

EXECUTIVE

16 May 2017

- * Councillor Paul Spooner (Chairman)
- * Councillor Matt Furniss (Vice-Chairman)

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|---------------------------------|---------------------------------|
| * Councillor David Bilbé | * Councillor Graham Ellwood |
| * Councillor Richard Billington | * Councillor Michael Illman |
| * Councillor Philip Brooker | * Councillor Nikki Nelson-Smith |
| * Councillor Geoff Davis | Councillor Iseult Roche |

*Present

Councillors Susan Parker and Mike Piper were also in attendance.

EX1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Iseult Roche.

EX2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no disclosures of interest.

EX3 PROPOSED SUBMISSION LOCAL PLAN: STRATEGY AND SITES JUNE 2017

In accordance with Public Speaking Procedure Rule 3, the following persons addressed the meeting:

- (i) Steven Brown (Woolf Bond Planning on behalf of Taylor Wimpey in connection with the proposed removal from the draft Local Plan of site allocation A46: Land to the south of Normandy and north of Flexford)
- (ii) Geoff Smith (DMH Stallard LLP on behalf of Ewbank's, Burnt Common, Send in connection with site allocation A58: Land around Burnt Common warehouse, London Road, Send and their proposal to extend the site westwards to include the Ewbank's site and exclude it from the Green Belt)

Councillors noted that the Proposed Submission Local Plan: strategy and sites (2017) ("the draft Local Plan") outlined the spatial development strategy for the borough up to 2034. The draft Local Plan, which was attached as Appendix 3 to the report considered by the Executive, was structured around four central themes closely linked to the objectives of the Council's Corporate Plan (2015-2020). Policies were grouped into one of the following categories: strategic, housing, protecting, economy, design, infrastructure and delivery.

The draft Local Plan included the quantum and location of development based on an evaluation of objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development can be provided in a sustainable way following consideration of other policy constraints. The conclusion reached was that appropriate sustainable sites could be allocated within the plan to meet the OAN for both housing and employment.

The draft Local Plan was also concerned with the protection and enhancement of the local environment, the provision of appropriate infrastructure to support the planned growth of the borough and the promotion of sustainable transport.

The Leader highlighted the significant changes made to the updated draft Local Plan (2017) compared to the Draft Guildford borough Local Plan: strategy and sites (June 2016). The changes reflected consideration of representations received through the consultation process, changes in circumstances and changes to the evidence base. These changes included a targeted reduction of 1,400 residential units (plus a further reduction in the buffer by approximately 600 units, bringing a net reduction of 2,000 units) as a consequence of the revisions to the Strategic Housing Market Assessment and a number of significant changes to site allocations. Other changes included improvements to the drafting of text in the draft Local Plan to provide better clarity and consistency. The Leader reiterated the principle that the OAN could only be achieved if the necessary infrastructure improvements can be secured prior to development.

The report included the comments made by the Borough, Economy and Infrastructure Executive Advisory Board at its special meeting held on 20 April 2017.

Following advice from the Planning Inspectorate, it was considered necessary to carry out a further consultation specifically focussed only on the proposed changes to the plan in advance of submitting the document to the Secretary of State. This was described in the report as a “targeted consultation”.

It was proposed to consult on the draft updated Local Plan for six weeks commencing 9 June 2017. Following this period, all comments and representations relating to changes made to the 2016 plan during the consultation period would be considered. Consideration would then be given to any amendments deemed to be necessary to the plan and a decision taken on whether to consult further or to formally submit the plan to the Secretary of State.

The Executive noted a small number of corrections to the draft Local Plan, including three site plans omitted from the printed agenda and updated wording of Policy S2 in relation to travellers. The policy now disaggregated the requirements for travellers between those that met and those that did not meet the definition set out in Planning Policy for Traveller Sites.

The Executive therefore

RECOMMEND:

- (1) That, subject to the correction of Policy S2 and inclusion of the omitted plans in respect of Jacobs Well and Keogh Barracks referred to above, the draft Local Plan: strategy and sites document be approved for formal public consultation for a six week period beginning Friday 9 June 2017, such consultation to focus specifically on the proposed changes highlighted in the document.
- (2) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the document as she may deem necessary.

