

# Minutes of a Meeting of the Executive held on Tuesday 25<sup>th</sup> October 2016 at Pippbrook, Dorking, from 7.00pm to 7.55pm

Present:

Executive Members: Councillors Vivienne Michael (Leader/Chairman), Charles Yarwood (Deputy Leader), Lucy Botting, Duncan Irvine, Howard Jones, Corinna Osborne-Patterson and Michelle Watson

Non Executive Members: Margaret Cooksey, Stephen Cooksey, Joe Crome, David Draper, David Harper, Paul Kennedy, Simon Ling, Claire Malcomson, John Muggeridge and Clayton Wellman

## 26. Minutes

**RESOLVED:** That the minutes of the Executive meeting held on 19<sup>th</sup> July 2016 be approved as a correct record and signed by the Chairman/Leader.

## 27. Apologies for Absence

An apology for absence was received from Councillor Lynne Brooks

## 28. Disclosure of Interests

None

## 29. Councillor Question Time

None received

## 30. Report of the Scrutiny Committee

The Scrutiny Committee met on 18<sup>th</sup> October and considered items which were included on the Executive agenda for 25<sup>th</sup> October 2016. The Chairman of the Scrutiny Committee, with the approval of the Leader, undertook to submit feedback to the Executive during their consideration of each report.

## 31. Joint Waste Contract Award (Key Decision)

The Executive Member for Environment introduced the report to the Executive, highlighting that although it was increasingly common for local authorities to work together to procure waste collection contracts, this was the first instance in Surrey. Working with other local authorities would allow the Council to make its service even more cost effective and provide residents with greater value for money.

It was also highlighted that the current satisfaction rate for the waste collection service in Mole Valley was 90%. The specification and procurement process for the joint waste contract had been designed to ensure the Council continued to achieve these high standards of performance, to seek to continually improve on them where possible and to deliver even better value for money.

It was also advised that the governance arrangements for the contract had been carefully drafted to ensure Mole Valley was still in control of its front-line services. The Joint Waste Committee will oversee the contract with elected Councillors appointed to the Committee by each partner authority. Each member of the Joint Committee will have an equal vote. i.e. one person, one vote. As a further safeguard, certain decisions will be reserved for each individual Authority to determine. Crucial decisions such as extending or terminating the contract would be expressly reserved for the Council.

The Chairman of the Scrutiny Committee advised that the report had received a generally positive response from the Committee, with particular satisfaction expressed regarding the estimated savings that could be made. Members were pleased to see that the balance on price versus quality during the procurement process had been set at 50:50, as some Members felt that previously negotiated contracts had focussed too greatly on cost implications, leading to an overall reduction in service quality.

As had been mentioned above, the Scrutiny Committee noted that current satisfaction levels with the

Council's waste collection service were around 90%, and the Committee strongly expressed its desire to see these levels at the very least sustained, if not improved upon, under the new contract.

