

Minutes of a Meeting of the Executive held on Tuesday 26th November 2013 at Pippbrook, Dorking, from 7.00pm to 8.17pm

Present:

Executive Members: Councillors Chris Townsend (Leader/Chairman), Simon Ling, Vivienne Michael, John Northcott and Charles Yarwood.

Non-Executive Members: Councillors Margaret Cooksey, Stephen Cooksey, Bridget Lewis-Carr and David Preedy.

36. Minutes

RESOLVED: That the minutes of the meeting of the Executive held on 29th October 2013 be approved as a correct record and signed by the Chairman/Leader.

37. Apologies for Absence

An apology for absence was received from Councillor James Friend.

38. Councillor Question Time

Councillor Bridget Lewis-Carr asked the following question:

'After the move of the Help Shop into the Leatherhead library, to which all five of the local district councillors, and the county councillor were opposed. It was agreed that the Leader and the Chief Executive would look into more central premises, and would hold a meeting with key players in Leatherhead. The meeting, arranged for 17th October, was cancelled at the last minute, the reason given being it would be held when more people were available. Since then no dates have been offered to us. Could the appropriate portfolio holder explain when a further meeting would be arranged?'

Councillor Chris Townsend, Leader of the Council, responded as follows:

'I am grateful to Cllr Lewis-Carr for asking the question as it gives me the opportunity to set out our thoughts on Leatherhead. The purpose of the meeting she refers to was to discuss whether there are premises in the centre of the town, which might be suitable for a Helpshop. We had of course considered a variety of options in the centre of town, none of which was suitable, before moving to the Mansion house. Whilst the meeting you refer to was cancelled, because a number of key people could not make the date, on reflection I have my reservations about what this specific meeting could achieve. And I think we need to start considering our longer term ambitions for the town.

I have asked officers to begin a larger piece of work looking at the potential of Leatherhead and how we might try to shape its future. Ideas here might include community space in the centre of town. Such an approach may deliver a scheme that is affordable and sustainable which may help to revitalise the town centre.

I would like the conversations to take place with our colleagues in the public sector as to what their needs are, (which would include highways colleagues) as well as with local businesses, interested stakeholders and landlords. I am talking not about one meeting with potentially limited outcomes but a series of meetings where we can talk about serious proposals. We want to stimulate investment into the town. That will include strategic and potentially significant investment in the town; ensuring that Leatherhead is identified in the Coast to Capital LEP as an area for inward investment on infrastructure as well as revitalisation work.

I have asked Yvonne Rees and Andrew Bircher to lead on this piece of work and we will be in touch with a wide range of people over the coming weeks to share our thoughts.

Specifically on the Helpshop, we are approaching one year of working together with our colleagues in the library at the Mansion. It is appropriate to assess our work together, and over the coming

weeks we shall be asking the views of those who work there as well as our customers, Members and important stakeholders for their views.

In conclusion, there is no meeting in the diary to specifically replace the one cancelled on the 17th October. Instead there will be a series of meetings. I hope this is the start of innovative and thus productive conversations which I hope members will engage with.'

39. Report of the Scrutiny Committee

Councillor Stephen Cooksey, Chairman of the Scrutiny Committee, reported on the meetings of the Scrutiny Committee held on 7th and 19th November 2013.

The meeting held on 7th November was organised solely for the purposes of external scrutiny and focused on those organisations that received a grant of £10,000 or more from the Council. Presentations were received from the CAB, East Surrey Domestic Abuse Service, East Surrey Rural Transport Partnership and Voluntary Action Mid Surrey. All were extremely interesting and provided reassurance about how the Council's grants were being used. Members were advised that copies of the presentations given were available on MOSS.

At the meeting on 19th November the Committee received three items, including the Executive reports on Assets of Community Value and Joint Waste Collection Contract. Councillor Cooksey indicated he would speak to these items when they were discussed later in the meeting. The other item the Committee considered was another service review, with Bob Thomas attending to provide an update on the ICT Service. This presentation proved to be very informative and a copy of the presentation had been emailed to all Members for their information.

40. 2013/14 Month 7 Budget and Organisational Performance Monitoring Report [KEY DECISION]

The Executive were asked to note the Council's year end financial outturn and performance for Month 7.

The Portfolio Holder for Finance, Councillor Simon Ling, explained that the latest financial forecast anticipated an underspend on businesses of £145,000 by the end of the year, rising to £258,000 with the addition of Investment Income. The forecast in the previous monitoring report to the Executive at the end of September was an underspend of £195,000 (£132,000 before investment income).

Councillor Charles Yarwood, Portfolio Holder for Communities and Assets, gave an update on the Council's performance; 11 performance indicators (PI's) were on target (green), 4 were slightly off target (amber) and 2 were off target (red). Members noted that the following targets had exceptionally good performance and were exceeding the targets set:

- Benefits – time taken to assess changes in circumstances for benefit claims
- Benefits – percentage of housing benefit overpayments recovered
- Planning – percentage of other applications processed within 8 weeks
- Missed bins – number of reported missed bins divided by the number of properties visited for scheduled collections of refuse and recycling

Overall performance at the end of Month 7 was good, with 65% of PI's on target; compared to the same period last year, 65% of PI's have either performed better or stayed at similar levels. Performance was strongest in the Environment and Value for Money themes, with 80% of PI's meeting the targets set.

