

RECOMMENDATIONS OF THE EXECUTIVE, COMMITTEES AND TASK GROUPS

Executive Summary

The Council is invited to consider the recommendations from the meetings of the Housing Task Group held on 2 March 2021, the Standards and Audit Committee held on 4 March 2021, the Licensing Committee held on 9 March 2021 and the Executive held on 25 March 2021. The recommendations of the meetings are outlined below.

HOUSING TASK GROUP – 2 MARCH 2021

7A. HOUSING TOPIC SCRUTINY REVIEW.

At its meeting on 2 March 2021 the Housing Task Group considered a report by the Overview and Scrutiny Committee on the outcome of a scrutiny review of housing. The recommendations to arise are set out below. A copy of the report considered by the Housing Task Group is attached as an appendix to this report for information.

RECOMMENDED to Council That;

- (i) the locally set commuted sum formula be reviewed when the Affordable Housing SPD is next updated;**
- (ii) the Borough should set the example and seek to bring forward more of its own sites for affordable housing developments;**
- (iii) where a viability case results in fewer affordable homes being proposed, a S106 agreement in order to provide the option for the actual costs and values to be completed;**
- (iv) a town centre strategy be brought forward in consultation with residents on the nature of new build housing in this area to inform future policy;**
- (v) increased vigour and support be given to the return of empty homes into occupation; and**
- (vi) the Planning Committee has a session on the viability assessment process in their regular update training.**

STANDARDS AND AUDIT COMMITTEE – 4 MARCH 2021

7B. MEMBERS' CODE OF CONDUCT

The Director of Legal and Democratic Services, Peter Bryant, introduced the report on the Members' Code of Conduct and stated that the Local Government Association (LGA) had undertaken a consultation on a new Model Members' Code of Conduct that could be adopted by Councils, as part of the LGA's work on supporting the local government sector to continue to aspire to high standards of leadership and performance. All members of Woking Borough Council and neighbouring authorities had been given the opportunity to respond to the consultation and, following consideration of the responses, the LGA published its new Model Code of Conduct in December 2020. The Committee was requested to recommend to Council that the new Model be adopted from the start of the next Municipal year (20 May 2021).

The Chairman noted that breach of locally approved protocols under the existing code of Conduct would continue under the new Model, as set out in paragraph 2.9 of the report, and that the Confidentiality Protocol would continue to apply to Member complaints regarding another Member.

A change to the existing Code was that there was an option for Disclosure of Pecuniary Interests to be extended to include unpaid Council-appointed Directors, which the Council was recommended to adopt. Under section 33 of the Localism Act, the Monitoring Officer held authority to grant dispensations to Members who held a Disclosable Pecuniary Interest and the intention was that the authority would be used solely for Councillors to participate in business affecting the companies of which they were an unpaid Council-appointed Director. It was noted that as the Councillor and Officer Directorships were unpaid, with only the Independent Directors receiving a small payment, any proposal to change that arrangement would require a decision by Full Council.

The dispensations were recorded in the Register of Members Interests, received by the Committee annually and available on the Council's website. There would also be a stand-alone Register of Dispensations available in hard copy form for inspection and also included as a Register on the website.

RECOMMENDED TO COUNCIL That

- (i) the Local Government Association's Model Code of Conduct appended to this report be adopted with effect from the start of the 2021/22 Municipal Year (20 May 2021);**
- (ii) Council notes the intention to grant dispensations to Members to participate in items where they have an interest arising from being appointed, by the Council, to the body concerned; and**
- (iii) Council resolves that compliance with Standards Protocols shall be deemed to be a requirement of the Local Government Association's Model Code of Conduct, as adopted by the Council.**

Recommendations of the Executive, Committees and Task Groups

LICENSING COMMITTEE – 9 MARCH 2021

7C. DELEGATED AUTHORITY IN RESPECT OF TAXI AND PRIVATE HIRE LICENSING LIC21-003

Joanne McIntosh introduced the report on Delegated Authority and advised that significant changes had been made to the officer recommendation since the report received at a previous meeting, taking into account the desire from Members to have a greater level of involvement in the decision making process through the Taxi Licensing Sub-Committee.