Reason(s) for Recommendation:

The draft Local Plan amends the Council’s previously published Guildford borough draft Local Plan Strategy and Sites (2016) in light of representations received and the evolving evidence base. It provides a coherent approach to future development and allocates sites to accommodate sustainable development in the borough up to 2034. The document is considered to be positively prepared, justified, effective and consistent with national policy.

The recommendations above are made to encourage the Council to:

- (1) Enable the draft Local Plan: strategy and sites document to be published for public consultation.

- (2) Allow officers to undertake public consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework 2012, Planning Policy for Traveller Sites 2015, the National Planning Practice Guidance, and the adopted Statement of Community Involvement 2013 known as Community Engagement in Planning.

Undertaking a public consultation on the draft Local Plan is a statutory requirement placed on Local Planning Authorities under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and will enable the Council to move a step closer to adopting an up-to-date Local Plan.

The meeting finished at 10.16 am

Signed

Chairman

Date

EXECUTIVE

23 May 2017

- * Councillor Paul Spooner (Chairman)
- * Councillor Matt Furniss (Vice-Chairman)

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| * Councillor David Bilbé | Councillor Graham Ellwood |
| * Councillor Richard Billington | * Councillor Michael Illman |
| * Councillor Philip Brooker | * Councillor Nikki Nelson-Smith |
| * Councillor Geoff Davis | * Councillor Iseult Roche |

*Present

Councillors Susan Parker and Caroline Reeves were also in attendance.

EX4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Graham Ellwood.

EX5 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no disclosures of interest.

EX6 MINUTES

The Executive approved the minutes of the meeting held on 18 April 2017. The Chairman signed the minutes.

EX7 REVIEW OF COUNCILLOR WORKING GROUPS

The Executive considered a report asking it to review the work carried out by the current councillor working groups over the previous twelve months and the work they were likely to undertake over the next twelve months. The Executive was asked whether the groups for which it was responsible should continue as presently constituted and, if so, to determine their respective composition.

Among the groups recommended for disbandment, the Executive was asked to consider disbanding the Community Grants Panel and Voluntary Grants Panel on the basis that a corporate review of grants was currently taking place and it was likely that the community and voluntary grants schemes would be merged. It was suggested that when the Executive considers a report on the outcome of that review, it would be asked to establish a new grants panel.

The Executive noted that it was likely that the Local Plan Panel would only need to meet on one further occasion. Having considered the report, the Executive

RESOLVED:

- (1) That the following working groups be disbanded:
 - (a) Planning Review Working Group
 - (b) Treasury Management Panel
 - (c) Electric Theatre/Yvonne Arnaud Theatre Working Group
 - (d) Community Grants Panel
 - (e) Voluntary Grants Panel

- (2) That the working groups listed in the table below continue with their work, and that the councillors listed be appointed to those working groups for the 2017-18 municipal year and no changes be made to their respective terms of reference:

Working Group	Con	Lib Dem	GGG	Lab
Air Quality Monitoring Working Group (6 councillors)	Cllr Brooker (C) Cllr Parsons Cllr Roche	Cllr Cross	Cllr Reeve	Cllr Gunning
Housing Services Review Group (4 councillors)	Cllr Brooker (C) Cllr Paul Cllr Rooth	Cllr McShane	-	-
Local Plan Panel (8 councillors)	Cllr Spooner (C) Cllr Furniss Cllr Bilbe Cllr Brooker Cllr Davis Cllr Wicks	Cllr Hogger Cllr Reeves	-	-
Museum Working Group (8 councillors)	Cllr Nelson-Smith (C) Cllr Elms Cllr Jackson Cllr Parsons	Cllr Phillips Cllr Reeves	Cllr Reeve	Cllr Gunning
Property Review Group (2 councillors)	Cllr Davis (C)	Cllr Reeves	-	-
Slyfield Area Regeneration Project Councillor Forum (7 councillors)	Cllr Furniss (C) Cllr Brooker Cllr Quelch Cllr Spooner	Cllr A Goodwin	-	Cllr Gunning Cllr Walsh
Town Twinning Working Group (7 councillors)	Cllr Furniss (C) Cllr Spooner Cllr Jackson Cllr Nelson-Smith	Cllr D Goodwin Cllr Searle	-	Cllr Gunning

