

MINUTES
OF A MEETING OF THE
BOROUGH COUNCIL OF WOKING

held on 19 October 2017

Present:

Cllr A E Murray (Mayor)	
Cllr G S Cundy (Deputy Mayor)	
Cllr Mrs H J Addison	Cllr K Howard
Cllr A Azad	Cllr D E Hughes
Cllr T Aziz	Cllr Mrs B A Hunwicks
Cllr D J Bittleston	Cllr S Hussain
Cllr J E Bond	Cllr I Johnson
Cllr A J Boote	Cllr C S Kemp
Cllr A C L Bowes	Cllr J Kingsbury
Cllr M A Bridgeman	Cllr R Mohammed
Cllr G G Chrystie	Cllr L M N Morales
Cllr K Davis	Cllr M Pengelly
Cllr I Eastwood	Cllr M I Raja
Cllr D Harlow	Cllr C Rana
Cllr M A Whitehand	

Absent: Councillors M Ali, A-M Barker and W P Forster.

1. MINUTES

RESOLVED

That the minutes of the Special Meeting of the Council held on 28 September 2017 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A-M Barker and W P Forster. It was noted that Councillor Kingsbury had given his apologies for arriving late for the meeting.

3. MAYOR'S COMMUNICATIONS

The Mayor report on the numerous events he had attended over recent months, including award ceremonies, exhibitions, opening new premises, the Civic Service, a concert and the Diwali procession. A recent visit to the York Road Project had revealed the extent of the services provided by the Charity. Future events included the Royal British Legion Poppy Launch on Saturday, 28 October and the Remembrance Day Service on 12 November 2017.

4. 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, Councillor C S Kemp and Councillor J Kingsbury declared a non-pecuniary interest in any items under which the Thameswey Group of Companies was discussed, arising from their positions as Directors of the Thameswey Group of Companies. The interest was such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor J Kingsbury declared a non-pecuniary interest in any items under which the Victoria Square Development was discussed, arising from his position as a Director of Victoria Square Woking Limited. The interest was such that speaking and voting were permissible.

In accordance with the 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 any items under which the Thamesway Group of Companies was discussed, 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 any items under which the Victoria Square Development was discussed, 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 any items under which Brookwood Cemetery was discussed, arising from their positions as Directors of Woking Necropolis and Mausoleum Limited, Brookwood Park Limited and Brookwood Cemetery Limited. The interest was such that speaking was permissible.

In accordance with the Members' Code of Conduct, Councillor J Kingsbury declared a non-pecuniary interest in any items under which the Brookwood Cemetery was discussed, arising from his position as a Director of Woking Necropolis and Mausoleum Limited, Brookwood Park Limited and Brookwood Cemetery Limited. The interest was such that speaking and voting were permissible.

In accordance with the Officer Procedure Rules, the Chief Executive, Ray Morgan, declared an interest in Agenda Item 8 – Notice of Motion – Councillor M I Raja – Democratic Principles – as a result of being the subject of the Monitoring Officer's investigation. The Chief Executive left the Chamber during the discussion of the item.

In accordance with the Members' Code of Conduct, Councillor R Mohammed declared an interest in Agenda Item 7 – Recommendations of the Executive and Committees – Review of Scheme of Delegations – arising from his position as a licensed taxi driver. The interest was such that Councillor Mohammed left the Chamber during the discussion of the item.

5. QUESTIONS

Copies of questions submitted under Standing Order 8.1 together with draft replies were laid upon the table. The replies were confirmed by Members of the Executive, supplementary questions were asked and replies given.

6. RECOMMENDATIONS OF THE EXECUTIVE AND COMMITTEES

Councillor D J Bittleston moved and Councillor C S Kemp seconded the reception and adoption of the report and recommendations of the meetings of the Executive held on 14 September and 12 October 2017.

Councillor Harlow moved and Councillor Addison seconded the reception and adoption of the report and recommendations of the meeting of the Licensing Committee held on 10 October 2017.

