

STATEMENT OF EXECUTIVE DECISIONS

Thursday, 5th January, 2023

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 Julia McShane (Leader of the Council and Lead Councillor for Community and Housing) *

Vice-Chairman:

Councillor Joss Bigmore (Deputy Leader of the Council)

Councillor Tim Anderson, (Lead Councillor for Resources) *

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

Councillor George Potter, Lead Councillor for Climate Change

Councillor John Redpath, (Lead Councillor for Economy) *

Councillor John Rigg, (Lead Councillor for Regeneration) *

Councillor James Steel, (Lead Councillor for Environment) *

*Present

Councillor Fiona White was also in remote in attendance.

Agenda Item No.

Officer(s) to action Item

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joss Bigmore and George Potter.

2. LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meetings held on 24 November 2022 and 12 December 2022 were confirmed as correct. The Chairman signed the minutes.

4. LEADER'S ANNOUNCEMENTS

The Leader of the Council had nothing further to add to those announcements made at the extraordinary meeting of the Council on Tuesday 3 January 2023.

5. TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

The intention of the report was to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive decisions on the submitted matters.

The Executive noted the report and that there had been no updates since the previous meeting.

6. INFRASTRUCTURE FUNDING STATEMENT 2021-22

Decision:

Rosie
Trussler

1. That the Infrastructure Funding Statement 2021-22 be approved.
2. That authority to approve future Infrastructure Funding Statements be delegated to the Joint Executive Head of Planning Development.

Reason:

To ensure that the Council complies with the CIL Regulations to produce and publish an annual Infrastructure Funding Statement.

Other options considered and rejected by the Executive:

None.

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

None.

7. SEND HILL DISUSED SANDPIT - SUPPLEMENTARY ESTIMATE - STAGE 2 (INVASIVE) CONTAMINATION SURVEY

Decision:

Damien
Cannell

That a supplementary estimate of £25,000 be approved from the Budget Pressures Reserve, for the purpose of commissioning a Stage 2 (invasive) contamination land survey at the Send Hill Disused Sandpit.

Reasons:

1. To inform a more accurate valuation of the land and generate a more detailed picture of the types of waste present.
2. The land may be heavily contaminated and does not support service delivery.

Other options considered and rejected by the Executive:

Do nothing – The Executive could have decided on the disposal of the land without the survey and associated cost. There was a risk of possible future claims against the Council if contaminants escaped the bounds of the site. In addition, the Council would have to comply with the Occupiers Liability Act 1984.

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

None.

8. WEYSIDE URBAN VILLAGE FINANCIAL REVIEW *

Decision:

Abi Lewis

- (1) To note the current forecasted eventual deficit in 2033 (year 10 of the project delivery programme), as set out in exempt Appendix 1 to the report submitted to the Executive, and resulting General Fund revenue implications, noting that this is based on a number of variables outlined within Section 4 of this report (Financial Implications).
- (2) To recommend that Full Council (at its extraordinary meeting on 16 January 2023) approves the continuation of the project until officers have completed the required due diligence described in recommendations (3) and (4) below and report back to Full Council in July 2023.
- (3) To request officers to provide alternative risk assessed option appraisals other than to proceed with the original Full Council approved scheme, including all possible mitigations and alterations to the current funding and specifications, indicating by use of a range of values where specific data is not available, and a full explanation of assumptions with reasons, sufficient to enable Members to make a fully informed decision on how it wishes to proceed at Full Council in July 2023.

- (4) To request officers to update the project with the latest assumptions, indices and valuations and report back to the July 2023 Full Council.
- (5) To approve the transfer of £72.062m from the provisional capital programme to the approved capital programme for payments which the Council is obliged to make to TWUL under the TW Agreement for 2022/23 and 2023/24, for costs necessary to meet the milestones set within the Homes England HIF agreement and design cost necessary to prepare the planning application for the SCC Waste Transfer Centre and construction of the New Council Depot.
- (6) To delegate to the Strategic Director of Place, in consultation with the Lead Councillor for Regeneration, and Lead Councillor for Finance and Planning Policy, authority to enter into such other contracts and legal agreements connected with the WUV as may be necessary in compliance with Procurement Procedure Rules and within the approved budget.

Reasons:

The projected deficit, and significantly wide variation and uncertainty of the outcome of this project, renders the project as no longer compliant with the Full Council approval to break even at zero cost to the Council, i.e. the project has greater or equal value to the receipts received. At this point Officers do not have Full Council authority to incur any further expenditure until councillors have considered their full options and implications. However, temporarily stopping expenditure is not realistic due to contractual commitments.

The recommendations would:

- Ensure that there is sufficient understanding of the projected financial forecast of the programme.
- Ensure that there is sufficient funding in the approved programme to cover the phase 1 & 2 infrastructure costs, SCC Waste Transfer Centre design cost, construction of the new Council Depot and the payments which the Council is obliged to make to TWUL under the Thames Water Agreement for 2022/23 and 2023/24.
- Ensure that statutory service agreements and construction agreements can be entered into for the delivery of services and infrastructure for the development and to ensure that Homes England Housing Infrastructure Fund (HIF) milestones are achieved.
- Support the delivery of the Council's Corporate Plan (2021-2025) priorities, by supporting high quality development of a strategic site, creating employment opportunities through

regeneration and facilitating housing that people can afford.

Other options considered and rejected by the Executive:

OPTION 1: The Council could decide to continue with the project, but not implement the proposed mitigations. This was not recommended given the potential financial exposure facing the Council as outlined in Section 4 of the report.

OPTION 2: The Council could decide to exit the project. Non-delivery of the Weyside Urban Village programme and the associated c.1500 homes would have implications for the delivery of the Local Plan. Further information was contained in exempt Appendix 1.

Details of any conflict of interest declared by the Leader 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 Council
- may 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.