

STATEMENT OF EXECUTIVE DECISIONS

Tuesday, 23rd March, 2021

The decisions summarised below were taken by the Executive at the above-mentioned meeting and, subject to the call-in procedure referred to in Overview and Scrutiny Procedure Rule 17 and to the Notes at the end of this document, shall have effect five working days after the meeting. Details of any recommendations to Council are also included for completeness.

Members of the Executive

Chairman:

Councillor Joss Bigmore ((Leader of the Council and Lead Councillor for Service Delivery)) *

Vice-Chairman:

Councillor Jan Harwood ((Lead Councillor for Climate Change)) *

Councillor Tim Anderson, (Lead Councillor for Resources) *

Councillor Tom Hunt, (Lead Councillor for Development Management) *

Councillor Julia McShane, (Lead Councillor for Community and Housing) *

Councillor John Redpath, (Lead Councillor for Economy) *

Councillor John Rigg, (Lead Councillor for Regeneration) *

Councillor James Steel, (Lead Councillor for Environment) *

*Present

Councillors Chris Blow, Colin Cross, Graham Eyre, Angela Goodwin, Angela Gunning, Nigel Manning, Ramsey Nagaty, Maddy Redpath, Tony Rooth, Deborah Seabrook, Paul Spooner, Fiona White, and Catherine Young were also in attendance.

Agenda Item No.

Officer(s) to action Item

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

The following councillors declared non-pecuniary interests,

Agenda Item 5 Extension of private sector enforcement powers:

Councillor Joss Bigmore and his spouse were private sector landlords in Guildford

Cllr John Redpath's spouse was a private sector landlord in Guildford

Agenda Item 6 Former Pond Meadow Training Site:

Councillor Julia McShane was the Local Ward member
Councillor Angela Goodwin was a Surrey County Councillor
Councillor Fiona White was a Surrey County Councillor

3. MINUTES

The minutes of the meeting held on 16 February 2021 were agreed as a correct record. The Chairman signed the minutes.

4. LEADER'S ANNOUNCEMENTS

The Leader reflected that 23 March marked the one-year anniversary from the start of first lockdown and what an extraordinary year it had been. But despite the challenges for everyone during the year, it had brought out the best in so many with incredible voluntary and community work at borough and county level. This work would be celebrated through the Mayor's Awards this year - especially in the new Community Heroes category. The Leader thanked council officers for their work in supporting the borough and keeping essential services running.

The Leader had joined the Marie Curie minute's silence at 12 noon as the country came together to think about the collective loss, in support of those who had been bereaved and join together in hope for a brighter future. At 8pm there would be another chance to mark the anniversary when thousands would stand on doorsteps and shine a light into the night as a 'beacon of remembrance.' In Guildford, heritage buildings would join the event and be lit up. The Leader looked forward to the forthcoming relaxing of restrictions and to getting back to normal for Guildford's residents and businesses. He announced the Guildford Lido would reopen on Monday and thanked operators Freedom Leisure for making that possible.

Finally, it was announced that tomorrow (Wednesday 24 March), the Guildford Programme at GLive would be running a drop-in only vaccination day for anyone over 50 years who were patients in Guildford or Waverley.

5. EXTENSION OF PRIVATE RENTED SECTOR ENFORCEMENT POWERS

Decision:

Sean Grady

- (1) That the charging structure for financial penalties imposed in accordance with the powers introduced by Sections 122 and 123 of the Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, as set out in Appendix 1 to the report submitted to the Executive, be approved.
- (2) That authority be delegated to the Head of Environment and Regulatory Services to take all necessary action to implement the charging structure and impose financial penalties in accordance with the Regulations.

Reason:

To enable the Council to exercise the powers introduced by Section 122 & 123 of the Act to impose financial penalties for failure to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Other options considered and rejected by the Executive:

Not to utilise the power to issue civil penalties and to continue without enforcement provisions.

Details of any conflict of interest declared by the lead or lead councillors and any dispensation granted:

None.

6. FORMER POND MEADOWS TRAINING CENTRE SITE

Decision:

- (1) That the Council enters into a deed of release of the restrictive covenant, a variation of the user covenant and grant of additional rights for the land known as the Former Pond Meadows Training Centre.
- (2) That the transaction be completed for nil consideration.
- (3) That the Head of Asset Management be authorised, in consultation with the Chief Finance Officer, and the Lead Councillor for Finance and Assets, to agree the terms for the deed of release; in accordance with the draft heads of terms set out in Appendix 1 to the report

Reason:

To allow Surrey County Council to re-develop the subject site to provide a 50-bed extra care facility within the Borough.

