

# Minutes of a Meeting of the Cabinet held on Tuesday 26<sup>th</sup> June 2018 at Pippbrook, Dorking, from 7.00pm to 8.10pm

Present:

Cabinet Members: Councillors Vivienne Michael (Leader/Chairman), Charles Yarwood (Deputy Leader), David Harper, David Hawksworth, Chris, Hunt, Metin Huseyin, Corinna Osborne-Patterson and Patricia Wiltshire

Non-Cabinet Members: Councillors David Draper, Paul Kennedy, Garry Stansfield, Michelle Watson and Clayton Wellman

## 5. Minutes

**RESOLVED:** That the minutes of the meeting of the Cabinet held on 22<sup>nd</sup> May 2018 be approved as a correct record and signed by the Leader.

## 6. Apologies for Absence

An apology for absence was received from Councillor Simon Edge.

## 7. Petition Received from the Leatherhead Residents' Association

Mr Russell, on behalf of the Leatherhead Residents' Association, addressed members of the Cabinet on the petition, outlining the background to the request for a police base in Leatherhead. The petition had been signed by 303 people.

Councillor David Hawksworth, Cabinet Member for Wellbeing, thanked Mr Russell for submitting the petition and supporting letter to the Cabinet and went on to reply as follows:

"I understand that this petition has been submitted to the Police and Crime Commissioner also and he will be making a response as appropriate.

"As Councillors we hear concerns from our constituencies regarding the apparent reduction of visible policing across the District. We were disappointed when the Leatherhead Police Station was closed some years ago, as we saw the need for a presence in the area. Officers now meet with the Neighbourhood Inspector and her team regularly to discuss issues that are brought to their attention and impact on our towns and villages and the Council works closely with the police to deal with those concerns as they arise.

"Earlier this year MVDC made strong representation to the Police and Crime Commissioner and the Chief Constable about the removal of the Police front desk at Pippbrook which we felt was an erosion of visibility and could decrease confidence in local policing for our District but sadly this did not result in any change in policy.

"In relation to the request made in the petition for MVDC to look to provide accommodation for the local Police in Leatherhead, we raised this with the Neighbourhood Inspector, but she is satisfied with the current arrangements. We do not therefore believe there is a pressing need at this time given that the local team have access to Leatherhead Fire Station which is close to the town and the Swan Centre facilities where an officer is regularly present".

## 8. Councillor Question Time

(1) The following question was submitted by Councillor Clayton Wellman:

"Following my Refill motion passed at February's Council meeting and my concern at the lack of deadline for taking action, the Leader of the Council told me publicly and assuredly that "There is a report coming to Scrutiny in June". That timeline allowed 4 months to produce a report, yet no report has been compiled. Now, I am told, the report will not be produced until September, a further 3 months delay. Since all Parties, and not least Councillor Michael herself, apparently

support taking the actions outlined in the motion of installing water refill points in public serving Council buildings, installing outdoor fountains in our towns and promoting the scheme to local businesses and the public, could we have an explanation why the relatively simple matter of ascertaining the best options for achieving these aims has turned into a seven month process?"

Councillor Patricia Wiltshire replied as follows:

"It was agreed by Council at its February meeting that a report would be brought to the Cabinet that provides information on the implications of setting up a Refill scheme in Mole Valley. I understand that the Leader supports this approach which will allow Members to take a considered view on the options, costs and implications. Work on this report is progressing. It is however taking longer than anticipated while the Environmental Services Team focus on the mobilisation of the new household waste collection contract which takes place on 6<sup>th</sup> August. I apologise for the delay but the report will be brought to the Cabinet in September. It will include details of the options and costs of providing a refill station in MVDC owned or operated buildings as well as feedback from businesses, Parish Councils and Residents Associations and the options for outdoor drinking fountains in our town centres. This will give Cabinet Members the information needed to agree a way forward."

Councillor Clayton Wellman asked a supplemental question relating to when a report on this matter would come to Scrutiny. The Leader replied that the report would be considered by Scrutiny and then Cabinet during the September cycle of meetings.