**RESOLVED:**

1. That Bidder A who submitted the Most Economically Advantageous Tender be awarded the Joint Waste Collection Contract (Joint Contract) with service delivery in Mole Valley commencing from 5th August 2018 for waste collection services and from 1st April 2019 for street cleaning services up to and including 5 June 2027, with the option for the participating authorities and the contractor to agree to extend the Joint Contract by one or more successive consecutive periods until 2 June 2041 and in doing so, the following is agreed:
  - a) the Council enters into the Joint Contract with each of the partner authorities and Bidder A (such contract inter alia providing that the Partner Authorities will have joint and several liability to the contractor and against which they indemnify each other against their breach);
  - b) the Council enters into the successor Inter Authority Agreement (Second IAA) with each of the other partner authorities, Elmbridge Borough Council, Surrey Heath Borough Council and Woking Borough Council and SCC (in its capacity as the waste disposal authority (WDA)), which will regulate the relationship between the participating authorities (as necessitated by entry into the Joint Contract), establishes the shared contract management office (CMO) (hosted by Elmbridge Borough Council as the administering authority) and the required governance arrangements, including the revised terms of reference for the Joint Waste Collection Services Committee (JWCSC Committee);
  - c) pursuant Section 9EA of the Local Government Act 2000, Regulations 9 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers of the functions of the Council under section 51 of the Environmental Protection Act 1990, the Council makes arrangements for the joint discharge of such of those functions as are set out in the Second IAA by the Joint Waste Collection Services Committee established for that purpose (the constitution and revised terms of reference of which are also set out in the Second IAA);
  - d) that the provisions for a CMO provided in the Second IAA is entered as contract for services in order to deliver co-operation between public bodies as envisaged by Regulation 12 (7) of the Public Contracts Regulations;
  - e) the Council grants a lease of part of Station Road, Dorking depot to Bidder A commencing on 5th August 2018 and co-terminus with Mole Valley's participation in the Joint Contract and the Second IAA;
  - f) that responsibility for finalising the detail of the Second IAA and other related issues be delegated to the Corporate Head of Service responsible for Environmental Services together with the Deputy Chief Executive in consultation with the Executive Members for Environment and Finance.
2. The Executive recommended to the Council that:
  - a) sufficient funding for the vehicles required to operate the Joint Waste Contract in Mole Valley be included in the Capital Programme;
  - b) it approves the required changes to the constitution in light of agreeing the Second IAA, and authorises the Portfolio Holder of Environment (and an appropriate named deputy) to act as the Council's representative on the JWCSC;
  - c) Responsibility to implement any actions necessary to achieve the recommendations of this report, including any changes to the Council's constitution, be delegated to the Chief Executive and Chairman of the Council.

### **32. Future Surrey Waste Partnership (Key Decision)**

The Executive Member for Environment advised that this report followed on from the Joint Waste Contract and proposed to extend the remit of the Joint Waste Committee to include the County's Partnership Functions. In doing so it was envisioned that this would enable the Council to build upon the good work carried out by waste teams across Surrey, including Mole Valley, to raise recycling rates and reduce costs of waste management in Surrey. The report also recommended that further work is undertaken by the Surrey Waste Partnership to explore the risks and benefits of including the Community Recycling Centres and Transfer Stations within the Inter Authority Agreement of the Joint Waste Committee. Once this analysis is complete, it will be brought to the Executive for their consideration before a decision is made on whether to proceed.

The Chairman of the Scrutiny Committee advised that the Committee welcomed the proposals set out in the report and had no concerns in regard to their implementation.

#### **RESOLVED:**

1. The Executive agreed to extend the Inter Authority Agreement (IAA) relating to the Joint Waste Collection Contract (JWCC) and the Joint Waste Collection Services Committee to include the Waste Disposal Authority (WDA) functions (as follows) that currently reside with the county council, on the basis that this will not affect how decisions related to the JWCC are made nor have any negative financial implications for Mole Valley District Council.

WDA Partnership functions to be included in the IAA:

- Kerbside improvement initiatives to increase recycling and reduce waste arisings;
  - Payments to waste collection authorities;
  - Data management and monitoring;
  - Policy development and alignment;
  - Performance management;
  - Engagement with government, the waste sector, industry and others on the waste agenda.
2. The Executive delegated responsibility to the Corporate Head of Service for Environmental Services in consultation with the Executive Member for Environment and other members of the Joint Waste Collection Services Committee to amend the Inter Authority Agreement to enable this expansion.
  3. The Executive supported further development of the co-owned single tier entity model for waste services and asked the relevant Corporate Head of Service, in consultation with the Executive Member for Environment to work with partner authorities within the joint collection contract and SWP to develop the model with the aim of presenting a business plan to the Executive in 2017..

### **33. Month 6 (September) – 2016/17 Business and Budget Monitoring**

The Financial Services Manager advised that the Business and Budget Monitoring report covered the period from April to September 2017, with good progress made against Council objectives during this time. Highlights included the opening of the Deepdene Trail, achieving the second highest recycling rate in Surrey, the Big Event to celebrate the opening of the new play facilities in the Meadowbank Recreation Ground and work starting on the redevelopment of the football ground at Meadowbank.

It was confirmed that the budget was currently projecting a £128,000 overspend for 2016.2017, but it was likely that this would be balanced in the second part of the year. To a large extent the overspend could be attributed to costs for temporary staff filling existing vacancies until permanent solutions could be arranged.

