

MINUTES  
OF A MEETING OF THE  
**EXECUTIVE**

held on 16 July 2020  
Present:

Cllr D J Bittleston (Chairman)  
Cllr A Azad (Vice-Chair)

Cllr G S Cundy                      Cllr D Harlow  
Cllr K M Davis                      Cllr C S Kemp

Also Present: Councillors S M Ashall, A-M Barker, J E Bond, G G Chrystie, D E Hughes and I Johnson (from Agenda Item 8).

**1. MINUTES**

RESOLVED

That the minutes of the meeting of the Executive held on 22 June 2020 be approved and signed as a true and correct record.

**2. APOLOGIES FOR ABSENCE**

No apologies for absence had been 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 D J Bittleston 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 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 C S Kemp 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.

In accordance with the Members' Code of Conduct, Councillor G S Cundy 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 Officer Employment Procedure Rules, the Chief Executive, Ray Morgan, 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 Morgan could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Deputy Chief Executive, Douglas Spinks, 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 Spinks could advise the Executive on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Legal and Democratic Services, Peter Bryant, 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 Bryant 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 the companies of which she was a Council-appointed director. The interests were such that Mrs Clarke could advise the Executive on those items.

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 (i) her husband having a small shareholding in Woking Football Club and (ii) being a Council-appointed director of Kingfield Community Sports Centre Limited. 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 Legal and Democratic Services, Peter Bryant, 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 (i) him being a member of the Cards Trust (the supporters' club for Woking Football Club), (ii) providing occasional unpaid assistance to Woking Football Club, e.g. acting as returning officer at the election of directors and (iii) being a Council-appointed director of Kingfield Community Sports Centre Limited. The interest was such that Mr Bryant could advise the Executive on those items.

## **5. QUESTIONS**

The Chairman reported that 14 questions had been submitted by members of the public under Section 3 of the Executive Procedure Rules regarding Woking Football Club development proposals, a framework for the recovery and regeneration of the town centre, the number of furloughed Council workers, public access to information and the Council's borrowing. A copy of the questions together with the replies was before the Executive.

The Chairman advised that, as agreed by the Council, no supplementary questions would be allowed. The Chairman further advised that the questioners would be sent a copy of the replies to their questions.

## **6. WOKING COMMUNITY SAFETY ANTI SOCIAL BEHAVIOUR POLICY EXE20-045**

The Executive received a report which sought approval of the Executive to recommend to Council the adoption of the Anti Social Behaviour Policy. The proposed new Policy aimed to provide clear guidance to residents and would agree suitable delegated powers to Officers to implement the provisions of the Anti Social Behaviour, Crime and Policing Act 2014 to help manage and reduce anti social behaviour.

Officers explained that the appointment of a new Anti Social Behaviour Officer had provided an opportunity to review how the Council dealt with Anti Social Behaviour across the Council noting that some powers within the Act sat with other Council departments, such as Environmental Health. It was noted that restructure within the Council had resulted in a need to ensure delegations were aligned appropriately.

Members discussed promotion of the Policy to Members and residents. Officers advised that the Policy would be published on the Council's website and would be promoted to residents at future engagement opportunities.

Minor amendments to recommendations (ii) and (iv) were discussed. It was agreed that recommendation (ii) should include an obligation to report changes to Council if the Policy was changed, and recommendation (iv) should include consultation with the Police or appropriate consultees when issuing Closure Notices. The Executive requested that Officers, in consultation with the Portfolio Holder, re-drafted recommendations (ii) and (iv) for Council at its meeting on 30 July 2020.

### **RECOMMENDED to Council**

**That (i) the Anti Social Behaviour Policy be adopted;**

**(ii) authority be delegated to the Chief Executive to review the Anti Social Behaviour Policy from time to time, in consultation with the Portfolio Holder, to ensure that it is updated to reflect good practice, current legislation and case law;**

**(iii) the level of Fixed Penalty Notice for a breach of a Community Protection Notice be set at £75.00 and reduced to £50.00 if payment is received within 14 days;**

**(iv) authority be delegated to the Chief Executive to issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014;**

**(v) authority be delegated to the Chief Executive to:-**

**a. issue Community Protection Notices;**

**b. authorise registered social landlords to issue Community Protection Notices;**

- c. **issue Fixed Penalty Notices for breach of a Community Protection Notice;**
- d. **authorise any persons to issue Community Protection Notices and issue Fixed Penalty Notices for breach of a Community Protection Notice;**
- e. **take remedial action when a Community Protection Notice has not been complied with.**

**under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.**

Reason: This report requests the agreement of the new Anti Social Behaviour Policy to provide clear guidance to residents and agree suitable delegated powers to appropriate officers to implement the provisions of the Anti Social Behaviour, Crime and Policing Act 2014 to help manage and reduce anti social behaviour.