(C – chairman)

- (3) That the respective terms of reference of the newly established Transformation Board, Innovation Board and Housing Board, as set out in Appendix 2 to the report submitted to the Executive, be approved.
- (4) That the Electric Theatre Working Group be established and that its terms of reference and membership, as set out in Appendix 3 to the report, be approved.
- (5) That the Lead Councillor with portfolio responsibility for governance be authorised to approve changes in working group membership as and when required in circumstances where the Executive is the appointing body.

Reason for Decision:

To comply with the requirement on the part of the Executive to periodically review the continuation of the various Working Groups, in accordance with Council Procedure Rule 24 (j).

EX8 SURREY LEADERS' GROUP

The Executive considered a report on the submission of nominations to the Surrey Leaders' Group (SLG) in respect of the appointment of a district representative to:

- (i) the Surrey County Council (SCC) Wellbeing and Health Scrutiny Board; and
- (ii) the Countryside Access Forum;

Having considered the nominations received in respect of the above appointments, the Executive

RESOLVED:

- (1) That the following nominations be submitted to the Surrey Leaders' Group in respect of the appointments of district council representatives to the outside bodies indicated below:
 - (i) Surrey County Council Wellbeing and Health Scrutiny Board: Councillor David Wright
 - (ii) Countryside Access Forum: Councillor Richard Billington
- (2) That the call-in procedure shall not apply in respect of the decision in paragraph (1) above.

Reason for Decision:

To ensure that any nomination submitted by this Council is considered by the Surrey Leaders' Group.

Reason for urgency:

A small working group of the SLG will consider all the nominations received in respect of these appointments and make a recommendation to the SLG at its meeting in June. The deadline for receipt of completed nomination forms was Friday 26 May 2017.

EX9 EXCLUSION OF PUBLIC

The Executive

RESOLVED: 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 the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**EX10 GUILDFORD CREMATORIUM REDEVELOPMENT - REPLACEMENT CREMATOR:
USE OF URGENT POWERS DELEGATED TO THE MANAGING DIRECTOR**

As required by paragraph 2 of the list of delegated powers to the Managing Director/Head of Paid Service set out in Part 3 of the Constitution (Delegation to Officers), the Executive received a report, for information, on the use of urgent powers which involved:

- (1) the virement of £249,000 from the capital contingency fund (FS1) on the approved capital programme to scheme PL4 crematorium mercury abatement/new cremators, for the purposes of supplying, installing and commissioning one new replacement cremator at Guildford Crematorium; and
- (2) the funding of a supplementary estimate of £211,750 from the budget pressures reserve, for the crematorium revenue budget (cost centre A1500) to cover additional costs incurred through having to purchase emissions credits from the CAMEO scheme, as the plant will no longer be able to abate emissions.

The urgent action taken by the Managing Director/Head of Paid Service, as described in the report submitted to the Executive, was noted.

The meeting finished at 7.24 pm

Signed

Date

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Chairman

EXECUTIVE

27 June 2017

- * Councillor Paul Spooner (Chairman)
- * Councillor Matt Furniss (Vice-Chairman)

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| * Councillor David Bilbé | * Councillor Graham Ellwood |
| * Councillor Richard Billington | * Councillor Michael Illman |
| * Councillor Philip Brooker | * Councillor Nikki Nelson-Smith |
| * Councillor Geoff Davis | * Councillor Iseult Roche |

*Present

Councillors Adrian Chandler, Angela Gunning, Susan Parker and Caroline Reeves were also in attendance.

EX11 APOLOGIES FOR ABSENCE

There were no apologies for absence.

EX12 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no disclosures of interest.

EX13 MINUTES

The Executive approved the minutes of the special meeting held on 16 May and the ordinary meeting held on 23 May 2017. The Chairman signed the minutes.