(2) The following question was submitted by Councillor Clayton Wellman

"The leader of the Council is in dialogue with SCC and the SWP to form a new countywide strategy to tackle single-use plastic waste led by the SWP. Will she please update us on the current state of this strategy, what roles and responsibilities MVDC and other partners will have, and when we might expect to see the strategy and methodology for carrying it out complete?"

Councillor Patricia Wiltshire replied as follows

"In March of this year, the Surrey County Council supported a motion to progress its work to eliminate the use of single use plastic (SUP) by the county council wherever feasible and to encourage others in Surrey to follow suit.

"The County Council's Cabinet Member for Environment and Transport has asked if MVDC would be willing to work with the County Council to develop a county wide strategy, setting the framework both for what local authorities will do but also how residents and businesses can play their part.

"The Leader has confirmed her full support for the development of a county wide strategy and that MVDC is happy to contribute to its development and delivery.

"The County Council's Member for Environment and Transport has asked the Surrey Waste Partnership to consider how best to progress joint work on a strategy. The Partnership is made up of the Surrey County Council and the eleven district and borough councils in the County. It aims to manage Surrey's waste in the most efficient, effective, economical and sustainable manner.

"The Surrey Waste Partnership Officer Group considered the request at its meeting on 25<sup>th</sup> June when it agreed to sponsor a task group on Single Use Plastics. Surrey County Council has appointed a dedicated SUP officer who will lead the work of the Task Group which will come up with recommendations on how best to work with residents to tackle the issue. The proposal to set up a Task Group will be reported to the Surrey Waste Partnership Members Group on 11<sup>th</sup> July. I will be attending the meeting and will be pressing for the task Group to make swift progress on coming up with ideas.

"A further update on a proposed approach to the development of a strategy to encourage the elimination of single use plastics will be taken to the Surrey Chief Executive's and Leaders later

in the year.

“I will keep all members of the Council up to date with progress on this important initiative.”

(3) The following question was submitted by Councillor Paul Kennedy

An answer to a public question at the Mole Valley Local Committee meeting on 14 March 2018 stated as follows:

"Network Rail have agreed that additional pigeon proofing work needs to be carried out to the bridge over Guildford Road. Mole Valley District Council (MVDC) is working together with Network Rail to arrange the necessary works and are currently awaiting quotes for the work. In the meantime MVDC will maintain the contract for additional cleansing of the pavements under the bridge to keep any fouling to a minimum."

What progress has been made since then please?"

Councillor Patricia Wiltshire replied as follows:

“We are continuing to press Network Rail for the legal agreement that would enable MVDC to carry out the pigeon proofing work on their behalf with the costs recharged to Network Rail. Until that is received it would not be prudent to risk MVDC resources on commissioning work without the assurance that it can be executed. In the meantime the pavement continues to be jet washed once a fortnight by our street cleaning contractor. The next clean is scheduled for this Thursday.

I will ensure that Councillor Kennedy is kept up to date with our progress in resolving this issue.”

Councillor Kennedy asked a supplemental question as to why this was taking so long. Had particular obstacles been raised by Network Rail?

Councillor Wiltshire replied that officers were trying to obtain a response and this was being treated as a matter of urgency. Councillor Wiltshire reiterated that she would keep Councillor Kennedy informed of progress.

(4) The following question was submitted by Councillor Paul Kennedy

“Since the demolition of the Royal Oak pub, how many cases of potentially or allegedly unauthorised demolition, destruction, alteration or construction activity have been identified by or reported to the Council, analysed into cases in which:

- a) the Council has satisfied itself that the activity is authorised or permitted;
- b) the Council has accepted an undertaking to cease further unauthorised activity;
- c) the Council has issued a stop order to prevent further unauthorised activity;
- d) none of (a)-(c) above?”

Councillor Chris Hunt replied as follows:

“The demolition of the Royal Oak public house took place in November 2017. Since then, 164 allegations of breaches of planning control involving construction activity have been received.

“Of these alleged breaches, 12 have been resolved and there have been three cases where unauthorised activity has ceased. No Stop Notices have been served. The remaining 149 alleged breaches have had an initial assessment and are currently at various stages of investigation.