The report proposed that the Scheme of Delegations be changed. Any proposed refusal of a new application would be referred to the Sub-Committee, which had previously been undertaken by officers. It had previously been agreed that any proposed action under the new Points Based System would be referred to the Sub-Committee. Authority would remain with the Legal Services Manager to approve or refuse renewal applications, as a decision would need to be made quickly as during the renewal process the taxi driver can continue to operate. No change was proposed to urgent revocations being carried out by the Legal Services Manager in consultation with the Chairman, in line with Department for Transport guidance, for example where notification of a serious crime had been received by Surrey Police. The proposal set out a balance between Delegated Authority and Member involvement and ensured that the Licensing Authority could continue to ensure the safety of the travelling public.

The option of a call-in of decisions had been considered cumbersome and unnecessary, with no similar process undertaken by neighbouring authorities, which either used Delegated Authority or referral to Sub-Committee. If the proposal was introduced, all Committee members would need to receive training which would be organised shortly. There would also be extra resource issues for the Licensing, Legal and Democratic Services teams, and so the impact would be monitored with a review undertaken in due course.

Also attached to the report was the petition received by Full Council on 11 February 2021 along with an extract from the minutes of the meeting.

The Chairman welcomed the report and advised that applicants or taxi drivers could ask officers for advice on whether a specific vehicle would meet the Vehicle Specification Policy, prior to purchasing it.

Following a question by Councillor Leach, it was noted that if a renewal was refused the applicant would have the right to appeal to the Magistrate's Court. The Licensing Committee had previously approved a Criminal Convictions Policy.

Councillor Hussain welcomed the proposal and thanked officers for their work in bringing it before the Committee.

Following a question by Councillor Howard, it was noted that there was a fee for taxi drivers to submit an application and they would be able to informally ask officers beforehand whether their application would be likely to meet the criteria for acceptance, in light of issues such as medical grounds or a criminal record. The Licensing team also referred medical matters to a Council appointed GP for their opinion.

The Portfolio Holder for Licensing, Councillor Harlow, welcomed the report and noted the importance of giving the taxi drivers the opportunity to have their case considered by a Sub-Committee, along with the mandatory training for Committee Members. Councillor Harlow asked Members to bear in mind the potential extra costs of the proposal, which could require taxi licence fees to increase in the future.

RECOMMENDED TO COUNCIL That

- (i) The Council's scheme of delegations be amended on page 115, Delegated Authority to the Legal Services Manager, to read as follows:-

Taxi and Private Hire Licensing Applications:

- (1) **Applications:** To approve applications for licences for private hire operators, private hire drivers and taxi drivers:
 - (2) **New Applicant:** To issue a "minded to" refuse letter to a new applicant in respect of an application for a private hire operator, private hire driver or a taxi drivers licence and refer the matter to the Taxi Licensing Sub-Committee for determination as to whether or not the driver is "fit and proper" to hold a licence:
 - (3) **Renewals:** To approve or refuse applications for renewal of licences by existing licence holders:
 - (4) **Penalty Points Scheme:** To issue a formal notice to a licence holder that they have reached the requisite number of penalty points under the Penalty Points Scheme and refer the matter to a Taxi Licensing Sub-Committee for determination:
 - (5) **Revocation/Suspension of Licences:** In consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) to suspend or revoke private hire operators' and drivers' and taxi drivers' licences in appropriate cases under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976
 - (6) **Vehicles:** To approve or refuse applications for private hire vehicles and taxis:
- (ii) All Members of the Taxi Licensing Sub-Committee shall undertake mandatory training:

Recommendations of the Executive, Committees and Task Groups

EXECUTIVE – 25 MARCH 2021

7D. CORPORATE PLAN EXE21-037

The Leader of the Council, Councillor Azad, introduced the Corporate Plan for 2021-22 and explained that the Plan provided an overview of the Council's strategic objectives for the coming year. Councillor Azad advised that the Plan encapsulated commitments made previously by the Council and brought them together into a single plan of action. The Executive noted that the development of a five year Corporate Strategy for 2022-27 would be guided by engagement with residents, businesses, partners and staff.