EX14 ANNUAL GOVERNANCE STATEMENT: 2016-17

The Executive was informed that The Accounts and Audit (England) Regulations 2015 required the Council to prepare an Annual Governance Statement detailing the governance framework and procedures that had operated at the Council during the year, a review of their effectiveness, significant governance issues that had occurred and a statement of assurance.

The Executive considered a report on the Annual Governance Statement for 2016-17, including a copy of the Statement itself. The Statement was underpinned by the Annual Opinion Report for the period April 2016 to March 2017 submitted by the Audit and Performance Manager (as Head of Internal Audit), which was attached to the main report.

The Annual Governance Statement would be included in the Council's statement of accounts for 2016-17. The Statement had concluded that the Council was well-run with good governance processes in place. However, the Statement reported on a number of significant governance issues during the year.

Having noted that the Corporate Governance and Standards Committee had reviewed the Statement at its meeting on 15 June 2017 and had recommended its adoption, the Executive

RESOLVED: That the Council's Annual Governance Statement for 2016-17, as set out in Appendix 1 to the report submitted to the Executive, be approved.

Reason for Decision:

To comply with Regulation 10 of the Accounts and Audit (England) Regulations 2015, the Executive must approve an Annual Governance Statement.

EX15 TREASURY MANAGEMENT ANNUAL REPORT

The Executive considered the Treasury Management Annual Report for 2016-17, which had set out details of the activities of the Council's Treasury Management function and Prudential Indicators for 2016-17, in accordance with the requirements of the CIPFA Prudential Code. The report had included:

- a summary of the economic factors affecting the approved strategy and counterparty update
- a summary of the approved strategy for 2016-17
- a summary of the treasury management activity for 2016-17
- compliance with treasury and prudential indicators
- risks and performance
- Minimum Revenue Provision (MRP)
- details of external service providers
- details of training

In relation to treasury management activity in 2016-17, the Executive noted that, as at 31 March 2017, the Council held £127 million in investments, which had decreased by £17.8 million and total debt had reduced by £4.7 million during the year. Therefore, net debt had increased by £13 million.

The Council had budgeted an overall return on investments of 1.45%, and had achieved 1.21%. The return was lower because the Council had budgeted for an increase in investment rates as base rates were expected to rise, when in fact they were cut.

The report had confirmed that the Council had complied with its prudential indicators (except the upper limit of variable rate investments due to having higher investment balances than expected when setting the indicator), treasury management policy statement and treasury management practices for 2016-17.

The Executive noted that the slippage in the capital programme had resulted in a lower Capital Financing Requirement than estimated. Interest paid on debt had been lower than budget, due to the variable loan rate being reset lower than expected.

The yield returned on investments had been lower than estimated, but the interest received was higher due to more cash being available to invest in the year – a direct result of the capital programme slippage.

Having considered the report, which included the proposed changes to the Investment Policy for 2017-18, the Executive

RECOMMEND:

- (1) That the Treasury Management Annual Report for 2016-17 be noted.
- (2) That the actual prudential indicators reported for 2016-17, as detailed in Appendix 1 to the report submitted to the Executive, be approved.
- (3) That the changes to the 2017-18 investment policy, as detailed in section 13 of the report, be approved.

Reasons for Recommendation:

- To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.
- To allow the Council to further diversify its investment portfolio.

EX16 GENERAL FUND: FINAL ACCOUNTS 2016-17

The Executive received a report setting out the final position on the General Fund and the Collection Fund revenue accounts, together with the outturn position on the General Fund Capital Programme for the 2016-17 financial year.

The Executive was informed that the overall position on the General Fund had shown that net expenditure had been £3.8 million lower than originally budgeted, of which £2.6 million related to net expenditure on services (2.3% of gross revenue expenditure), reflecting lower than anticipated expenditure totalling £1.1 million and £1.5 million of additional income.

Net income from interest receipts had been £544,000 more than estimated and the minimum revenue provision (MRP) for debt repayment was £279,000 lower than estimated.