Good progress was being made to implement the Corporate Projects. Five projects in the Corporate Project Portfolio for 2013/14 had been completed:

- Agreement of the Medium Term Financial Strategy
- Retender of the Dorking Sports Centre
- County Council Elections

- Review of Governance Model
- Supporting Delivery of the Olympic Legacy Events

Non Executive Members raised queries regarding the use of Section 106 monies in Dorking and Leatherhead; it was confirmed that work on this was progressing, with two large schemes being considered for both areas. In particular, a scheme for West Street in Dorking would go out for consultation in January and considered in March by the Mole Valley Local Committee.

The Executive went on to consider the two options as set out in the report and supported Option One. It was accordingly

RESOLVED: That the Council's year end financial outturn projection and performance for Month 7 2013/14 be noted.

41. Assets of Community Value [KEY DECISION]

The Executive was asked to approve the policy and scheme of delegation set out in the 'Policy Statement: Assets of Community Value' document, agree that the Chief Executive be authorised to make minor or inconsequential changes to the Policy in consultation with the Leader, and agree that the Policy comes into effect from 1st January 2014.

The Portfolio Holder for Planning, Councillor John Northcott, explained that the Localism Act 2011 introduced a new community right known as the right to bid for local buildings and/or land which were considered to have community value, referred to as assets of community value (ACVs). The intention was to give local communities an opportunity to step in to save their local pub, shop, post-office, community centre or open space from closure through successfully nomination as an ACV. ACVs could be publicly and privately-owned property.

The right to bid for an ACV introduced the right to compete to buy the ACV on the open market; it did not give anyone the right of first refusal nor did it restrict to whom the owner of an ACV could sell or at what price. An ACV listing required the landowner to notify the Council of a proposed disposal, who in turn notified the community organisation of the proposed disposal, and created a window of opportunity for a community organisation to raise finances and take any other steps in order to compete to buy the ACV.

The Localism Act 2011, together with the supporting regulations and non-statutory guidance issued by the DCLG, set out a detailed process to be followed by the Council to determine nominations and to administer ACVs. This was incorporated into the Policy; however the Policy also set out:

- a scheme of delegation to officers for the various aspects of the process; and
- where the Council had some discretion in how it implemented or interpreted the relevant legislation, how that discretion would be exercised. An example of this was set out in section 6.6 of the Policy, which set out factors that could be relevant in determining whether an ACV nomination satisfied the statutory test in section 88 Localism Act 2011.

The 'Policy Statement: Assets of Community Value' was before the Executive for the Executive to approve its adoption. As the right had only been available since September 2012, the Policy would need to be monitored against evolving guidance, best practice and case law, if any. Application of the Policy in practice could highlight practical changes that were required, and the Executive were asked to authorise the Chief Executive to make minor or inconsequential changes to the Policy in consultation with the Leader.

Members noted that the Policy was not driven by the Council's Corporate Priorities, but by a change in the law. Its adoption was an opportunity to build community awareness of this new right, and was an opportunity to enable local communities to maintain the character and environment of their community where a local facility could be at risk of closure.

The Chairman of the Scrutiny Committee, Councillor Stephen Cooksey, explained that the Committee had a sizeable discussion on this item, and that there were a number of issues

discussed regarding the type of groups who would be able to nominate Assets of Community Value and the length of time groups were given to bid in the event that the Assets became available for purchase. However, many of these concerns were dictated by the legislation for Assets of Community Value and the Committee realised there was little the Council could do regarding these issues.

One area the Committee requested that the Executive consider in more detail concerned the renewal of Assets of Community Value at the end of their five year listing period. There was no provision in the policy for the Council to inform groups when a listing was due to expire, with the responsibility remaining with the group to be aware of the renewal date. It was the view of a number of members on the Committee that it would be good practice for the Council to contact groups shortly before the expiration of their listing to make them aware of this. The Committee asked the Executive to consider whether a mechanism could be put in place to do this.

The Executive considered this potential change to the Policy, and after debating the issue in full and considering the additional information included on an addendum circulated at the meeting, agreed that as a suitable compromise the Policy should be reviewed after a year's operation. This would enable the Council to consider any progress in the legislation relating to ACV's, as well as best practice and the experiences of other local authorities implementing the scheme.

There were also three more minor amendments to the Policy which the Executive were happy to accept, and are set out below:

- 1.4 'As this right has only been available since 21 September 2012, this policy statement will be monitored against evolving guidance and best practice and case law (if any). The policy will be reviewed at the earlier of (a) one year and (b) determination of the first nomination after implementation of the policy.'
- 4.1 'The Council can only include land and/or a building in its ACV list in response to a community nomination. A community nomination is a nomination in respect of land and/or a building within the Council's district by (i) a parish council or (ii) by persons who are a voluntary or community body with a local connection with land in the Council's district. For the remainder of this document, the term 'land' will be used to refer to nominations of land and/or a building (or part thereof).'

