

COUNCIL – 5 APRIL 2018

### QUESTIONS TO COUNCIL – 5 APRIL 2018

The following questions have been received under Standing Order 8.1. The draft replies, which are subject to amendment, are set out below.

“Councillors are thanked for their questions.”

1. Question from Councillor D Harlow

“For the municipal year 2017/18 please can the Leader provide Council and Committee attendance figures for all Councillors?”

Reply from Councillor D J Bittleston

“The schedule of Members’ attendances is attached at Appendix 1 and shows figures for the Municipal Year to date.”

2. Question from Councillor K M Davis

“In late 2016, Council supported a Notice of Motion by Cllr Pengelly calling for the extension of town centre CCTV to busy areas adjacent to the town centre, as well as another bringing forward free public Wi-Fi to Woking Park. Will the Portfolio Holder please advise on the progress of these initiatives?”

Reply from Councillor Mrs B A Hunwicks

“On 2 February 2017, the Executive resolved the Council’s CCTV system should be extended to other areas on the fringes of the Town Centre including south of Victoria Way. Funding for these works has been included within the 2018/19 Investment Programme.

Works to install CCTV and Wi-Fi within Woking Park have commenced. It is anticipated the majority of the hardware will be installed by early May, with the commissioning and testing phase being completed during May and both systems going live at the end of May 2018.”

3. Question from Councillor J E Bond

“In your answer to the question on Moyallen from Cllr Davis at the last Executive meeting, you stated that Companies House has agreed that Moyallen could file their accounts late.

Filing late normally invokes automatic penalties and extensions are only granted if the “reasons are exceptional”. See paragraphs: “Late filing penalty fees”, “Consequences” and “Extending the time” in this link: <https://www.gov.uk/government/publications/late-filing-penalties/late-filing-penalties>

As the Moyallen accounts are now more than 6 months overdue, can you advise us on the length of the extended time period and confirm that Companies House has agreed that Moyallen will not have to pay a late filing penalty within that period?”

Reply from Councillor D J Bittleston

“The Moyallen Accounts were filed on 29 March 2018 as agreed with Companies House in its extension to 31 March 2018 and a penalty fee is payable in accordance with the published scale charges for filing later than one month and less than six months.”

4. Question from Councillor J E Bond

“Moyallen Woking Limited (MWL) has the same directors as Moyallen Holdings and owns the Peacocks Centre, so this company and its directors are very important to Woking.

Unfortunately the company made a loss of some £5 million each year for the past six years, showed a deficit of over £40 million in its last accounts and we are only just becoming aware of the real scale of the escalating crisis in our High Street stores and restaurants.

Last December the independent auditors for the MWL company stated that there was “significant doubt about the company’s ability to continue as a going concern”. As those accounts were for the year ending December 2016, can you advise us whether the financial position of MWL has improved in the last 15 months despite that warning?”

Reply from Councillor D J Bittleston

“The comment in the question about escalating crisis in the High Street is most unhelpful and unnecessary. I don’t know where Councillor Bond has been since 2008 but the challenges for the High Street have been around since then and were one of the main reasons for us intervening in 2010 to ensure the future success of the Town Centre as a place where people live, work, eat, are entertained and shop.

Moyallen Woking Limited (MWL) owns the Primark Store and the shares in Peacocks Centre Limited (PC), an unlimited company. MWL carries the debt for both properties and meets the interest liabilities as they arise. The £5m per annum loss reflects the high cost of the original Interest Rate Swap at the time of purchase. PC, as an unlimited company, is not consolidated into MWL. However Moyallen advises that PC generated an operating profit of £3.47m in 2016. The companies have met all liabilities when due and continue to do so. The auditor comment relates to the expiry of the Loan Facility with Bank of Ireland in June 2018 and as I reported at the Executive the Bank remains positively supportive of Moyallen. The Moyallen Group has traded successfully since 1 January 2017 (the last 15 months) and continues to do so.”

5. Question from Councillor J E Bond

“In December 2016 a £460 million loan was agreed for the Victoria Square project. This decision was made in a public and recorded Council meeting.

In December 2017 an additional £45 million loan was agreed for the same project, but this was done in private as a “Part 2” item in a Council meeting. The loan was only known to Councillors and the title for the item was only given as “Victoria Square Update”. Although this loan was for a much smaller amount than £460 million, it is still a very large additional commitment.

Can you clarify why the meeting in December 2017 was not public and who made that decision?”

Reply from Councillor D J Bittleston

“The main part of the Council Meeting was in Public and, after being proposed and seconded, Councillors present agreed to undertake the discussion in Private.

The Chief Executive Officer and the Head of Democratic and Legal Services advised that the report should be considered in Private as it contained detailed cost estimate information prior to agreement of prices with the contractors and related to the business affairs of a number of companies. The report included reference to the Statutory Provisions for the matter to be discussed in Private and Members of the Council present at the meeting agreed without dissent to do so.