In accordance with the authority delegated to the Chief Finance Officer, in consultation with the Leader of the Council and the Lead Councillor for Finance, the underspent balance had been used to make the following contributions to reserves:

	£
• Transfer to IT Renewals reserve	750,000
• Transfer to Invest to Save reserve	200,000
• Transfer to the Capital Programme reserve	1,000,000
• Transfer to Budget Pressures reserve	1,690,000
• Transfer to legal actions reserve	150,000
• Contribution to the Mayor's Distress Fund	<u>20,000</u>
	<u>3,810,000</u>

Councillors noted that the Land Charges search fees reserve and Council Governance reserve had been closed in the year. Details of the closing balance on all the Council reserves (excluding the transfers referred to above) were set out in the report, together with the ongoing policy for each.

The Executive noted that 2016-17 had been the third year of the Business Rates Retention Scheme (BRRS) and it had continued to cause volatility in the Council's accounts. The Business Rates balance on the Collection Fund was particularly susceptible to movements in the number and value of appeals that businesses had made against their rateable values. The Council had no control over these appeals, and had limited information from the Valuation Office to help assess the potential impact.

In total, expenditure on the General Fund capital programme had been £16.81 million less than the updated estimate. Details of the revised estimate and actual expenditure in the year for each scheme were also set out in the report.

The Corporate Governance and Standards Committee had reviewed the draft Statement of Accounts at its meeting held on 15 June 2017 and would review the audited accounts on 21 September 2017.

Having considered the report, the Executive

RESOLVED: That the Executive notes the Council's final outturn position on the General Fund for 2016-17 and endorses the decisions, taken under delegated authority, which were:

- (a) to transfer the amounts set out in Section 5 of the report submitted to the Executive, and referred to above, to the relevant reserves, and
- (b) to close the reserves set out in Section 6 of the report.

Reasons for Decision:

- To note the final outturn position and delegated decisions taken by the Chief Finance Officer, which have been included within the statutory accounts.
- To facilitate the ongoing financial management of the Council.

EX17 HOUSING REVENUE ACCOUNT: FINAL ACCOUNTS 2016-17

The Executive received a report setting out the final position on the Housing Revenue Account (HRA) for the 2016-17 financial year. The HRA recorded all the income and expenditure associated with the provision and management of Council owned dwellings in the Borough.

The actual net cost of revenue services in 2016-17 had been £437,000 lower than budgeted. This variation represented 1.34% of the total turnover of over £32.62 million. The final outturn (subject to audit) had shown a surplus for the year of £10.46 million compared to a budgeted surplus of £11.49 million. The HRA working balance at year-end remained at £2.5 million.

In accordance with the authority delegated to the Chief Finance Officer, in consultation with the Lead Councillors with responsibility for Housing and Finance, the surplus had been used to make a transfer of £2.5 million to the reserve for future capital programmes, with the balance of £7.96 million being transferred to the new build reserve.

Having considered the report, the Executive

RESOLVED: That the Executive notes the final outturn position on the Housing Revenue Account and endorses the decision, taken under delegated authority to transfer £2.5 million to the reserve for future capital programmes, and £7.96 million to the new build reserve from the revenue surplus of £10.46 million in 2016-17.

Reason for Decision:

To allow the Statutory Statement of Accounts to be finalised and subject to external audit, prior to approval by the Corporate Governance and Standards Committee, on behalf of the Council.

EX18 SPONSORSHIP STRATEGY AND POLICY

The Executive considered a report, which sought approval of a proposed Sponsorship Strategy and adoption of a Sponsorship Policy, the purpose of which was to provide workable guidelines and governance arrangements to increase significantly the amount of sponsorship secured by the Council from its portfolio of assets in the future.

Although, the Council had been reasonably successful in securing sponsorship in the past, the value had generally been quite low. Following a review by specialist consultants, it was their opinion that with better working across services, more co-ordination in the Council's relationships with businesses and other partners and more regular reviews of existing sponsorship deals, income from sponsorship and related advertising would be greatly enhanced.

The report provided both a suggested strategy across the Council to achieve this and a policy to ensure that this was managed and governed effectively in the Council's best interests. Having considered the report, the Executive:

RESOLVED:

- (1) That the proposed Sponsorship Strategy and its recommendations, as set out in Appendix 2 to the report submitted to the Executive, be approved.