Other options considered and rejected by the Executive:

- Demand that SCC pay £207,500, and ensure the Council obtains best value.
- Discount the above figure by an amount that is proportionate to the potential service provision savings or benefit to the community.

Details of any conflict of interest declared by the lead or lead councillors and any dispensation granted:

None.

7. REVIEW OF THE USE OF RIGHT TO BUY RECEIPTS AND APPROPRIATION OF LAND INTO THE HOUSING REVENUE ACCOUNT

Decision:

Claire Morris

- (1) That the remaining land at Guildford Park car park be appropriated into the HRA with immediate effect.

- (2) That the expenditure on the general fund capital programme relating to Guildford Park Car Park be transferred into the HRA following the appropriation.
- (3) That no replacement car parking be delivered as part of the Bright Hill Scheme.
- (4) That, once Secretary of State approval and an appropriate valuation is obtained, the allotments site (Plot 1) at Weyside Urban Village be appropriated into the HRA and that the Council commits to delivering Plot 1 at Weyside Urban Village as either a fully affordable or mixed tenure project within the Housing Investment Programme.
- (5) That further consideration be given as to whether key sites within the Guildford Economic Regeneration should be appropriated into the HRA for Housing Development in due course.
- (6) That the acquisition strategy, as set out in paragraphs 3.31 to 3.33 of the report, be approved.
- (7) That a supplementary estimate of £2.2million, to be funded from HRA reserves, to increase the HRA acquisition budget to £7million for 2021-22 be approved, and that the supplementary estimate be moved straight onto the approved capital programme.
- (8) That the HRA acquisition budget of £3million for 2021-22 be moved from the provisional to the approved capital programme.
- (9) That the Major Projects Programme Board be re-invigorated in a revised form.
- (10) That a Councillor/Officer Housing Working Group be established to monitor delivery of the Housing Investment Programme and to continue to develop the pipeline of projects.
- (11) That a formal Use of Retained Right to Buy Receipts Policy be developed and brought forward for adoption by the Executive at a later meeting.
- (12) That further legal advice be sought on the matter of whether granting RTB receipts to local housing associations, other local authorities (without a HRA) or other registered providers is a viable option for the Council and subject to that advice, officers be authorised to enter into discussions with local housing associations to ascertain if there would be a willingness to partner with the Council in this regard.
- (13) That additional resources within the Housing Strategy and corporate Programmes team be approved to accelerate delivery of the Housing Investment Programme.
- (14) That officers be requested to consider the logistics and viability of acquiring or developing housing outside of the borough boundary

to increase its housing stock within the HRA.

Reason:

To facilitate the delivery of affordable housing in the borough and try to mitigate the risk of repaying RTB receipts to government in the future

Other options considered and rejected by the Executive:

To close the Bright Hill car park for redevelopment once the lease to the hospital expires.

Details of any conflict of interest declared by the lead or lead councillors and any dispensation granted:

None.

8. ASH ROAD BRIDGE - PROJECT UPDATE

Recommendation to Council (13 April 2021)

Michael
Miles

That the Council approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published with the agenda for this meeting.

Decision:

- (1) That the Executive agrees to proceed with the project, including the Council entering into the Deed of Amendment to the Homes England Funding Agreement and grants delegated authority to the Director of Strategic Services to negotiate to an agreed form and sign this draft Deed of Amendment with Homes England on behalf of the Council.
- (2) That the Executive approves the transfer of funds from provisional to approved programmes as set out in the funding section of the exempt (Part 2) report published with the agenda for this meeting to allow the road bridge and footbridge to proceed.
- (3) That the Executive approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published with the agenda for this meeting (in so far as they fall within the Executive's power to approve).
- (4) That the Executive delegates to the Director of Strategic Services, in consultation with the Lead Councillor, authority to enter into such other contracts and legal agreements connected with this project as may be necessary within the approved budget.
- (5) That the Executive agrees that, due to the urgency of this matter, the call-in procedure shall not apply in respect of the decisions referred to in paragraphs (1) to (4) above.

Reason:

This is a unique opportunity to secure this level of central government funding towards the Ash Road Bridge Scheme and the land required to

deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing in Ash.