EXECUTIVE – 14 SEPTEMBER 2017

PRIVATE RENTED SECTOR ACCESS SCHEME POLICY

Councillor Kemp introduced the recommendations before the Council in respect of the adoption of the Private Rented Sector Access Scheme Policy. The Council welcomed the proposals set out in the Policy. WBC17-031

RESOLVED

- That (i) the Private Rented Sector Access Scheme Policy, as set out in the Appendix to the report, be adopted;
- (ii) the Strategic Director for Housing be delegated authority to agree leases with private landlords for accommodation to be used in accordance with the Policy;
- (iii) the Strategic Director for Housing be delegated authority to make minor amendments to the Policy (specifically including changes to the scope and level of incentives) in consultation with the Portfolio Holder;
- (iv) the Council's Allocation Policy be amended such that existing tenants accommodated through the Council's existing Private Rented Sector Access schemes cease to be eligible to apply for the Council's Housing Register after 31 March 2018; and
- (v) the Flexible Homelessness Support Grant be used to provide the additional £95k budget provision required to deliver the Let's Rent Connect scheme and £10k for the Let's Rent Complete scheme.

LICENSING PRIVATE RENTED ACCOMMODATION - PROPOSAL TO MAKE A SELECTIVE LICENSING DESIGNATION IN PART OF CANALSIDE WARD

The Members considered the proposal to introduce a selective licensing scheme for private rented accommodation in part of the Canalside ward. A supplementary report had been prepared which set out the findings of the Overview and Scrutiny Committee which had reviewed the proposals at its meeting on 19 September, together with the amendments to the commencement and end dates for the scheme proposed by the Committee. In light of concerns raised over the proposals, the Portfolio Holder, Councillor Kemp, outlined the proposals in detail, explaining that the Council would only be asking for copies of documents that the landlords were required to have by law. The charging structure had been reviewed in light of the comments from the Overview and Scrutiny Committee and the Council was advised that, for those landlords submitting valid applications prior to the commencement date, there would be no charge. In the event landlords did not submit a valid application prior to the commencement date, a charge of £560 would be levied, matching the anticipated cost of processing each application.

Councillor Kemp responded to the points raised before the matter was put to a vote. In accordance with Standing Order 10.8 the names of Members voting for and against the recommendations were recorded.

In favour: Councillors Mrs H J Addison, A Azad, D J Bittleston, J E Bond, A J Boote, A C L Bowes, M A Bridgeman, G G Chrystie, K M Davis, I Eastwood, D Harlow, K Howard, D E Hughes, Mrs B A Hunwicks, S Hussain, I Johnson, C S Kemp, R Mohammed, A E Murray, M Pengelly, C Rana and M A Whitehand.

TOTAL in favour – 22

Against: Councillors T Aziz and M I Raja

TOTAL against – 2

Present not voting: Councillor L M N Morales.

TOTAL present not voting – 1

The recommendations were therefore carried by 22 votes to 2 votes.

WBC17-030

RESOLVED

- That (i) the Head of Democratic and Legal Services be delegated authority to designate a selective licensing designation under the Housing Act 2004 within the area of Canalside Ward set out in the report and at Appendix 1 and Appendix 2 to the report;
- (ii) the selective licensing designation come into force on 1 April 2018;
- (iii) the selective licensing designation cease on 31 March 2023;
- (iv) the fee structure for the selective licensing scheme set out in Appendix 9 to the report be adopted and subsequently reviewed as part of the Council's fees and charges setting process;
- (v) the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to amend the Council's Houses in Multiple Occupation Licensing Policy to incorporate the introduction of selective licensing and rename as the Housing Standards Licensing Policy; and
- (vi) the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to make minor amendments to the Housing Standards Licensing Policy.

MAJOR WORKS AFFECTING LEASEHOLDERS AND ARRANGEMENT FOR THE PAYMENT OF SERVICE CHARGES

WBC17-030

RESOLVED

- That (i) the consultation procedure and payment plan arrangements for Leaseholders outlined in the report be adopted; and
- (ii) delegated authority be given to the Strategic Director for Housing to make minor changes to the policy in consultation with the Portfolio Holder for Housing.

LICENSING COMMITTEE – 10 OCTOBER 2017

REVIEW OF SCHEME OF DELEGATIONS

RESOLVED

That authority be delegated to the Legal Services Manager to:

- (i) authorise named officers of the Licensing Team to be “authorised persons” for the purposes of the Licensing Act 2003; and
- (ii) authorise named officers of the Licensing Team to be “authorised officers of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

EXECUTIVE – 12 OCTOBER 2017

THE TRANSFORMATION AGENDA – MANDATORY TRAINING PROGRAMME FOR ELECTED MEMBERS

Councillor Kemp, Lead Member for Member Learning and Development, introduced proposals to adopt a mandatory training programme for elected members for core areas of development. It was noted that the training would be provided on-line where possible to enable Members to complete the programme at times suitable for them. The proposals were welcomed and it was

WBC17-030

RESOLVED

That a programme of mandatory training for Elected Members be introduced as part of the Council’s Learning and Development Programme for Councillors from May 2018 onwards as outlined in Section 3.0 of the report.