- (2) That the Sponsorship Policy, as set out in Appendix 1 to the report submitted to the Executive, be adopted.
- (3) That the principle of recruiting a full time fixed term resource to deliver the Strategy, to be funded from the Council's invest to save reserve for up to two years, be supported.

Reason for Decision:

The Strategy provides an effective framework for greatly increasing Sponsorship and related advertising income. The Policy will ensure that the Council's values and principles are not compromised.

EX19 GUILDFORD HEALTH AND WELLBEING STRATEGY UPDATE

The Executive considered a report on the outcome of a review of the Guildford Health and Wellbeing Board's Health and Wellbeing Strategy. The new strategy had been produced following consultation and had also been presented to the Society, Environment, and Council Development Executive Advisory Board (EAB), whose comments were set out in the report. The revised strategy would run from 2017 until 2022 and took into account a review of the priorities and changes to NHS funding.

The main changes proposed were as follows:

- combining the previous tobacco and alcohol misuse priority into a broader substance misuse priority which includes new psychoactive substances
- including mental health as a specific theme in the health inequalities priority
- including air quality in the road safety priority.

Having considered the report, the Executive

RESOLVED: That the revised Guildford Health and Wellbeing Strategy and priorities, as set out in Appendix 1 to the report submitted to the Executive, be endorsed.

Reason for Decision:

The Borough is key to the delivery of the Guildford Health and Wellbeing Board's Strategy and the Corporate Plan priorities recognise the importance of 'our society' and communities.

EX20 FOOD STANDARDS AGENCY AUDIT REPORT AND ACTION PLAN

The Executive noted that the Food Standards Agency conducted an audit of the Council's Food Safety Service on 22 February 2017, the overall findings of which were positive and an action plan to implement the recommendations had been produced.

The Executive considered a report which sought approval of the Food Safety Service Plan for 2017-18, and had proposed changes to delegations and officer authorisations in order to comply with the recommendations.

Having considered the report, the Executive

RESOLVED:

- (1) That the findings of the Food Standards Agency audit conducted in February 2017 be noted, and the subsequent action plan to address the recommendations, be endorsed.
- (2) That the Food Safety Service Plan for 2017-18, as set out in Appendix 2 to the report submitted to the Executive, be approved.

- (3) That authority to approve future Food Safety Service Plans be delegated to the Director of Community Services, in consultation with the Lead Councillor for Licensing and Community Safety.
- (4) That the following amendments to the scheme of delegation to officers be approved:

In the list of delegated powers to the Director of Community Services, substitute the following in place of delegated power no. 17 (Neighbourhood and Housing Management Services) and delegated power no. 1 (Head of Health and Community Care Services):

“To exercise the Council’s powers and duties including all necessary enforcement and other action to deal with any matter prejudicial to the environment, health, **food safety**, housing standards or a nuisance, including the service of notices under the appropriate sections of and regulations made under UK and European legislation and to take any other action necessary to make premises or persons comply with environmental health, **food safety**, housing, safety and pollution legislation, including the institution of proceedings, undertaking of works in default and recovery of expenses incurred and in accordance with the advice or requirements of government agencies”.

Reasons for Decision:

To ensure compliance with The Framework Agreement on Official Feed and Food Controls by Local Authorities and recommendations of the Food Standards Agency audit.

EX21 LAND COMPRISING TYTING FARM BUILDINGS, HALFPENNY LANE, CHILWORTH - APPROPRIATION FOR PLANNING PURPOSES

The Executive was advised that the land comprising Tyting Farm buildings, Halfpenny Lane, Chilworth, was no longer required to be held by the Council for its current purpose and the Council was keen to dispose of the land, following a previous decision taken by the Executive on 24 January 2017 to dispose of the site. However, it was apparent that the land was affected by restrictive covenants, which impacted on its future use and development for residential purposes. The land was also subject to the Green Belt (London and Home Counties) Act 1938.

Having considered the nature of the land in question, attempts to negotiate with all the landowners with the benefit of the restrictive covenant was not feasible because there was no way of knowing who all those landowners were. Accordingly, the Council was relying on Section 203 of the Housing and Planning Act 2016, which provided that if a local authority appropriated land for planning purposes, this would override any restrictive covenants that affected the land. In return, the local authority must pay the beneficiaries of the restrictive covenants compensation based on the extent to which the land benefitting from the right had diminished in value.

