

To the Members of the Executive.

Your attendance is requested at a meeting of the Executive to be held in the Council Chamber, Pippbrook, Dorking on **TUESDAY 25th OCTOBER 2016 at 7.00pm** for the transaction of the business set out in the following agenda.

ANGELA GRIFFITHS
Corporate Head of Service
17th October 2016

Members of the Executive and Portfolios

Councillor Vivienne Michael - Leader of the Council

Councillor Lucy Botting - Wellbeing

Councillor Lynne Brooks - Finance and Investments

Councillor Duncan Irvine—Planning

Councillor Howard Jones - Transform Leatherhead

Councillor Corinna Osborne-Patterson - Communities, Services & Housing

Councillor Michelle Watson - Environment

Councillor Charles Yarwood - Deputy Leader, Property, Parking & Economic Development

Members are reminded that they have the opportunity to ask Officers questions, in respect of issues concerning matters of detail or for further clarification, prior to the meeting.

A member who is not a member of the Executive, may not speak at the meeting unless, before it begins he/she has obtained the Chairman's consent to speak on a specific item. (Please note prior consent is not required for those members detailed under rule 48.3 of Part 4: Rules of Procedure - Standing Orders that relate to the Executive only).

AGENDA

1. Minutes

To approve as a correct record the minutes of the Executive meetings held on 19th July 2016

2. Apologies for Absence

To receive apologies for absence.

3. Disclosure of interests

To receive any disclosures of interests from Members (either disclosable pecuniary interests or non pecuniary interests) in relation to any items included on the agenda for this meeting in accordance with the Council's Code of Conduct.



4. **Councillor Question Time**

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To receive Councillor questions at this meeting on any matter in which the Executive has powers or duties or which affects the District. Fifteen minutes will be set aside for this purpose. Please note that in accordance with the Council's Constitution a question can only be asked if written notice has been given to the Corporate Head of Service with responsibility for Democratic and Legal Services by 10.00am on the working day before the meeting.

5. **Report of the Scrutiny Committee**

The Executive will receive a report on the work of the Scrutiny Committee from the Chairman of that Committee.

6. **Joint Waste Contract**

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It is recommended:-

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;

Joint Waste Contract Award con't

- 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. 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 recommends to the Council that:
- a. sufficient funding for the vehicles required to operate the Joint Waste Contract in Mole Valley is 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 JWCCS;
 - c. responsibility to implement any actions necessary to achieve the recommendation of this report, including any changes to the Council's constitution, be delegated to the Chief Executive and Chairman of the Council.

Executive Member: Councillor Michelle Watson

Corporate Priorities: Environment & Prosperity

7. **Future Surrey Waste Partnership**

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It is recommended:-

1. The Executive agrees 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 delegates 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.

Future Surrey Waste Partnership con't

3. The Executive supports further development of the co-owned single tier entity model for waste services and asks 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.

Executive Member: Councillor Michelle Watson

Corporate Priorities: Environment & Prosperity

8. **Month 6 (September) - 2016/2017 Business and Budget Monitoring** 127

The Executive is asked to note the Council's performance and financial position for the end of September (Month 6) 2016/17.

Executive Member: Councillor Lynne Brooks

Corporate Priorities: Environment, Prosperity and Community Wellbeing

9. **Whistleblowing Policy** 149

The Executive is asked to consider and approve the revised and updated Whistleblowing Policy for Mole Valley District Council.

Executive Member: Councillor Lynne Brooks

Corporate Priorities: N/A

10. **Restricting Office to Residential Permitted Development Rights** 163

The Executive is asked:-

1. To approve the use of Article 4 directions to restrict permitted development rights for the conversion of offices to residential on targeted sites.
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.

Executive Member: Councillor Duncan Irvine

Corporate Priorities: Environment & Prosperity

11. **Motion 2/2016** 169

The Executive is asked to consider the motion and to advise the Council to accept the motion, reject the motion, or to accept an amended motion.

Executive Member: Councillor Vivienne Michael

12. **Appointment to Leatherhead United Charities**

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The Executive is asked to decide the appointment for the vacancy on Leatherhead United Charities.

Executive Member: Councillor Vivienne Michael

13. **Urgent Items**

To consider any items of business, other than those shown on this agenda and which, by reason of special circumstances to be stated at the meeting, in the opinion of the Chairman, should be considered at the meeting as a matter of urgency.

14. **Exclusion of Press and Public**

The Executive may exclude the press and public for the following item of business and to do so it must pass a resolution in the following terms:

RECOMMENDED that members of the Press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it:

involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and (the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. **Joint Waste Contract—Appendix 3**

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If you require a copy of this agenda, any of the reports within it or a large print version of the agenda, please telephone Simon Trevaskis on **01306 879384** or e-mail: simon.trevaskis@molevalley.gov.uk

NOTE: This meeting will be webcast for live or subsequent broadcast via the Council's internet site (www.molevalley.gov.uk). The whole of the meeting will be filmed except where there are confidential or exempt items. Generally the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed. Members of the press/public may film or record proceedings, blog or tweet proceedings and take photographs providing they do not disturb the conduct of the meeting. The Chairman of the meeting has the discretion to terminate or suspend filming/recording if in his/her opinion continuing to do so would prejudice the proceedings of the meeting or, on advice, considers that continued filming/recording might infringe the rights of any individual.