ADOPTION OF ORDINARY WATERCOURSE BYELAWS

Councillor Mrs Hunwicks introduced the proposals for the adoption of byelaws for ordinary water courses. The Council was assured that the proposals did not ignore the areas affected by flooding and covered all the watercourses in the Borough.

In considering the item, Councillor Mrs Hunwicks drew attention to the fact that, although not an interest under the Members Code of Conduct, she lived near to a water course.

WBC17-030

RESOLVED

- That
- (i) the proposal to make drainage byelaws, as set out in Appendix 1 to the report, be endorsed;
 - (ii) the Council consult with Defra, Natural England and the local navigation authority on the Council’s proposal to make the drainage byelaws;
 - (iii) subject to there being no objections by Defra, Natural England and the local navigation authority to the informal consultation the byelaws be made;
 - (iv) the Assistant Director (Place), in consultation with the Portfolio Holder, be authorised to consider and seek to resolve any objection to the said byelaws being made (including amending the proposed byelaws);
 - (v) the byelaws be submitted to the Secretary of State for confirmation with or without any outstanding objections (as the case may be); and

- (vi) in the event these byelaws are adopted by the Council, authority be delegated to the Assistant Director (Place) to authorise or refuse any applications for consents submitted under the said byelaws.

7. NOTICE OF MOTION - CLLR RAJA - DEMOCRATIC PRINCIPLES

The Council had before it a report on a Notice of Motion submitted by Councillor Raja in December 2016 in respect of comments made by the Chief Executive during a radio interview. The Monitoring Officer had investigated the claims and had concluded that the Chief Executive had not acted inappropriately and had not breached the Officer procedure rules. The Executive had considered the matter in July 2017 and had made a number of recommendations to Council on 20 July 2017. At the meeting of Council, however, the matter had been deferred to a subsequent meeting to enable a copy of the Monitoring Officer's report to be circulated to the Members.

The report now before Council outlined the basis on which Councillor Raja had submitted the Notice of Motion together with the outcome of the subsequent investigation of the Monitoring Officer. Furthermore, the report included a transcript of the interview. Councillor Raja explained his concerns of the comments made by the Chief Executive during the radio interview and considered that a public apology had to be given to residents. However, other Members did not support the claim that the Chief Executive had been undemocratic and noted that the majority of views received by Councillor Raja from residents had been received from March 2017 onwards, some six months after the interview had taken place.

In accordance with Standing Order 10.8 the names of Members voting for and against the recommendations were recorded.

In favour: Councillors Mrs H J Addison, A Azad, D J Bittleston, J E Bond, A C L Bowes, M A Bridgeman, G G Chrystie, K M Davis, I Eastwood, D Harlow, K Howard, D E Hughes, Mrs B A Hunwicks, S Hussain, I Johnson, C S Kemp, J Kingsbury, R Mohammed, L M N Morales, A E Murray, M Pengelly, C Rana and M A Whitehand.

TOTAL in favour – 23

Against: Councillors T Aziz and M I Raja

TOTAL against – 2

Present not voting: Councillor A J Boote

TOTAL present not voting – 1

The recommendations were therefore carried by 23 votes to 2 votes.

WBC17-032

RESOLVED

That (i) Council notes the outcome of the Monitoring Officer's investigation into the issues raised by Councillor Raja's Notice of Motion, i.e.

- that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview referred to in the Notice of Motion, and
- accordingly, the Chief Executive did not breach the Officer Procedure Rules.

- (ii) Councillor Raja's Notice of Motion be not supported; and
- (iii) Council reaffirms the sentiments contained in the resolution passed by it on 14 July 2016 (following the EU referendum), i.e.

"That we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country.

We, Woking Borough Council, condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Woking Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in Woking that they are valued members of our community."

8. NOTICES OF MOTION

The Mayor reported that no Motions had been received in accordance with Standing Order 5.0.

The meeting commenced at 7.00 pm
and ended at 8.29 pm

Chairman: _____

Date: _____