Following a comment on the promotional nature of the Corporate Plan, the Executive heard that it was usual practice for Council documents to be introduced by the responsible Council Member.

Following a question on upgrading outdated systems and practices referred to in the Plan, the Executive was informed that the Council had committed to invest in Microsoft 365 in 2021 which would improve remote access for staff when supporting residents in their own homes. The Council would also invest in a new Housing system to support its decision to bring Housing services in house.

Transport links were raised and it was commented that reference to the Borough's transport links could be enhanced in the Corporate Strategy.

Discussion ensued on the Council's financial position referred to in the Plan and it was noted that the position would be discussed in more detail under the Medium Term Financial Strategy item on the agenda. The Chief Executive reiterated that the Council had borrowed for strategic reasons and for the regeneration of the Borough, not for yield purposes.

RECOMMENDED to Council

**That (i) the Corporate Plan, as attached to the report, be adopted;
and**

(ii) the work to develop a five year Corporate Strategy for 2022-2027 be supported.

Reason: To enable the Council to clearly articulate its strategic objectives and focus of work within the Council and beyond.

7E. MEDIUM TERM FINANCIAL STRATEGY EXE21-006

Councillor Ashall, Portfolio Holder for Corporate Financial Planning and Policy, introduced the report which provided a forecast of the financial position of the Council for the four years to 31 March 2025 with the 2021-22 budget approved by the Council in February as a base. Councillor Ashall advised that the current environment remained uncertain due to the Covid-19 pandemic and highlighted the Council's shortfall of income during the current financial year, namely around car parking income, commercial rents and the level of support expected from Government. The Executive noted that the government's published roadmap provided some optimism going forward.

The Executive was advised that the Council had applied to the government for 'exceptional support' to fund Covid related income losses in 2020-21 and 2021-22. A decision on the Council's application was expected in mid to late May 2021.

Recommendations of the Executive, Committees and Task Groups

The Executive welcomed the news that the Council had been awarded a Decarbonisation Grant of £3.1m from the Department for Business, Energy and Industrial Strategy (BEIS) to connect Export House and Midas House to the Poole Road Energy Centre. It was explained that a Council contribution towards the Export House connection costs was required as it was a more expensive building to decarbonise and it would not generate sufficient carbon savings to pay for the works required. It was highlighted that the works to both buildings would help positively towards the Council's Climate Change Strategy goals.

Discussion ensued on HG Wells and the plans in place for alternative conference facilities and alternative premises for community groups. The Executive was advised that the new hotel in the Victoria Square development would be used by the Council for civic functions. Regarding displaced community groups and users of HG Wells, the Executive was informed that Officers hoped to accommodate all groups. For example, an auditorium was available at the Welcome Church, and work was underway for a new performance space as part of the Victoria Square development which would be suitable for smaller groups. Officers would deal with groups on an individual basis to assess their requirements.

Following a question from Councillor Hughes regarding an estimation of the unanticipated costs in paragraph 9.7 of the report, Councillor Ashall agreed to provide Councillor Hughes with an answer outside of the meeting.

Following a question regarding Morris House, the Chief Executive provided an update on the reason for its original acquisition by the Council and the future plans for the building. The Executive heard that Victoria Square would use the space for some six months to accommodate some of its operatives, after which it was expected that a proposal would come forward for its future use.

The Executive thanked the Finance Director and her team for their hard work in compiling the Medium Term Financial Strategy.

RECOMMENDED to Council

- That (i) the Medium Term Financial Strategy (MTFS) report be approved;**
- (ii) the Council accepts the £3.148m Decarbonisation Grant from the Department for Business, Energy and Industrial Strategy (BEIS), to connect Export House and Midas House to the Poole Road Energy Centre, and approves the Council contribution of £1.479m in the Investment Programme to be funded temporarily by borrowing and recovered through service charges; and**
- (iii) an allowance of up to £600k from the Economic Regeneration budget be allocated for a programme of works to the Council's assets to facilitate letting of vacant space, to be approved by the Director of Finance.**

Reason: The decision is sought to agree the framework for Officers to develop further proposals for consideration, in due course, by the Council to ensure the medium term financial stability of the Council.