“A list of cases of alleged breaches of planning control is included on the members’ intranet (MOSS) each month.”

Councillor Kennedy asked a supplemental question: All Members were aware of the concerns of residents. 149/164 allegations were unresolved; how long would it take to resolve the issues?

Councillor Hunt replied that enforcement matters did involve long time frames. If noticed was served, a 28 day period then followed allowing the applicant time to lodge an appeal. In some instances the Planning Inspector could take up to 18 weeks to set the final time frame for determination. Councillor Hunt added that although the precise times involved could be hard to predict, it was still important to undertake an investigation in the first instance.

(5) The following question was submitted by Councillor Alan Reilly

The first is to do with the urgent need for more housing, in Oakfield Road near to Skinners Lane, one house has been demolished and two built in its place, right next door another house appears to have had its garage demolished in order to give access to the large rear garden where I assume an additional property or two will be erected. Whilst this work is taking place, every working day, numerous workers and contractors vehicles are parked on the road outside the property causing considerable inconvenience to traffic. I learnt from personal experience that part of a planning application requires one to show where on site traffic will be parked and yet I am informed and it was certainly my experience there was no control over parking on or near the site. I believe the need to build additional housing on gardens will become more frequent and suggest that the council has an opportunity to charge for up to three vehicles to be parked on public roads at sites and all other site traffic must be parked on site, does The Council agree and will they enforce?”

Councillor Chris Hunt replied as follows:

“It is recognised that contractors working on construction sites will want to park their vehicles while working on site. A planning condition requiring a Construction Transport Management Plan may be appropriate for larger development schemes that are likely to take a significant amount of time to complete or where the existing highway constraints are likely to result in significant disruption and/or congestion from construction vehicles. This can ensure there is adequate on site parking facilities for construction workers.

“In the case of construction schemes such as infill plots and back garden sites, there is generally insufficient room to accommodate all construction traffic within the boundary of the application site.

“In these cases, construction workers will inevitably park their vehicles on the public highway which they are entitled to do as any other road user. While this might cause some temporary inconvenience for residents over a limited period it is not something that MVDC can control unless a parking restriction is being breached, or make a charge for.

“A planning condition requiring a Construction Transport Management Plan for a back garden or infill plot is unlikely to meet the six tests that the planning regulations required to be satisfied. Even if such a condition was to be imposed, there are limitations on its enforceability. A Breach of Condition Notice, which is the most likely action available to the Council, must be prosecuted in the Magistrates Court. The difficulty is that by the time the issue goes to Court, the development could well have been completed and the breach would have expired with it. It is also possible that the Magistrate would take the view that the building works are transitory and

may be reluctant to prosecute unless the identified harm is substantial.”

(6) The following question was submitted by Councillor Alan Reilly

“The second question is to do with cycles, again today two young people riding bicycles on the pedestrian pavement adjacent to Barnett Wood Lane came close to colliding with my wife and me. I asked the youngsters if they had any audible warning of approach capability and they confirmed they did not, I and others have had this problem before and I find it particularly ironic that mountain bikes costing £5,000 or more seldom have a warning of approach device either, so walking in our beautiful Surrey countryside can also become dangerous. I do not object to bicycles being used on pedestrian paths but I do object to walking in fear of being injured and possibly hospitalised. Does The Council agree that pressure must be put on Westminster to introduce and enforce a simple safety measure?”

Councillor Corinna Osborne-Patterson replied as follows:

“Councillor Reilly raises a number of interesting points in his question and I sympathise with the situation in which he and his wife recently found themselves in. As is currently stands, retailers are required to ensure bikes are fitted with a bell when they are sold, but there is no legal requirement for the bell to remain on the bike once it is in use. Point 66 of the Highway Code states that cyclists ‘should be considerate of other road users, particularly blind and partially sighted pedestrians. Let them know you are there when necessary, for example, by ringing your bell if you have one. It is recommended that a bell be fitted’.

