

## RECOMMENDATIONS OF THE EXECUTIVE AND COMMITTEES

### Executive Summary

The Council is invited to consider the recommendations from the meetings of the Executive held on 22 June 2020 and 16 July 2020, and the Planning Committee held 21 July 2020. The recommendation from the meeting of the Overview and Scrutiny Committee meeting on 15 June, concerning Woking Football Club and Associated Developments Task Group is set out in a report of that title later in the agenda. The recommendations of the meetings are outlined below.

### EXECUTIVE – 22 JUNE 2020

#### A. NOTICE OF MOTION - CLLR A-M BARKER - FIREWORKS EXE20-024

At its meeting on 13 February 2020, the Council referred the following Notice of Motion to the Executive.

#### Councillor A-M Barker

“A number of councillors have been contacted by residents in relation to the RSPCA initiative to reduce the impact of fireworks and Sky Lanterns on animals, and have asked their Council to support a motion to support measures which will help ensure people can enjoy fireworks responsibly whilst minimising the risk to animal welfare, horses, farm animals and wildlife and residents.

Woking Council can play its part in this by direct action or by lobbying other Government departments and retailers to play their part. Accordingly, the Council resolves to:

- Request all publicly organised firework displays within the Woking area to be advertised on the Woking Council website in advance of the event, so that everyone can enjoy the celebrations and residents are able to take precautions for their animals and vulnerable people.
- Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people including the precautions that can be taken to mitigate risks.
- Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private display.
- Encourage trading standards to enforce more rigorously the regulations of the selling of fireworks both in terms of age appropriateness, licencing and CE markings.”

Councillor Barker attended the meeting and spoke in support of the Motion. Councillor Barker advised that the intention was to ensure that organisers of public firework displays notified the Council in order for the displays to be advertised on the Council's website. Such notification on the Council's website in advance of the event would allow residents to be made aware and able to take precautions for their animals and vulnerable people.

## **Recommendations of the Executive and Committees**

Councillor Barker drew attention to the Officer Comment, which referred to publishing on the Council website firework displays on Council owned land, and highlighted the number of displays organised by schools. The Executive was supportive of the Motion, noting the effect of fireworks on animal welfare, horses, farm animals and wildlife and residents.

### **RECOMMENDED to Council**

**That the Motion be supported.**

## **B. NOTICE OF MOTION - CLLR G CHRYSTIE - CONFIDENTIAL REPORTING AT COUNCIL AND COMMITTEES EXE20-025**

At its meeting on 13 February 2020, the Council referred the following Notice of Motion to the Executive.

Councillor G Chrystie

“Following upon various issues arising recently and current apparent paucity of member involvement it is proposed that adjustments are made to the current classification practice as follows:

1. Member input is vital and the Monitoring Officer must consult the Council Leader and Leader of the Opposition prior to making a decision upon a Part 2 designation.
2. In all cases where there is a statutory requirement for confidentiality then the Monitoring Officer’s recommendation shall be automatically endorsed by the said 2 Councillors.
3. The principle guiding Part 2 designations must be transparency is required unless there is a substantial material commercial reason for confidentiality.
4. All matters deemed subject to Part 2 must be regularly reviewed and as soon as possible an item must be declassified (unless there is a statutory bar on declassification).”

The Executive was not supportive of the Motion. As set out in the Officer Comment, the Council’s procedures for dealing with Part II matters complied with the relevant statutory provisions and good practice. If the Council sought to deal with matters in accordance with the Notice of Motion then this would not be the case.

### **RECOMMENDED to Council**

**That the Motion be not supported.**

## **C. BROOKWOOD CEMETERY MASTERPLAN EXE20-008**

Councillor Cundy, Councillor Director of Brookwood Cemetery Limited, introduced the report which recommended to Council the adoption of the Brookwood Cemetery Masterplan and the Brookwood Cemetery Experience Plan. It was noted that a Member site visit had been organised in June 2019 and a Member Briefing had been held on 26 February 2020, at which the Masterplan was well received. Councillor Cundy advised that the overall vision set out Brookwood Cemetery to be an example of a sustainable working cemetery with heritage status. It was noted that the Cemetery was a Grade 1 Listed park. The five Masterplan steps were explained to the Executive.