7F. HEIGHT AND SCALE OF NEW BUILDINGS ACROSS WOKING EXE21-021

Following the Notice of Motion submitted by Councillor Lyons and supported by Council on 3 December 2020, the Executive received a report setting out the existing guidance on ensuring high quality design and the implications for introducing height restrictions on development within the town centre. A correction was highlighted in the first line of paragraph 2.1 of the report; the word 'undermined' should read 'underpinned'.

The Executive heard that Councillor Lyons had submitted the Motion in light of concerns over the number of planning applications received by the Council for large scale tower blocks and the changing character of the Town Centre. Officers advised that the Local Plan documents referred to in the report would remain in force until the next review of the Core Strategy scheduled to be undertaken in 2023. As proposed in the Corporate Plan 2021-22, residents would be engaged through the Big Conversation and this would inform the next Core Strategy review.

The Leader of the Council invited Councillor Lyons to provide Ernest Amoako, Planning Policy Manager, with potential sites in the Town Centre which Officers could explore.

The Deputy Chief Executive drew attention to the Council's obligation to properly plan the development of the Borough in excess of 15 years. The need to ensure that the policies in place were properly applied was stressed, as those policies had been through proper and due process. The Executive noted that a possible height limit on tall buildings could become a minimum target height for developers resulting in buildings of the same tallness being proposed.

RECOMMENDED to Council

- That (i) the existing guidance on the design of development, including tall buildings in the town centre, as set out in Section 2 of the report, be noted;**
- (ii) the consequential impacts for introducing height limits on development in the town centre, as set out in Section 3 of the report, be noted; and**
- (iii) the current suite of Local Plan documents referred to in the report remain in force until the next review which is due in 2023 and which will be informed by the Big Conversation which is proposed in the Corporate Plan 2021 – 2022.**

Reason: To inform Members of the existing guidance on the design of development and the implication for setting height limit on development at the town centre.

Recommendations of the Executive, Committees and Task Groups

7G. NOTICE OF MOTION - CLLR I JOHNSON - YORK ROAD PROJECT EXE21-028

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

Councillor I Johnson

“That the Council, in relation to York Road Project

- a) appreciates the valuable work of the Project to support Woking’s homeless people through its hostel, move on services and day facilities,
- b) recognises the need of the Project to find permanent modern facilities fit for the challenges of the future and
- c) resolves to work with the Project and a developer, potentially as part of the Housing Infrastructure Fund, to provide such facilities in, or near to, the town centre.”

Councillor Johnson attended the meeting and spoke in support of the Motion.

RECOMMENDED to Council

That the Motion be supported.

7H NOTICE OF MOTION - CLLR L LYONS - PAPERLESS MEETINGS EXE21-029

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

Councillor L Lyons

“Following new practice as a result of the coronavirus pandemic, this Council has operated hugely successfully without the need to print papers and courier them to Members across the Borough.

- (i) As a permanent matter of policy, this Council will operate all public meetings and task group meetings without printed papers, instead distributing them to Members and relevant Officers by electronic digital means.
- (ii) This Council will work towards operating all functions, involving all members of staff and associated contractors, without the need for printed papers.
- (iii) Exceptions may be made for complex planning documents containing diagrams and images, or which may be presented on non-standard paper sizes.
- (iv) Due consideration and exceptions will be made for those Members and Officers with additional physical needs.
- (v) Appropriate training will be offered to Members and Officers to enable them to use electronic digital alternatives to printed papers effectively.”

Councillor Lyons attended the meeting and spoke in support of the Motion.

RECOMMENDED to Council

That the Motion be supported.