“Whilst Councillor Reilly does not object to the riders cycling on the pavement, it should be noted that this an offence as stipulated in the Road Traffic Act and reiterated in the Highway Code. The police have powers to issue a Fixed Penalty Notice to offenders, however there is clear guidance in place that police should exercise discretion in such cases, taking a reasonable and proportionate approach, with safety being a guiding principle. I think this is an approach of which we are all supportive.

“I recognise that we need to try and ensure that pedestrians feel safe whilst walking out in their communities as we all know of the health and wellbeing benefits this brings, however the same can be said for the benefits of cycling. I am also mindful of suggesting additional enforcement. Under the current legislation it is likely that only the police would have the powers to enforce such a regulation and given the limited resources available to them, I am not sure what impact such a change in the law would actually have on a day to day basis.

“As a Council we need to encourage residents of all ages to get outdoors and get active and work with communities to ensure that this is in a safe environment for all. I believe that we might see more positive outcomes through engagement with the local schools via the Bikeability scheme, operated through Surrey County Council, to see how we can try and influence better behaviours in our towns and villages. MVDC will contact Surrey County Council to discuss these concerns and feedback to members as soon as possible. I hope that Cllr Reilly would be supportive of this approach.”

## **9. Report of the Scrutiny Committee**

The Chairman of the Scrutiny Committee advised that in addition to the CIL report that would be considered elsewhere on the Cabinet agenda, the Committee had received an informative presentation from officers from Amey who would be taking over the Council’s waste collection service in August. The Committee had also received a performance update presentation from Places for People. This presentation had highlighted key performance indicator scores, together with details of energy saving initiatives introduced at Dorking Sports Centre and membership attendance levels.

The Scrutiny Committee also received an update report on the demolition of the Royal Oak in Leatherhead, noting that a retrospective planning permission for demolition had been submitted, along with a planning application for 12 dwellings. Discussion at the Committee had focused on how public engagement could be increased; capacity within the enforcement team, support for Members and assurance that this situation would not happen again.

The Chairman also informed Cabinet Members that the terms of reference for the Planning Scrutiny Panel were currently being considered and the terms of reference for the Parking Scrutiny Panel had been agreed and work on this would shortly commence.

In conclusion, the Chairman of the Scrutiny Committee advised that as part of the work programme for 2018-2019, the Scrutiny Committee would be inviting Cabinet Members in to attend to speak on various items including, Meadowbank, the Council's Economic Prosperity Strategy, Transform Leatherhead and external investment. Members who represented MVDC on external bodies would also be asked to provide updates to Scrutiny.

The Leader of the Council thanked the Chairman of the Scrutiny for his report.

## **10. Community Infrastructure Levy; Annual Reports and change to Governance Arrangements (Key Decision)**

The Cabinet Member for Planning Policy, Councillor David Harper introduced the report highlighting that the Council wished to introduce a limited but very positive change to the governance of CIL Neighbourhood element spending. The changes were designed to reduce time to respond to applications and increase accessibility as much as possible whilst retaining rigorous and robust assessment and monitoring.

The change of governance referred to a previous arrangement and was designed to ease the access to funds for smaller neighbourhood projects in two important respects; a) to bring forward good projects sooner and b) to allow projects up to £10, 000 to use a simpler application process. The process otherwise remained the same as previously approved.

The Cabinet Member went on to acknowledge the concerns that had been expressed at the Scrutiny Committee in relation to local organisations or individuals with qualifying projects on how to spend CIL, who would not necessarily have the project management skills to enable their schemes to be applied for and progressed. Councillor Harper advised that the evidence from applications for the Community Grant Scheme (which equally, MVDC did not provide project management for) suggested otherwise. 26 self-managed applications were received, of which 9 were successful.

There was a strong sense that the CIL money for neighbourhoods was available to back the residents in their efforts to make their local community a better place. Their spirit and ingenuity were what the CIL neighbourhood element was intended to support. Councillor Harper added that Ward Members would have an important role to play in the use of neighbourhood CIL funding in unparished areas in promoting its use by community organisations and also in consultation on the best use of funds. In the rare situations where consultees disagreed, the matter would be referred back to Cabinet.

In light of the previous concerns expressed at the Scrutiny Committee, Councillor Harper recommended that the proposed scheme run for twelve months and a review be undertaken at this time.

