

## RECOMMENDATIONS OF THE EXECUTIVE AND COMMITTEES

### Executive Summary

The Council is invited to consider the recommendations from the meeting of the Standards and Audit Committee held on 8 March 2018 and the Executive held on 22 March 2018 and determine accordingly. The extracts from the minutes of the meetings are set out below.

### STANDARDS AND AUDIT COMMITTEE – 8 MARCH 2018

#### 1. REVIEW OF ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

The Committee received a report which advised Members on the outcome of the review of the Council's arrangements in dealing with Standards Allegations under the Localism Act 2011. At its meeting on 30 November 2018, it had been agreed that the procedure would be updated by Peter Bryant, Head of Democratic and Legal Services / Monitoring Officer, in consultation with all Members and received by the Committee prior to being approved by Full Council. Three minor amendments had been made following the consultation which were set out in paragraph 2.2 of the report, with a revised policy appended to the report.

It was noted that only one complaint had been received to date by the Standards and Hearings Sub-Committee since its inception in 2012. Paragraph 8.1 of the report set out the actions which could be taken by the Sub-Committee in the event that a Member had breached the Code of Conduct, either directly or by way of a recommendation. Item 'c' – 'censure or reprimand a Member' had been added as a separate item to clearly show that the option was available to the Sub-Committee if required. Once a Sub-Committee had reached a decision, a formal notice would be drafted for signing by the Chairman which would become a record of the Sub-Committee's determinations. In the event that a censure or reprimand had been agreed, the Sub-Committee would select whether the decision notice should be made public, for example through reporting to Full Council or being published in a local newspaper, depending on the seriousness of the breach.

#### RECOMMENDED to Council

**That the Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011 be amended as set out in the appendix to the report.**

### EXECUTIVE – 22 MARCH 2018

#### 2. NOTICES OF MOTION

At its meeting on 8 February 2018, the Council referred the following Notices 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

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- 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.**

### **3. 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. EXE17-056

### **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.

### **4. 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

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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.

EXE17-057

### 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.

## 5. 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 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.

EXE18-011

**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.

**6. 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. EXE18-003

**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.

**7. FIXED 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. EXE18-017

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### 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.

## 8. GENERAL DATA PROTECTION REGULATION (GDPR)

*The Overview and Scrutiny Committee reviewed the Executive report on General Data Protection Regulation (GDPR) at its meeting on 26 March 2018 as part of its pre-decision scrutiny role. The Committee drew attention to the importance of the new Regulation and the need for training for Elected Members, and resolved to note the report.*

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.

EXE18-015

### 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.

**9. 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.

EXE18-013

**RECOMMENDED to Council**

- That (i) the Housing Allocations Policy, as set out in the 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.

**Background Papers:**

None

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**Date Published:**

29 March 2018

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