Other options considered and rejected by the Executive:

- To decide to fund the Ash Road Bridge Scheme itself, without the additional or any Homes England funding.
- To decide not to proceed with the Ash Road Bridge Scheme.

Details of any conflict of interest declared by the lead or lead councillors and any dispensation granted:

None.

9. EXCLUSION OF THE PUBLIC

Decision:

That under Section 100A(4) of the Local Government Act 1972 (as amended) and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for consideration of agenda item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act.

10. NORTH STREET DEVELOPMENT SITE, GUILDFORD

Decision:

Andrew
Tyldesley

- (1) To note that the scheme is being redesigned and that this will require the Heads of Terms for the sale of the Council's land to be renegotiated with St Edward.
- (2) To note that the following documents which relate to the Friary Centre bus station transaction are being negotiated and agreed:
 - (a) deed of surrender and variation of the Friary Centre headlease between M&G and the Council.
 - (b) new headlease of the bus station between the Council and St Edward.
 - (c) new underlease of the bus station between St Edward and the Council; and
- (3) To authorise the transaction in respect of the Friary Centre bus station to proceed immediately and independently of the sale of the Council's interest in the Site.
- (4) To authorise the Managing Director, in consultation with the

Leader of the Council and Lead Councillor for Regeneration, to approve the final terms of the Friary Centre bus station documentation referred to in paragraph 2 above, and to finalise the transaction.

- (5) To note the additional responsibilities on the part of the Council in respect of the bus station as set out in section 5 of the Executive report and to accept, including making an allowance of an additional budget of £60,000 to cover immediate costs associated with works to keep the bus station land safe and insured and £10,000 for ad hoc repairs, insurance and utilities.
- (6) To agree a virement of £70,000 from the corporate inflation budget to the asset management budget to fund the bus station repair costs and provide an annual budget, and to note that there is also a potential £45,000 one off repair payment as detailed in paragraph 5.5 of the Executive report.
- (7) To note the advice received from AECOM as set out in section 12 of the Executive report and to confirm that the Council will continue to identify and address equalities implications arising from the proposed transaction.
- (8) To agree that, due to the urgency of this matter, the call-in procedure shall not apply in respect of the decisions referred to in paragraphs (1) to (7) above.

Reason:

To progress the project.

Other options considered and rejected by the Executive:

None

Details of any conflict of interest declared by the lead or lead councillors and any dispensation granted:

None

NOTES:

- (a) Any decision marked “#” means that the item was deemed by the Managing Director and agreed by the Executive and Chairman of the Overview and Scrutiny Committee to be a matter of urgency for the reason indicated and, in accordance with Overview and Scrutiny Procedure Rule 17 (h), such decision takes effect immediately and is therefore *not* subject to the call-in procedure.
- (b) The call-in procedure is as follows:
 - (i) the Chairman of the Overview and Scrutiny Committee; or
 - (ii) a minimum of five members of the Councilmay require that a decision be referred to the Overview and Scrutiny Committee for review.
- (c) Councillors wishing to exercise their right to call-in a decision taken by the Executive must give notice in writing to the Democratic Services Manager. The reason for a councillor calling-in a decision shall accompany any such request and must meet one of the following criteria:
 - (a) that there was insufficient, misleading or inaccurate information available to the decision-maker;
 - (b) that all the relevant facts had not been taken into account and/or properly assessed;

- (c) that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
- (d) that the decision is not in accordance with the decision-making principles set out in the Constitution.

Such notice should be marked for the attention of John Armstrong who can be contacted by e-mail on john.armstrong@guildford.gov.uk

- (d) On receipt of a call-in request, the Monitoring Officer will decide, in consultation with the chairman of the Overview and Scrutiny Committee, whether it is valid and will notify the councillors concerned accordingly.
- (e) In the case of a valid call-in, the decision shall be referred to a special Call-in meeting of the Overview and Scrutiny Committee, which shall be held within 21 days of the decision on validity referred to in paragraph (d) above.
- (f) A decision marked with an asterisk denotes that the matter is a “Key Decision” which is defined in the Council’s Constitution as an executive decision:
 - (i) which is likely to result in significant expenditure or savings (of at least £200,000) having regard to the budget for the service or function to which the decision relates; or
 - (ii) which is likely to have a significant impact on two or more wards within the Borough.