The Chairman of the Scrutiny Committee went on to advise the Cabinet of the Scrutiny Committee's concerns in relation to the decision for CIL spending. There was a distinction between consultation and final decision making. In addition, there was a further distinction between the ability of Parishes and non-parished areas to submit bids and it was felt that paragraph 4.14 of the previously circulated report created an element of uncertainty. In response, Mr Davies, Planning Policy Manager advised that should any disagreement arise during the consultation process, the matter would be referred back to the Cabinet. If no Parish Council spend was proposed, all applications would be considered in this way. With specific reference to the guidance on how to bid for the neighbourhood element of CIL, Members noted that this was currently being developed and would be considered by the Planning Policy

Working Group at its meeting in July. Thereafter, the guidance would be published on Mole Valley District Council's website.

In response to a query regarding the strategic element of CIL funding and how Members would be involved in this, the Leader advised that that these decisions would be determined by Cabinet, in consultation with the Scrutiny Committee as part of the usual process.

The Cabinet noted that the intention of the report was to maximise flexibility and accessibility to CIL funds for residents and agreed that option 1 be supported, together with an additional recommendation that the scheme should be reviewed after 12 months of operation in light of the previous concerns expressed.

**RESOLVED:**

- (1) That the 2016/17 and 2017/18 CIL Annual Reports be approved;
- (2) That the change to governance arrangements for spending CIL receipts be agreed; and
- (3) That the operation of the CIL Governance arrangements be reviewed after twelve months.

**RECOMMENDED TO COUNCIL: That a change to the Scheme of Delegation to reflect the modification to the CIL Governance arrangements be approved.**

**11. 2017/2018 Outturn Report (Key Decision)**

The Cabinet Member for Finance, Performance and Risk, Councillor Metin Huseyin introduced the report which provided the financial context to the progress made in delivering the Council's corporate strategy and priorities in 2017/2018. The Council's Annual Report, which included budget information and key performance indicators, was attached at Appendix A to the report.

Councillor Huseyin, reported good progress overall, highlighting examples which included:

- Mole Valley District Council (MVDC) continued as a top performer nationally in terms of recycling rates with a 7% increase in food waster recycling;
- MVDC had enabled the provision of 40 affordable new homes across the district with more being built;
- MVDC had introduced an environmental anti-social behaviour strategy to tackle a wide range of issues such as fly tipping and community anti social behaviour;
- MVDC had committed to a long term economic prosperity strategy with key projects including the development of a business support programme and a business enquiry service;
- MVDC had completed the public realm works in Church Street, Leatherhead;
- MVDC had linked up with other local authorities in Surrey to provide two shared services – environmental health and licensing, hosted by MVDC and Southern Building Control Partnership, hosted by Tandridge District Council;
- Took part in the exercise on referral scheme, which had over 430 people referred to MVDC's leisure centres in Dorking and Leatherhead;
- MVDC refurbished Fortyfoot Recreation Ground in Leatherhead;
- MVDC supported the walk for health scheme with over 400 walkers now registered with the Mole Valley Scheme

The Cabinet Member added that strong financial management ensured that expenditure for both revenue and capital had remained close to the budget set for 2017/2018. There had been a slight overspend on revenue but this had been projected in monitoring reports throughout the year and equated to 1.6% of net services expenditure coming in on the December outturn report. Significant variations against budget were detailed in the report.

MVDC invested £39m during the year as part of its asset investment strategy, with a further approval increasing the total asset investment funds to £100m. The asset investments

generated a revenue of £400,000 for 2017/2018 and further details were set out in the report.

With reference to risk, the Cabinet Member explained that there were six strategic risks being managed by the Strategic Leadership Team in consultation with Cabinet Members. With the mitigation in place, these all fell within the Council's accepted risk tolerance levels.

With reference to a query on the overspend in Development Management as detailed in paragraph 4.2 of the previously circulated report, Members noted that this equated to approximately one third of the overall cost of the service in 2017/2018. In February 2018, the Council agreed to allocate increased funds to this service area as part of the budget for 2018/2019.