It was questioned what factors had contributed to a 26% increase in food waste recycling? Members were advised that it was likely to be a combination of different factors, but the biggest impact could be attributed to increased resident participation following an awareness campaign run by the Council.

In response to a question about the number of families housed in temporary bed and breakfast accommodation it was advised that the numbers tended to fluctuate on a monthly basis and were affected by a variety of factors. However, options for purchasing additional emergency accommodation were being explored by the Administration.

A highlight from the report was the confirmation that the Housing team had been awarded Bronze Status in the National Practitioners Standards. Since the writing of the report, Silver Status had also been achieved. Members welcomed this recognition of the excellent work of the team and it was felt to be particularly commendable given that the Housing team were the only ones in Surrey to have achieved this standard.

**RESOLVED:** That the Council's performance and financial position for the end of September (Month 6) 2016/17 be noted.

#### **34. Whistleblowing Policy**

The Financial Services Manager confirmed that the previous Whistleblowing Policy, last adopted in 2011, had been reviewed to take into account changes in legislation.

The Chairman of the Audit Committee advised that the Committee had reviewed the Whistleblowing Policy at their meeting on 22<sup>nd</sup> September and felt that the version presented to the Executive largely reflected the comments of the Committee, who would recommend its approval.

**RESOLVED:** That the revised and updated Whistleblowing Policy for Mole Valley District Council be approved.

#### **35. Restricting Office to Residential Permitted Development Rights (Key Decision)**

The Executive Member for Planning advised that it was envisioned that a targeted approach would be used to decide which office buildings would be subject to an Article 4 Direction and analysis had already been completed by an external contractor to identify large offices that may potentially be at risk of development.

The Chairman of the Scrutiny Committee advised that the report had been welcomed by the Committee, although some Members felt that the proposals could have been brought forward at an earlier stage which might have prevented the loss of some offices already in the process of being converted. Some Members suggested that the Council could have been more vociferous in its opposition to the government's policy on permitted development rights, and suggested a blanket Article 4 direction as proposed at the July Council meeting might have demonstrated a stronger commitment in this regard. The Executive Member advised in response that he did not think a blanket Article 4 direction could be workable in practice due to the potential financial risks to the Council. and He considered that a targeted response was a more responsible approach to take.

A concern was also expressed by a member of the Scrutiny Committee that through opting for the non-immediate 12 month notice period, this would simply encourage developers to accelerate their pursuit of existing sites in the District before permitted development rights were withdrawn.

It was noted that the proposed measures only made a commitment to consult relevant Ward Member(s) regarding which sites in the District would be targeted. A suggestion was made to widen this commitment, as it was felt that some sites were important to the towns of Dorking and Leatherhead as a whole, and should therefore be open to all Members who represent those settlements to comment on. The Executive Member for Planning agreed that he would be happy to widen the scope of the consultation to include all local Members in the vicinity of a site and not just Ward Members.

**RESOLVED:**

1. That the use of Article 4 directions to restrict permitted development rights for the conversion of offices to residential on targeted sites be approved.
2. To use the procedure for service of Article 4 directions without immediate effect under Section 1 of Schedule 3 of the Town and Country Planning (General Permitted Development)(England) Order

2015.

3. To delegate the service of Article 4 directions to the Corporate Head of Service for Planning in consultation with the Executive Member for Planning..

### 36. Motion 2/2016

At the Council meeting on 11<sup>th</sup> October 2016, the following motion was proposed by Councillor Margaret Cooksey (and seconded by Councillor David Draper):-

“This Council notes that:

- A. With a reported 65 million displaced people worldwide, the refugee crisis is the worst since the end of World War 2;
- B. Many of these refugees are risking their lives to reach safety in Europe and to cross into the UK; meantime many vulnerable women and children are living in destitution at "The Jungle" outside Calais;
- C. Britain has a proud history of welcoming refugees most of whom have gone on to integrate with British society and contribute to our economy; these include Russian and Eastern European Jews in the 1900s, the kindertransport in the 1930s and the Ugandan Asians in the 1970s;
- D. The Government's resettlement programme for Syrian refugees caters for far fewer refugees than many other Northern European countries;
- E. the UK already has its own border controls with stringent checks on those refugees who are allowed to participate in the Government's resettlement programme;
- F. There are many voluntary groups (including several in Mole Valley and surrounding districts) offering support to refugees who have arrived here.

