

MINUTES
OF A MEETING OF THE
EXECUTIVE

held on 14 January 2021
Present:

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

Cllr K M Davis Cllr D Harlow
Cllr G W Elson Cllr C S Kemp

Also Present: Councillors T Aziz, A-M Barker, J E Bond and D E Hughes.

1. MINUTES

RESOLVED

That the minutes of the meeting of the Executive held on 10 December 2020 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 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 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 Community Services, 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 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 a question had been submitted by Mr Robert Shatwell under Section 3 of the Executive Procedure Rules regarding the use of Part II at Planning Committee. A copy of the question together with the reply was before the Executive. The Chairman advised that Mr Shatwell would be sent a copy of the reply to his question.

6. NOTICE OF MOTION - CLLR T AZIZ - VIABILITY OF AFFORDABLE HOMES EXE21-011

At its meeting on 3 December 2020, the Council referred the following Notice of Motion to the Executive.

Councillor T Aziz

“Motion on viability of affordable homes

Since 2012 WBC has been relying on the opinion of a sole company to determine viability of affordable homes on site for developments. This has resulted in almost all cases being declared unviable by that company.

It’s good practise to seek multiple opinions and not limit to sole opinion.

This motion calls that WBC to employ services of more than one company to determine the viability of affordable homes in future developments before being presented to planning committee.”

Councillor Aziz attended the meeting and spoke in support of the Motion. It was noted that a Member Briefing on Viability Assessments in Planning Applications had been arranged on 1 February 2021. Regarding on site delivery of affordable homes, Officers advised that the Council’s policy had express provisions to set out the circumstances whereby developers could proceed without the full amount of affordable housing. The Executive was broadly supportive of the Motion and its purpose to maintain a panel of consultants, rather than to rely on a single consultant to determine viability. It was agreed that the Motion would be re-drafted outside of the meeting, including removal of criticism. The amended Motion would be agreed with the Leader of the Council and Councillor Aziz ahead of Council on 11 February 2021.

RECOMMENDED to Council

That the Motion, as amended and agreed outside of the meeting by the Leader of the Council and Councillor Aziz, be supported.

7. INDEPENDENT DIRECTORS OF SUBSIDIARIES EXE21-010

Following Council on 30 July 2020, the Executive received a report which sought approval of the Executive to the process for the recruitment of Independent Directors to Group Companies. The Leader of the Council explained that, due to the increasing scale of business activity being delivered upon behalf of the Council through its subsidiaries, the Council had agreed to increase the level of independent oversight of the companies.

Paragraph 2.8 of the report was discussed and it was highlighted that preference would be given to candidates with a local connection to the Borough or its neighbouring areas. However the key determinant would be the skills and experience of candidates.

Discussion ensued on the proposed Recruitment Panel. The Executive agreed that it would be helpful to list the participants of the Leader’s Group in full and also include two of the existing Member Directors of the Companies on the Panel. The Executive agreed that the cross-party Recruitment Panel should comprise of the Leader and Deputy Leader of the Conservative Group (or their nominees), the Leader and Deputy Leader of the Liberal

Democrat Group (or their nominees), the Leader of the Labour Group (or his nominee), the Leader of the Independent Group (or his nominee), two of the existing Member Directors of the Companies and two of the existing Thamesway Independent Directors.

Following queries raised regarding an inconsistency in the July Council Resolution between the “normal” term of three years and two terms and the maximum of eight years, the Chief Executive explained that the Council had received amendments from the Opposition which had altered the original recommendation from the Executive. The Executive noted that Officers had no power to change the resolution of Council. Officers subsequently accepted that it could be tolerated, as it would provide for exceptional circumstances when a term of office exceeded the “normal” term, for example in the circumstance of a delayed appointment of a new Director.

Regarding remuneration of Independent Directors, the Executive was informed that an appointment of an Independent to one company was £7,115 (former Member Allowance Rate), the second and subsequent company appointments were at 50% of the rate up to an aggregate maximum amount of £15,000. The costs were met from the operating revenues of the companies.

Discussion ensued on the definition of an active protest group, referred to in paragraph 2.9 of the report. The Executive was informed that it would be for the Appointment Panel and ultimately the Council to determine. It was considered important that the Council indicated in advance that it was not seeking “protestors” or “activists” but candidates who would add to the quality of governance and oversight of the companies.

RESOLVED

- That (i) the range of skills and experience sought for the six Independent Directors, as set out in section 2 of the report, be approved;
- (ii) the Recruitment Panel comprise of the Leader and Deputy Leader of the Conservative Group (or their nominees), the Leader and Deputy Leader of the Liberal Democrat Group (or their nominees), the Leader of the Labour Group (or his nominee), the Leader of the Independent Group (or his nominee), two existing Member Directors of the Companies and two existing Thamesway Independent Directors; and
- (iii) the timetable, as set out in section 4 of the report, be agreed.

Reason: To establish the process for the recruitment of Independent Directors to Group Companies.

8. PERFORMANCE AND FINANCIAL MONITORING INFORMATION

The Executive considered the Performance and Financial Monitoring Information (Green Book) November 2020. Members discussed empty properties brought back into use and it was reported that Housing Officers had written out to identified empty properties during October/November 2020. It was noted that 84 responses had been received and that Officers were currently verifying information provided alongside their emergency response work due to the pandemic.

Regarding NVH emergency repairs responded to within the target time KPI, the Executive noted that the repairs were to make safe and were not necessarily the full repair. It was commented that Officers would focus on first time fix as a KPI under the new repairs contract in 2022.

Members congratulated the Planning Department on deciding most planning applications within target time despite an influx of applications and new staff.

Members also discussed fly tipping. The Portfolio Holder for Waste and Recycling, Councillor Davis, commented that he had seen fewer notifications of fly tipping recently. Councillor Davis agreed to discuss the issue with the Director of Neighbourhood Services.

RESOLVED

That the Performance and Financial Monitoring Information, November 2020, be received.

Reason: To manage the performance of the Council.

This document was published on Friday, 15 January 2021 and the decisions within it will be implemented on Monday 25 January 2021, subject to call-in.

The meeting commenced at 7.30 pm
and ended at 8.19 pm.

Chairman: _____

Date: _____