In response to a query regarding the overspend on Property, namely at Meadowbank, Members noted that this was attributable to a loss of income arising from the late opening of the new sports and community facilities.

Members noted the underspend on Corporate costs arising from the additional employers payment in relation to the pension scheme, made some years previously. These funds had now been allocated as part of the 2018/2019 budget setting in February.

Members commented on the additional risk: Organisational Capacity to Deliver and noted that in order for Mole Valley District Council to deliver the priorities as set out in the Corporate Strategy and the effective delivery of services, suitable capacity arrangements needed to be in place throughout the organisation. It was recognised that Local Authorities were facing some recruitment issues nationally in specific service areas. It was therefore prudent to include this item on the Council's Strategic Risk Register.

The Cabinet went on to comment on the Council's excellent Key Performance Indicators, as set out in the previously circulated document, particularly those relating to Council Tax arrears collection and the prevention of homelessness, as well as customer satisfaction levels in connection with community transport, day centre and telecare service provision.

The Cabinet considered the two options presented and further to the discussion at the meeting, agreed to support option 1.

#### **RESOLVED:**

- (1) That the Council's performance and financial position for the period April 2017 to March 2018 be noted and publication of the Annual Report (attached at Appendix A to the report) be endorsed;
- (2) That the requested carry forwards amounting to £579,000 of Capital Minor Works from 2017/18 to 2018/19 be confirmed; and
- (3) That the Strategic Risk Register and the action taken in mitigation be noted.

#### **12. Urgent Item: The joint procurement of a service provider to deliver a Home Improvement Agency service and a Handy Person Service in Mole Valley (Key Decision)**

As time was of the essence and this matter could not wait until the next meeting of the Cabinet in September, the Leader agreed to take this report as an urgent item.

The Chairman of the Scrutiny Committee also agreed that the making of the decision was urgent and could not reasonably be deferred.

The Cabinet Member for Environment, Councillor Patricia Wiltshire, introduced the report advising that this was a joint procurement process, with Reigate and Banstead Borough Council (RBBC) and Tandridge District Council (TDC), with RBBC as the lead procuring authority. All three councils currently used the same provider, and all three councils were either out of contract or their contracts were approaching termination.

The Council had a statutory duty under the Housing Grants, Construction and Regeneration Act 1996 to award Disabled Facilities Grants (DFGs) to enable people with disabilities to carry out essential adaptations to their homes, subject to qualifying conditions, to enable them to remain living independently at home for longer.

Like many other councils, recognising the benefit of the broader advisory and support service the Housing Improvement Agency (HIA) could provide, MVDC had contracted out the delivery of Home Improvement Grants and DFGs to an HIA for a number of years. The current provider of MVDC's HIA and Handy Person Service (Independent Home Solutions CIC) was operating under a contract with MVDC. However this contract had expired and needed to be re-procured. In the interim, to ensure continuity of service provision to residents, Independent Home Solutions CIC would continue to deliver the services on a short-term rolling basis.

The new contract was proposed to run for a period of three years, with an option for two, one-year extensions. It was anticipated that the aggregate value of the services required by the MVDC contract, including any potential extensions, would exceed £1,000,000. In accordance with Part 4 of the Council's Constitution, (Rules of Procedure Contract Standing Orders) the report now sought approval from the Cabinet to proceed with the procurement of the service through the proposed joint procurement process.

In the discussion that followed, Members noted that although funding provision for the next financial year from Surrey County Council was likely to reduce, the costings detailed in the report were based on funding received in the previous two financial years and were as accurate as they could be at this time.

The Chief Executive also advised that a further exercise to examine future procurement projects was underway.

The Cabinet considered the four options as set out in the report and agreed to endorse option 1.

**RESOLVED:**

- (1) That the proposal to enter into a joint tendering exercise with Reigate and Banstead Borough Council (RBBC) and Tandridge District Council (TDC) for the procurement of one service provider to deliver both the Home Improvement Agency Service and a Handy Person Service for Mole Valley District Council (MVDC) be noted; and
- (2) That approval be given to proceed with the joint procurement of the service as detailed in Resolution 1.

Chairman: ..... Date: .....