillor A-M Barker with further details outside of the meeting.

**RESOLVED**

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

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

**14. PERFORMANCE AND FINANCIAL MONITORING INFORMATION**

The Executive considered the Performance and Financial Monitoring Information (Green Book), January 2018. Regarding Tante Marie, the Chief Executive reported that the Council was seeking to secure its long-term investment through the re-gearing of the lease. The Executive was advised that letting agents were in discussion with new prospective tenants of the former Tante Marie restaurant.

Members discussed missed food waste collections and performance against target. Councillor Mrs B A Hunwicks, Portfolio Holder for Waste and Recycling, acknowledged that there had been some issues with collections however improvements had been made and Joint Waste Solutions had been outstanding in ensuring missed bins were collected. It was highlighted that Woking Borough Council had performed better than its fellow contract partners; Surrey Heath and Elmbridge. The Portfolio Holder thanked Waste Officers for their hard work.

Regarding families in temporary accommodation, it was noted that the February 2018 Green Book and future editions would indicate the number of families in non-secure accommodation in Sheerwater.

Discussion ensued on Thamesway Housing's rent model and the Executive was advised that Thamesway had varied its rent levels where required by the market. It was agreed that Councillor Barker would send a specific resident rent query to Ray Morgan and Sue Barham for investigation.

**RESOLVED**

That the Performance and Financial Monitoring Information, January 2018, be received.

Reason: To manage the performance of the Council.



**15. EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during consideration of items 16 and 17 in view of the nature of the proceedings that, if members of the press and public were present during these items, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, to the Local Government Act 1972.

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**16. BROOKWOOD CEMETERY**

RESOLVED

That the resolve set out in the confidential minute be agreed.

Reason: To support the Council's MTFs and its long term objectives for Brookwood Cemetery.

**17. LAND MANAGEMENT - WESTFIELD AVENUE**

**RECOMMENDED to Council**

**That the recommendation to Council set out in the confidential minute be agreed.**

RESOLVED

That the resolve, as amended by the Executive, set out in the confidential minute be agreed.

Reason: To enable the Council to pursue its corporate objectives in respect of Woking Football Club.

<p><b>This document was published on Friday, 23 March 2018 and the decisions within it will be implemented on Wednesday 4 April 2018, subject to call-in.</b></p>
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The meeting commenced at 7.00 pm  
and ended at 8.48 pm.

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_

## QUESTIONS

### Executive Summary

The following question has been received under Section 3 of the Executive Procedure Rules. The reply by the Leader of the Council is set out below.

#### Question from Councillor K M Davis

“Given the number of emails and public comment by Members of the Council regarding Victoria Square Woking Ltd and my own concerns regarding the late filing of documents by Moyallen, please would the Leader of the Council put my mind at rest regarding the work done by the Finance Team to ensure WBC is protected in a worst case scenario?”

#### Reply by Councillor D J Bittleston, Leader of the Council

“I am happy to put your mind at rest about the extensive work undertaken by the Victoria Square Project Team, our Directors appointed to the Joint Venture company, our Chief Finance Officer, our Monitoring Officer and the former Leader of the Council in that capacity. Before doing so I will deal with the position with Moyallen and its Accounts.

The Moyallen Accounts are indeed being filed late and have been on previous occasions with the agreement of Companies House. This is because of the additional financial work Moyallen has had to undertake in respect of Victoria Square and the complex valuation exercises in respect of its various assets. Its Bank, Bank of Ireland, is fully supportive of the company and whilst the Auditor does note an “emphasis of matter” when considering Moyallen as a going concern the Auditor does not qualify the Accounts which is an action it could take if it had a material concern. The reason for acknowledging the risk to “going concern” is that Moyallen’s existing Loan Facility is due to expire in June 2018. The Auditor will have been content not to qualify the Accounts because the Bank of Ireland continues to support the company. The Council has known these facts for the last six years starting when it initially pursued the regeneration and when it lent Peacocks £6.35m, and it has been rolling its Loan to Peacocks to the same date. The Chief Executive and the Chief Finance Officer recently met with Moyallen and the Bank of Ireland. The Bank of Ireland confirmed its continuing support for Moyallen as an excellent customer. The fact that the Moyallen debt following the acquisition of the Peacocks subsequently exceeded its value reflects the impact upon it of the financial crisis, but importantly, as confirmed by the Bank of Ireland, Moyallen has maintained all of its banking covenants and paid its liabilities when due. Moyallen has proven to be an excellent partner for the Council and the skills it has brought to the project have been invaluable.

In the lead up to the decision of the Council on 8 December 2016, when determining the recommendation of the Executive from its meeting on 24 November 2016, to proceed with the Victoria Square scheme and to provide a Loan Facility of £460m to Victoria Square Woking Limited (VSWL) there were extensive discussions and two major confidential briefings.

On 22 October 2016 Members were briefed on the architecture of the scheme and its deliverability by the contractor Sir Robert McAlpine; 19 Members of the Council attended the briefing. On 2 November 2016 Members were briefed in detail on the cost of the scheme, its risks and its viability. There were 24 Members of the Council in attendance on 2 November including all Group Leaders.

The Council's Finance and Legal Teams gave advice, with the assistance of Ernst and Young, to demonstrate that the Council's proposed actions were sound and that risks and potential risks were adequately addressed. The issue of the risk concerning the Balance Sheet of the Moyallen Group, as the majority shareholder in VSWL, was discussed and advice given that in the opinion of Council Officers the Council was adequately protected. However following Member questions it was agreed that before the Contracts were entered into Specialist Insolvency Advice would be sought to ensure that if Bank of Ireland were to change its position and become aggressive towards Moyallen that VSWL and the Council would remain safe. That advice was obtained, considered by the Victoria Square Oversight Panel, and minor amendments were made to the contractual arrangements to further strengthen the protection of the Council.

There were 28 Members of the Council present at the Meeting on 8 December 2016, only Councillors Mohammed and Rana were absent. At the meeting the Council decided, after taking into account the advice and having regard to all the detailed confidential financial information and modelling information with which each Member had been provided, to proceed with Victoria Square with 19 Members voting in favour, 5 against and 3 Members present not voting (The Mayor does not vote).

More recently at the Council Meeting on 7 December 2017, when considering, subject to Planning approval, the opportunity to: - improve fire safety in light of the Grenfell Tower incident by installing an escape stair to each residential tower; increase the number of apartments; and increase the number of car parking spaces, it agreed a further increase in the Loan Facility to VSWL bringing the total to £505m. The advice to Council was again supported by an update from our Finance and Legal Teams.

There were 28 Members of the Council present at the Meeting on 7 December 2017, only Councillors Ali and Boote were absent. The Council fully supported the updated proposals and the increase in the Loan Facility with no vote against and no abstentions (The Mayor does not vote).

It is clear to me that all Members of the Council were fully briefed and informed and that the Council's Finance and Legal Teams have ensured that we are fully protected."

#### **Reporting and Contact Person:**

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