Councillors noted that planning permission has been granted to convert the farm buildings to provide five residential units.

In accordance with the January 2017 report to the Executive, the Stage 1 process had been completed and, as a result, a number of responses to the proposed appropriation of the land to planning purposes had been received.

The Executive considered a report containing copies of the responses received from a number of local residents of White Lane who benefitted from certain restrictive covenants. In summary, those responses welcomed the proposed development of the land, but concern was expressed that future owners of the Tyting Farm land might wish to alter the density of the development which could potentially constitute a nuisance and annoyance to those living in the neighbourhood. The residents had therefore sought a requirement that the approved plans were adhered to – ideally through replacement restrictive covenants.

Residents had also sought confirmation that the proposed overriding of restrictive covenants only related to the area of land encompassed within planning permission 14/P/02262.

The report had also set out the officers' response to the submissions received, which emphasised that the principal test to be applied in determining whether to exercise the Council's powers of appropriation to override restrictive covenants is whether the resulting public benefit outweighed any private harm. In this context and these circumstances, the Executive noted that the residents readily accepted that redeveloping the land at Tyting Farm was beneficial to the area and if the restrictive covenants were not overridden, the land would not be capable of being redeveloped.

As the residents' properties were some considerable distance from Tyting Farm, officers stated that it was difficult to apprehend the nature of a nuisance that would affect the enjoyment of their properties.

To the extent that the residents were affected, in terms of the reduction in the value of their properties, compensation was payable for any loss they suffered. On this basis alone, the Executive was advised that the public benefit would outweigh any harm suffered by the local residents as a result of losing the benefit of the restrictive covenants as they applied to Tyting Farm. The Executive noted that the override of the restrictive covenants would only affect the former farm buildings and immediate surrounding land at Tyting Farm. The covenants would still be in full force and effect in respect of the remaining retained land.

The terms on which the Council would transfer the land to the proposed developer would include the imposition of restrictive covenants including the following:

- (i) not to use the property for any purposes other than private dwellings with a maximum gross internal area of 1055 sq.m.;
- (ii) not to use the property for any noisy, offensive, illegal or immoral purpose;
- (iii) not to do anything at the property that would cause loss, damage, injury, nuisance, annoyance, disturbance or inconvenience to the Council or the owners or occupiers of any neighbouring property.
- (iv) maximum unit restriction on the number of residential units permitted, stated as 5 units;
- (v) obligation to implement existing scheme or alternative as approved by the Council (acting reasonably save as to massing, height, no. of units and apertures).

The Executive felt that these covenants would clearly protect local residents' interests and, in comparison with the restrictive covenants being overridden, were worded in a very similar way, the only difference being that only the Council may enforce the new restrictive covenants.

Having considered the report, the Executive

RESOLVED:

- (1) That the Executive agrees, subject to the Secretary for State giving consent to the appropriation by the Council for planning purposes of the land at Tyting Farm pursuant to the Green Belt (London and Home Counties) Act 1938, that the land at Tyting Farm is no longer necessary to be held for the purposes for which it is currently held and to appropriate it for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990.
- (2) That authority be delegated to the Director of Community Services to take all necessary action to effect the appropriation if the Secretary of State's consent is granted.

Reason for Decision:

To ensure that any future development and use of the land is not fettered by existing restrictive covenants, or other rights, affecting the land.

EX22 SUPPLEMENTAL AGENDA ITEM - QUESTION FROM COUNCILLOR SUSAN PARKER

Councillor Susan Parker asked the following question:

"What actions are GBC taking following the Grenfell Tower disaster?"

The Lead Councillor for Housing and Environment, Councillor Philip Brooker's written response to the question was as follows:

"Our thoughts are with all those affected by the devastating fire at Grenfell Tower in West London.

I want to reassure everyone living in our properties that their safety is our highest priority. We have robust measures in place to make sure all our properties are safe, in line with Fire Risk Assessments and statutory and regulatory requirements.