The information supporting the decision remains confidential but the increase in the Loan Facility from £460m to £505m, which was approved by Council without dissent, is now public information.”

6. Question from Councillor K M Davis

“Following my question to the Executive regarding Victoria Square Woking Ltd, would the Leader of the Council please confirm that Moyallen did indeed file their accounts by the 31st March as they had agreed previously with Companies House?”

Reply from Councillor D J Bittleston

“The Moyallen Accounts were filed on 29 March 2018 within the timescale agreed with Companies House.”

7. Question from Councillor G G Chrystie

“Esso gave a few days notice of their possible pipeline route and arranged a public consultation in Byfleet on 27th March 2018. Officers of the Borough were appraised of the pipeline proposal the week before. In the light of the possible impact of the pipeline mainly upon Pyrford (some effect upon Byfleet and West Byfleet too) residents are concerned about the short notice given upon such a key topic which could adversely affect many homes and materially damage and impact key heritage, green belt and irreplaceable landscape.

Could the Borough please confirm what it proposes to do to address the issues and to support action to demonstrate to Esso that the possible route through the Borough is not viable due to many constraints upon such a route.”

Reply from Councillor A C L Bowes

“Esso Petroleum Company Limited is consulting on the Southampton to London Pipeline Project, which will seek to replace its underground aviation fuel pipeline between Fawley Refinery and Esso West London Terminal Storage Facility. The current pipeline runs outside the Borough to the north. The consultation is one of two consultations that they plan to undertake before a planning application is submitted to the Planning Inspectorate for determination. This consultation is about exploring potential options for pipeline corridors that a defined route might take. They will consult again when they have selected their preferred corridor with a defined route.

Options M and Q of the potential options run through Woking, in particular through Byfleet, Pyrford and Heathlands. The consultation started on 19 March 2018 and will close on 30 April 2018. Whilst it is agreed that a lot more time could have been given for people to respond, the six weeks’ consultation period is in accordance with the consultation requirements for such a project and Councillors should encourage residents to respond accordingly by the deadline.

Officers met the company on 20 March 2018 to receive a briefing on the project and did express their initial objection to the options that run through Woking and asked that all Councillors and Resident Associations must be directly consulted. I share those preliminary concerns of my Officers about the suitability of Options M and Q. However, together with Officers, I will be studying the proposals in detail and will submit an appropriate and an informed response on behalf of the Council by the closing deadline.

I am informed that Officers have already met with Councillor Chrystie regarding this matter and I will ensure his concerns are taken into account when preparing a response.

Residents can however rest assured that the Council will robustly communicate its concerns to Esso Petroleum Company and I shall be directly supervising that process. However, I would encourage local residents to respond individually or as groups

regardless of the Council's response.”

**Date Published:**

5 April 2018

REPORT ENDS

**2017-2018 COUNCIL AND COMMITTEES ATTENDANCE (from 18 May 2017 to 4 April 2018)**

Please note - the 'Max' Column represents where Councillors are members of that body, and the 'Act' Column represents the actual number of meetings attended, including Councillors who are members of that body and Councillors who are not.

Councillor	Council		Executive		Overview & Scrutiny		Appeals		Licensing		Planning		Standards	
	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act
Addison	7	7			6	5			3	2		3		
Ali	7	4							3	0			4	2
Azad	7	7	8	7							11	10		
Aziz	7	6		1							11	10		
Barker	7	6		6	6	2								
Bittleston	7	7	8	8								2		
Bond	7	6		3	6	6						1		
Boote	7	6		1							11	10		
Bowes	7	6	8	7										
Bridgeman	7	5							3	2		1		
Chrystie	7	5			6	4					11	10		
Cundy	7	7												
Davis	7	7			6	6								
Eastwood	7	6		3		1			3	3	11	9		
Forster	7	6		3										
Harlow	7	7							3	3	11	10		
Howard	7	7		6		1	0	0	3	2				
Hughes	7	7		7										
Hunwicks	7	6	8	8		1						1		
Hussain	7	7	8	8		1					11	9		
Johnson	7	7		4	6	6						2	4	3
Kemp	7	6	8	5		2								
Kingsbury	7	7			6	6	0	0	3	3		8	4	3

Councillor	Council		Executive		Overview & Scrutiny		Appeals		Licensing		Planning		Standards	
	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act	Max	Act
Mohammed	7	7			6	5			3	3				
Morales	7	7		1							11	11		
Murray	7	6									1	1	4	3*
Pengelly	7	7	8	7					3	3				
Raja	7	7			6	5	0	0						
Rana	7	7			6	6			3	3	11	10		
Whitehand	7	7									11	9	4	2

\* Cllr Murray appointed to Standards and Audit Committee on 20 July 2017.