## **Recommendations of the Executive and Committees**

Following a question regarding flooding issues at Brookwood Train Station, the Executive heard that flooding of the tunnel was the responsibility of Network Rail and that it was the subject of ongoing discussions with Network Rail. Regarding cycle access, the Executive was informed that Brookwood Station had a very large cycle store. In addition, page 22 of the Masterplan referenced local cycle routes, and page 39 of the Masterplan referred to the possible creation of cycle routes at the Cemetery as well as the potential to trial cycle hire.

Discussion ensued on crematorium facilities in the Borough. It was commented that, at the present stage, the crematorium at St Johns had not shown any inclination to be part of discussions for the future, however it would be a matter under long-term considerations.

The Executive was supportive of the Brookwood Cemetery Masterplan and welcomed the tremendous work undertaken to transform the Cemetery since the Council purchased the important heritage asset in 2014.

### **RECOMMENDED to Council**

**That (i) the Brookwood Cemetery Masterplan, as set out at Appendix 1 to the report, be formally adopted; and**

**(ii) the Brookwood Cemetery Experience Plan, as set out at Appendix 2 to the report, be formally adopted.**

Reason: The Masterplan and the Experience Plan have been the subject of extensive research and consultation and are supported by major stakeholders.

## **D. CARING FOR CHILDREN AND YOUNG PEOPLE POLICY - HR POLICY FOR WOKING BOROUGH COUNCIL EMPLOYEES EXE20-016**

The Executive received a report which recommended to Council the adoption of the Caring for Children and Young People Policy. It was noted that the Policy was an HR policy for Woking Borough Council employees. The Executive was advised that other issues, such as child sickness and termination for medical reasons, were covered through compassionate grounds with a high degree of empathy for employees.

### **RECOMMENDED to Council**

**That (i) the Council adopts the Caring for Children and Young People Policy, as set out at Appendix 1 to the report, with effect from 1 April 2020; and**

**(ii) the Head of Human Resources, in consultation with Corporate Management Group and Unison, be delegated authority to make minor amendments to the Policy.**

Reason: The Council has a duty to provide information on rights and entitlements when an employee wishes to take leave to care for a child or young person. Incorporating them into one policy document aims to centralise all relevant information to aid ease of access and understanding.

**EXECUTIVE – 16 JULY 2020**

The Council is invited to consider the recommendations from the meeting of the Executive held on 16 July 2020. The recommendations as set out in the draft minutes of the Executive are outlined below.

**E. 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 *[Note: the changes to the recommendations are highlighted in red below]*.

**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 (with any updates being reported to Council for information);**

**(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 in consultation with the Police and/or other appropriate consultees, 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;**

## Recommendations of the Executive and Committees

- 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.

### **F. 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**

## Recommendations of the Executive and Committees

- (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.

### PLANNING COMMITTEE – 21 JULY 2020

Set out below are the extracts from the reports to be considered by the Planning Committee at its meeting on 21 July 2020

#### G. DEVELOPMENT MANAGER – SCHEME OF DELEGATIONS

##### RECOMMEND TO COUNCIL that

With effect from 1 August 2020, the current delegations to the Development Manager be rescinded and, subject to the note below, replaced by those in Appendix 3 to this report

Note:- Paragraph 1 d) of Appendix 3 shall have the words “and any companies or entities 50% or more owned by Woking Borough Council” inserted after “Council” so that it reads:-

“d) Applications where the applicant is Woking Borough Council and any companies or entities 50% or more owned by Woking Borough Council, except for non material amendments and minor material amendments (irrespective of whether they are major or non major development).”

Reason: To ensure the local planning authority has up to date, efficient and effective decision making processes as required by Government.

The Council has the authority to determine the recommendations set out above.

<b>Background Papers:</b>	None.
<b>Reporting Person:</b>	Ray Morgan, Chief Executive Email: ray.morgan@woking.gov.uk, Extn: 3333
<b>Contact Person:</b>	Frank Jeffrey, Democratic Services Manager Email: frank.jeffrey@woking.gov.uk, Extn: 3012
<b>Portfolio Holder:</b>	Councillor David Bittleston Email: clldravid.bittleston@woking.gov.uk
<b>Shadow Portfolio Holder:</b>	Councillor Ann-Marie Barker Email: cllrann-marie.barker@woking.gov.uk
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