We carry out regular inspections of the communal areas of our flats to check the integrity of the fire protection measures in place. This includes our sheltered and supported housing schemes.

The cause of the rapid spread of the fire has been subject of much speculation; however, there has been a clear focus on the external cladding system retrofitted to the Grenfell Tower.

I can confirm that the two tower blocks we own in the town have not been externally clad.

Since the fire, we have taken a number of measures to reassure our residents, particularly those living in our two high-rise developments. Reassurance visits to each flat have been carried out, as access becomes available, at the same time the opportunity has been taken to check each flat.

We have also written to the tenants and leaseholders in our flats to remind them about fire safety and keeping the communal areas clear of any obstruction. In some instances, we have removed items such as mats from the areas to safeguard residents.

We have also made arrangements with Surrey Fire and Rescue Services to inspect the blocks.

I am grateful for the co-operation we have received from our residents and we will continue to work with them to keep them safe.

We will continue to monitor the results and recommendations of the ongoing investigation and inquiry into this tragic event and implement any new requirements accordingly. It is important the nature of this fire is fully understood and that we have expert advice before implementing any revised fire protection measures".

By reason of the special circumstances set out below, the chairman was of the opinion that this item should be considered at the meeting as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972.

Special circumstances:

To address public concerns over fire safety of high-rise buildings, following the Grenfell Tower fire.

EX23 EXCLUSION OF THE PUBLIC

The Executive

RESOLVED: 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 the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

EX24 GUILDFORD BUS INTERCHANGE: STAGE 3 REPORT AND STAKEHOLDER ENGAGEMENT PROGRESS

Councillors were reminded that the Council was committed, by way of an Exclusivity Agreement with partner M&G Real Estates, to delivering a high quality development that would improve the town's retail, leisure and housing offer and provide significant public realm enhancements.

The delivery of a workable and viable mixed-use scheme for North Street would not be possible if the current bus station were to remain in situ.

At its meeting on 3 January 2017, the Executive had accepted the recommendation of the Stage 1 and 2 Arup reports that the bus station could be replaced with an alternative arrangement involving an on-street bus solution with a supporting location for bus layover elsewhere. The Executive had also supported a proposed focused stakeholder engagement exercise, together with undertaking further design and traffic modelling work to develop the preferred solution in the Stage 3 analysis.

In February 2017, the Council commissioned SYSTRA and WSP to undertake further detailed analysis of two options shortlisted as the only viable options for further exploration, as per the Arup stage 1 and 2 reports.

This work had been carried out to provide confidence to M&G that there was a feasible solution to moving the bus provision in Guildford town centre. The Council had undertaken to complete the work by 1 July 2017, as it was a key requirement of the Agreement.

In relation to the stakeholder engagement exercise, representatives from a diverse range of groups including community organisations, bus operators and the North Street market traders had been engaged to provide views on the two options shortlisted from the Stage 1 and 2 report. A range of useful feedback had been received, which would be used to inform the detailed design of any new bus facility in Guildford.

The Executive, having considered a report, which included both the Stage 3 report and the report on the results of the stakeholder engagement exercise produced by SYSTRA,

RESOLVED:

(1) That the Executive:

- (a) accepts the principles of the recommendations of the Stage 3 SYSTRA report, referred to as Option 2 in the report submitted to the Executive;
- (b) requests a further detailed report to be submitted to the Executive once detailed costings and delivery arrangements have been ascertained; and

- (c) notes the public release of the focused stakeholder engagement exercise
- (2) That, in accordance with Overview and Scrutiny Procedure Rule 17 (h), the Executive formally agrees that the matter is urgent and should not be subject to the call-in procedure.

Reason for Recommendation:

To ensure that the most practical and deliverable solution for the relocation of bus interchange facilities is pursued in order to facilitate the redevelopment of the North Street site for the overall benefit of the regeneration of the town centre.

Reason for urgency:

In view of the need to meet the 1 July 2017 deadline for fulfilling the Council's obligations specified in the lock out agreement signed with M&G.

The meeting finished at 8.45 pm

Signed

Chairman

Date