Lastly, that references in the draft policy to 'ward member' should be amended to read 'ward members'.

The Executive went on to consider the three options as set out in the report, and supported Option B. It was accordingly

RESOLVED: The Executive

1. approved, subject to the amendments as agreed, the policy and scheme of delegation set out in the attached document 'Policy Statement: Assets of Community Value' (**Policy**), and that the Chief Executive be authorised to make minor or inconsequential changes to the Policy in consultation with the Leader;
2. agreed that the Policy come into effect from 1 January 2014; and
3. agreed that the operation of the Policy be reviewed in a year's time.

42. Joint Waste Collection Contract – Inter Authority Agreement (IAA) and Joint Committee [KEY DECISION]

The Executive was asked to agree that the Council enter into the Inter Authority Agreement for the procurement of a Joint Waste Collection contract, that the Council join the Joint Committee for the Procurement of the Joint Waste Collection contract and approve that a revenue sum of £24,200 be included in the budget setting process for 2014/15 and that the financial implications for 2015/16 and 2016/17 be noted.

In the absence of the Portfolio Holder for Environment, the Corporate Head of Service introduced the report, and explained that Mole Valley was one of five Councils that had been working together to investigate the benefits of joint procurement of a contract to deliver waste collection services. This had been developed as part of the Surrey Waste Partnership. The Partnership continued to achieve a range of successes demonstrating that local authorities working together in this way could achieve much more, and deliver better outcomes and value for residents.

A joint contract could offer considerable financial savings and service benefits to each authority. Authorities had worked together to prepare a formal Inter Authority Agreement (IAA) that set out the general financial and legal obligations for a shared procurement process including the delegation of procurement matters to a Joint Committee.

Members noted that the report sought Executive endorsement for the Council to enter into the IAA and to join a new Joint Committee to oversee the procurement process. A Council would not be bound to accept the outcome of the procurement process. A decision on any future contract would be made only once the outcome of the joint procurement exercise was known.

The Chairman of Scrutiny informed the Executive that the Committee had a long debate on this item with a lot of questions being asked about how any proposed joint contract would affect the Council autonomy over waste collections in the district, and financial details of the proposal. One of the main concerns was how the agreement would work in practice with a Hampshire local authority included as well as Surrey local authorities. The Committee also noted that the Surrey authorities involved were spread across the whole of the County, and it was questioned whether this would have an impact on any joint working.

Another concern related to the potential saving of £1-2 million, as it was felt that there was a significant difference between a saving of £1m and £2m. The Committee felt that a more accurate estimate should have been provided; Members were also of the opinion that it would have been useful to be provided with the amount of savings achieved by local authorities in Sussex, who had undertaken a similar joint tendering exercise.

It was suggested that information should have been included on the alternative to joining this scheme and how much it would cost the Council if it individually re-tendered its waste contract. The Scrutiny Committee's final concern related to decision making and whether Council or the Executive would make the final decision on the new Waste contract.

The Corporate Head of Service answered the various queries raised by the Scrutiny Committee, and circulated an addendum detailing the responses to the points discussed. The Executive were satisfied with the additional information provided, and thanked the Scrutiny Committee for their comprehensive consideration of the item.

The Executive went on to consider the two options as set out in the report and supported Option One.

RESOLVED: The Executive agreed that

1. the Council enter into the inter Authority Agreement for the procurement of a Joint Waste Collection contract;
2. the Council join the Joint Committee for the Procurement of the Joint Waste Collection contract; and
3. a revenue sum of £24,200 be included in the budget setting process for 2014/15 and that the financial implications for 2015/16 and 2016/17 be noted.

NOTE: Members noted that Item 9 on the agenda – Scrap Metal Dealers Act 2013 – Setting of Fees – had been deferred to the meeting of the Executive to be held on 17th December 2013.

43. Amendments to the appointment of Members onto Working Groups/Outside Organisations

The Executive was asked to approve the appointments as set out in the report.

Members noted that the Executive made appointments to its various Working Groups; the Council made appointments to outside organisations at the Annual meeting, with the Executive making appointments during the municipal year. Group Leaders had advised of a number of changes they wished to make to their representations on a number of Groups. These were as follows:

- Councillor Roger Hurst to replace Councillor Phil Harris on the Dorking Halls Working Group
- Councillor Roger Hurst to fill the vacancy on the Norbury Park Liaison Group created by the resignation of former Councillor McCheyne
- Councillor Paul Elderton to fill the vacancy on the Hackney Carriage Consultative Forum also created by the resignation of the former Councillor McCheyne.
- Councillor Margaret Cooksey to replace Councillor Stella Brooks on the Staff and Council Consultative Forum
- Councillor Phillippa Shimmin to replace Councillor Phil Harris on the Mole Valley Local Committee.
- Councillor Phil Harris to replace Councillor Kathryn Westwood on the Dorking Halls Working Group.

The Executive went on to consider the two options as set out in the report and supported Option One. It was accordingly

RESOLVED: That the appointments as set out in the report be approved.