The Council is proud to have agreed to take part in the Government's resettlement plan, but, in the light of the notes above, considers that this is not enough. It also recognises that there are opportunities for synergy between its own arrangements to support refugees under the Government's scheme and the efforts of local voluntary groups. On the one hand refugees supported by voluntary groups would benefit from access to assistance with language training, finding work and accommodation; on the other hand refugees from the Government scheme would benefit from the social integration and opportunities for mutual assistance offered through voluntary groups.

The Council agrees to:

- i. Ask our local Members of Parliament to lobby the Government to accelerate its current resettlement plan, to accept more refugees in this time of crisis including some of the most vulnerable people from The Jungle and to provide additional funding for local authorities who agree to accommodate them;
- ii. Accommodate additional refugees in Mole Valley;
- iii. Increase cooperation with local voluntary groups to ensure that services can be shared between those refugees arriving under the Government's scheme and those that have made their own way to the UK.”

As a way of providing some background information to the motion, the Leader of the Council advised Members that cross-party backing had been received last October when Mole Valley District Council became one of the first Surrey authorities to offer support to the Government's Syrian Vulnerable Person Relocation Scheme. This included a commitment to resettle 25 Syrian households over the five years of the scheme, which was the second highest level in Surrey. This was considered to be an appropriate level given limited resources and also a need for the Council to meet housing responsibilities for local residents of Mole Valley.

Work to resettle households began earlier this year and to date, 5 households had been received into the District with 2 households permanently resettled in Mole Valley. The Council's efforts had been supported by a number of local voluntary groups. This support had included volunteers befriending households, providing welcome meals and helping to provide translation support. Local church groups had also generously provided furnishings which helped the Council to make more effective use of the government grant received to support these households.

When the motion was made to Council, it was felt that it would be appropriate for it to be referred to the Executive, to allow additional time for the Council to understand the situation arising from events in Calais and also to provide an opportunity for the Council to review its own resources to establish whether there was any additional support that could be offered.

It was confirmed that the Leader of the Council had discussed the current situation with the proposer of the motion together with other Group Leaders and it had been agreed that the motion would be withdrawn and replaced by a joint statement issued by the Leader with the support of all Groups on the Council. Arising from the joint statement, it was agreed that the Leader of the Council would:-

- i. Ask our local Members of Parliament to lobby the Government to ensure that the Home Office is doing everything possible to speed the resettlement of refugees under the SVPRS including giving further consideration to providing regionally adjusted funding for local authorities participating in the programme;
- ii. Do more to promote the need for suitable accommodation to enable Mole Valley to fulfil its commitment under the SVPRS as speedily as possible;
- iii. Continue to co-operate with local voluntary groups to make maximum use of the services those groups can provide;
- iv. Commend Surrey County Council (SCC) for the work it is doing to fulfil its responsibilities to Unaccompanied Asylum Seeking Children (UASC)
- v. Ask our local Members of Parliament to lobby the Government to provide adequate funding to support County Councils and Unitary Authorities dealing with an increased UASC caseload.

The proposer of the original motion, Councillor Margaret Cooksey, confirmed that she was happy for the motion to be withdrawn and agreed that it was important for the Council to display a united front on these issues. In doing so it would also allow the Council to act quickly to provide the support that was needed. Support for this course of action was echoed across the Chamber.

**RESOLVED:** That the withdrawal of the motion be noted and the agreement be given to the issuing of a joint statement.

### **37. Appointment to Leatherhead United Charities**

The Leader of the Council highlighted that both Councillor Rosemary Dickson and Councillor Joe Crome had been nominated to fill a vacancy that had arisen for the role as one of the Council's three appointed trustees for Leatherhead United Charities. Although Members agreed that both candidates would be highly capable of successfully fulfilling the requirements of this role, the Executive agreed that Councillor Rosemary Dickson would be appointed to fill the vacancy.

**RESOLVED:** That Councillor Rosemary Dickson be appointed as a Council representative for Leatherhead United Charities.