Recommendations of the Executive, Committees and Task Groups

7I NOTICE OF MOTION - CLLR L LYONS - WOKING STATION PEDESTRIAN UNDERPASS EXE21-030

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

Councillor L Lyons

“The pedestrian underpass underneath Woking Station has become dilapidated and is in a poor state of repair and decor. It has also become an eyesore in the town centre. At times, it can be unpleasant for pedestrians transiting between south Woking and the town centre.

- (i) This Council will take advantage of the significantly lower numbers of pedestrians using the underpass underneath Woking Station as a result of the current coronavirus restrictions, and arrange for its refurbishment at the earliest opportunity.
- (ii) This Council will seek to make such arrangements with other stakeholders as are necessary to achieve the refurbishments.”

Councillor Lyons attended the meeting and spoke in support of the Motion.

RECOMMENDED to Council

That the Motion be supported.

7J NOTICE OF MOTION - CLLR L LYONS - PROVISION OF AFFORDABLE HOMES ONSITE EXE21-031

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

Councillor L Lyons

“CS12 of the Council’s Core Strategy requires that new developments over 15 dwellings will provide at least 40 per cent affordable homes onsite, and that those brought forward by this Council will provide 50 per cent of affordable homes onsite.

- (i) This Council notes that some applicants have successfully avoided having to provide any or all of these affordable homes as a result of viability assessments which have concluded that such a development would not be economically viable, were they to do so.
- (ii) Irrespective of any viability assessment, this Council, along with any of this Council’s arms-length companies (including but not limited to Thamesway), will not have any involvement in a development - save for determining its planning application - unless at least 40 per cent of the homes provided onsite are affordable homes.”

Councillor Lyons attended the meeting and spoke in support of the Motion. Councillor Lyons commented that he would need to give further consideration to the suggested amendment to (ii) of the Motion set out in the Officer comment. The Executive was not minded to support the Motion because to do so would be counterproductive and would rule out the ability for the Director of Housing to secure grants from Homes England.

RECOMMENDED to Council

That the Motion be not supported.

Recommendations of the Executive, Committees and Task Groups

7K NOTICE OF MOTION - CLLR L LYONS - CONSTRUCTION SITE NOISE LIMITS EXE21-032

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

Councillor L Lyons

“In accordance with the Control of Pollution Act (Noise) 1974, construction sites operating in Woking must currently limit site noise to the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday and not at all on Sunday, with no noise permitted to be audible from the site boundary outside of those hours.

- (i) These times are to be confirmed as a matter of Council policy, and any review of, or amendments to, these times must be determined by the Council.
- (ii) Any permission to vary from these times may only be granted to an applicant with the permission of the Planning Committee.
- (iii) Any such permission by the Planning Committee will only be granted in exceptional circumstances, and for a limited and specified period.
- (iv) Permission to vary these times on a single occasion, for a maximum period of one day, may be granted by relevant Officers under delegated powers. Subsequent applications, or applications for longer than one day, must be considered by the Planning Committee.
- (v) On all such instances of permission to vary from these times being granted, residents likely to be affected will be notified by post.
- (vi) Works deemed to be an emergency will continue to be exempt from these restrictions.”

Councillor Lyons attended the meeting and spoke in support of the Motion. Due to the level of confusion arising as a result of the matter being both a Planning and Environmental Health issue, the Executive was not minded to support the Motion.

RECOMMENDED to Council

That the Motion be not supported.

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

Background Papers: None.

Reporting Person: Julie Fisher, Chief Executive with effect from 1 April 2021
Email: julie.fisher@woking.gov.uk, Extn: 3333

Contact Person: Frank Jeffrey, Democratic Services Manager
Email: frank.jeffrey@woking.gov.uk, Extn: 3012

Recommendations of the Executive, Committees and Task Groups

Portfolio Holders:

Councillor Ayesha Azad
Email: cllrayesha.azad@woking.gov.uk

Councillor Debbie Harlow
Email: cllrdebbie.harlow@woking.gov.uk

Shadow Portfolio Holders: Councillor Ann-Marie Barker
Email: cllrann-marie.barker@woking.gov.uk

Councillor Ken Howard
Email: cllrken.howard@woking.gov.uk

Date Published: 29 March 2021

REPORT ENDS