## **7. INDEPENDENT DIRECTORS OF SUBSIDIARIES EXE20-037**

The Executive received a report which sought the approval of the Executive to recommend to Council revised arrangements in respect of increasing the number of Independent Directors on the Council's subsidiary companies and formalising their respective terms of office. It was noted that, due to the high level of activity and increasing scale of business, it was considered appropriate to increase the number of Independent Directors and formalise the period of service having regard to best practice. The Chairman highlighted an amendment to recommendation (iv) to include the words 'if they so wish to continue'.

Following a question regarding costs, the Executive was advised that there were no costs to the Council as any appointment was paid by the subsidiary company. It was stated that the amount payable to Independent Directors was a proportion of Member Allowance up to a maximum of £15,000 per annum. The Chief Executive undertook to circulate a note to Members regarding the formula. The Executive noted that Councillors and Officers appointed as Directors to subsidiary companies did not receive payment.

Regarding continuity and intelligence base, the Executive noted that it was important to allow Independent Directors to serve on more than one Board and to retain the knowledge of the existing Independent Directors.

Members welcomed the proposed revised arrangements which would improve the governance arrangements of subsidiary companies.

### **RECOMMENDED to Council**

- That (i) the number of Independent Directors on Council subsidiaries be increased to two;**
- (ii) the normal term of office of an Independent Director be four years;**
- (iii) the normal maximum term of office of an Independent Director be eight years;**

**(iv) the current Independent Directors be reappointed for four years from 1 April 2021, if they so wish to continue; and**

**(v) a Panel of Members be appointed to oversee the recruitment process and recommend appointments to the Council.**

Reason: To improve the governance arrangements of subsidiary companies.

## **8. LOCAL GOVERNMENT ASSOCIATION PEER CHALLENGE EXE20-047**

Following the Corporate Peer Challenge undertaken by the Local Government Association (LGA) in November 2019 at the request of the Council, the Executive was requested to approve the proposed response to the LGA's report. An earlier review had been undertaken by the LGA in 2015 and the Council had looked to build upon that experience by requesting another review. The Chairman welcomed the Feedback Report which provided a positive assessment of the Council, its ambition, its political leadership and its management capacity.

In response to comments raised by Non-Executive Members regarding the perceived delay in the Executive receiving the report, the Chairman explained that it would have been inappropriate to deal with the matter in March when the country was entering lockdown due to the COVID 19 pandemic.

The Executive was pleased to see the proposed re-establishment of the Citizens Panel which would provide an opportunity to gain formal views of residents. It was noted that the intention was for the Citizens Panel to initially focus on health and well-being in partnership with the Integrated Care Partnership.

It was noted that pre-decision scrutiny had been undertaken by the Overview and Scrutiny Committee at its meeting on Monday, 13 July 2020. Attention was drawn to a supplementary report which set out amended wording to recommendation (ix), regarding an Internal Audit Review into the resources required to ensure the effectiveness of the Overview and Scrutiny function, which the Chief Executive had agreed with the Committee at its meeting. The Executive was advised that the Overview and Scrutiny Committee Chairman had submitted a paper to the Chief Executive on Wednesday, 15 July containing the views of the Committee along with a range of recommendations and suggestions. The Leader of the Council commented that it had been discourteous of the Overview and Scrutiny Committee Chairman to not notify him in advance of the paper and that he had not had an opportunity to consider the paper. The Chief Executive stated that he had provided a fair and reasonable presentation of the Peer Report and had answered every question raised at the Overview and Scrutiny Committee. The Chief Executive added that there had been no conclusion or resolution to the debate at the Committee.

The Executive welcomed the positive Feedback Report from the LGA following the Corporate Peer Challenge and was supportive of the proposed response.

### **RESOLVED**

That (i) Officers prepare a summary strategy document based on existing approved strategies and present it to Council for approval as part of the Business Plan process for 2021/22;

- (ii) following the approval by Council of the summary document of existing approved strategies, proposed at (i) above, to undertake a programme of communications with residents and stakeholders outlining the wider policy approach of the Council;
- (iii) Officers undertake a series of public engagement events to explain the framework for town centre development proposals;
- (iv) the Citizens Panel be re-established and a programme of issues upon which to consult it be established with an initial focus on the health and well-being in partnership with the Integrated Care Partnership;
- (v) a survey of Members be undertaken to establish what further information they would find helpful to include in the Green Book and what further awareness raising and/or training is required in respect of the Council's financial arrangements;
- (vi) the proposal to Council in respect of a Standards Protocol to allow Members access to commercially sensitive information in respect of Thameswey Group companies, and any other Woking Borough Council subsidiaries, be supported;
- (vii) the consideration by the Director of Finance of the appropriateness of borrowing periods be highlighted when the Council is requested to approve its annual budgets and its annual accounts;
- (viii) the Council's efficiency strategy be revitalised in two main parts, one to explore procurement savings and the other to explore operational efficiencies through automation and use of digital services;
- (ix) an Internal Audit Review be undertaken into the resources required to ensure the effectiveness of the Overview and Scrutiny function;
- (x) Officers review the extent to which customer feedback opportunities and Local Government Association case studies could be used in the management of the Council's services with a view to improving outcomes and securing efficiency improvements linked to the efficiency strategy;
- (xi) the use of Zoom, Teams e and Digital services will all be expanded and continued, post Coronavirus, and form part of the efficiency strategy, use of automation; and
- (xii) in the autumn the Council should consider its longer-term management arrangements as part of its 2021/22 business planning process.

Reason: To determine the response to the LGA Peer Challenge.

**9. FRAMEWORK FOR RECOVERY EXE20-049**

Following the production of a recovery framework for Woking's commercial centres in-line with the planned Government relaxation of the lock-down, the Executive received a report which sought approval to the recommendations set out in the Framework for Recovery. Councillor Davis, Portfolio Holder for Promoting the Economy, advised that the framework was an extension to the Council's Economic Development Strategy. Councillor Davis highlighted some of the objectives of the framework, such as creating safe environments in the Borough's commercial centres and providing on-going tangible support to the business community. The work undertaken by the Business Liaison and Finance Teams to review and process grant applications for local businesses was highlighted. On page 69 of the Agenda Pack, it was highlighted that Byfleet should be added to the list of places to be targeted by banner advertising.

The Executive was informed that the framework had been considered by the Economic Development Task Group at its meeting held on 25 June 2020. The Chairman of the Task Group, Councillor Johnson, spoke in support of the framework. Members thanked Chris Norrington, Business Liaison Manager, Simon Matthews and the Business Liaison Team for providing valued support to the Borough's businesses during the COVID 19 crisis. It was welcomed that the framework included all commercial areas within the Borough.

Discussion ensued on offers and incentives, the effect of shopping centre restrictions (i.e. one-way systems) on disabled and elderly people, and footfall in the centres. The Executive was informed that the Business Liaison Team would be publicising offers from businesses to residents using its communication channels, such as WeAreWoking. It was commented that the majority of visitors were following the restrictions in the centres. Regarding footfall, the Executive heard that there had been an increase in footfall and certain brands had seen immediate increases. Footfall would be monitored and reported back to the Government as part of the Government funding made available to assist in the re-opening of the High Street. Footfall would also be reported back to the Economic Development Task Group in October.

**RESOLVED**

That the recommendations in the Framework for Recovery, attached at Appendix 1 to the report, be approved.

Reason: To implement the recommendations in the Framework for Recovery in order to assist the Borough's businesses through the COVID 19 crisis.

**10. THE BUSINESS AND PLANNING BILL EXE20-048**

Following the introduction of The Business and Planning Bill, the Executive received a report which sought approval to authorise delegated authorities to Officers in respect of the Bill. It was noted that the Bill was being introduced to make provision in respect of the promotion of economic recovery and growth. In particular, the Bill provided for pavement licences and off sales of alcohol.

Discussion ensued on the condition set out in paragraph 3.4 e. of the report which referred to provision for the use of plastic glasses and containers. The Portfolio Holder for Licensing, Councillor Harlow, explained that it was intended that the plastic dispensers would not be single use and would be able to be washed and re-used. The Portfolio

Holder recognised the climate change issues of using plastic but commented a balance was required with safety and the need to avoid broken glass on pavements and highways.

The Chairman undertook to ask Officers to consider whether recreational areas, such as Plough Green and West Byfleet Recreation Ground, could be suitable places for pavement licences.

RESOLVED

- That (i) the Director of Legal and Democratic Services be authorised to determine pavement licences;
- (ii) the Director of Legal and Democratic Services be authorised to approve the conditions attached to pavement licences; and
- (iii) the Director of Legal and Democratic Services be authorised to undertake enforcement action in accordance with s6 of the Business and Planning Bill or such section as enacted.

Reason: To allow the effective determination and enforcement of pavement licences within the Borough.

**11. EQUALITIES ANNUAL REPORT - 2020 EXE20-026**

The Executive received the Equalities Annual Report - 2020 which set out the progress on the equalities agenda. It was noted that the increase in women represented on the Council's Corporate Management Group would be reflected in the 2021 Annual Report. Following a question regarding the equalities monitoring data of Council employees at 1 e) concerning sexual orientation on page 91 of the Agenda Pack and whether it was comparable to other organisations, Officers advised that it was a sensitive issue and people could not be compelled to answer.

RESOLVED

That the report be received.

Reason: To meet the requirement to report on annual progress on the equality agenda.

<p><b>This document was published on Friday, 17 July 2020 and the decisions within it will be implemented on Monday 27 July 2020, subject to call-in.</b></p>
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The meeting commenced at 7.00 pm and ended at 8.52 pm.

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

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