

**EXECUTIVE**

7 September 2006

\*Councillor Andrew Hodges (Chairman)  
Councillor Andrew French (Vice-Chairman)

*Councillor Vas Kapsalis	*Councillor Tony Rooth
Councillor Nigel Manning	*Councillor Keith Taylor
*Councillor Terence Patrick	*Councillor Jenny Wicks
Councillor Mrs Jennifer E Powell	

\*Present

Councillors Keith Childs, David Goodwin, Liz Hogger, Vivienne Johnson, Caroline Reeves, Pauline Searle, Victor Searle and Fiona White were also in attendance.

**EX85 – APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Andrew French, Nigel Manning and Mrs Jennifer E Powell.

**EX86 – LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS**

In accordance with the Local Code of Conduct, the following Members disclosed interests as indicated below:

Member	Minute Ref. and (Page No.)	Type and nature of interest
Councillor Keith Childs	EX98 (14)	<b>Personal:</b> Councillor Childs was a member of Shere Parish Council and a member of Shere Recreation Ground Association.
Councillor Terence Patrick	EX97 (12)	<b>Personal:</b> Councillor Patrick was a past chairman of the Friends of The Electric Theatre.

**EX87 – MINUTES**

The minutes of the meetings of the Executive held on 13 July and 3 August 2006 were confirmed and signed, subject to the following corrections in respect of Minute EX43: Local Code of Conduct – Disclosure of Interests of the 13 July meeting:

- The disclosure of interest from Councillor Tony Rooth to show a personal, rather than prejudicial, interest in respect of Minute EX50 (Project to Replace the Civic Hall: Next Steps) by virtue of his membership of the Court of the University of Surrey.
- The disclosure of interest from Councillor Keith Taylor in relation to Minute EX50 to also show a personal interest due to his membership of the Court of the University of Surrey.

**EX88 – MATTERS REFERRED TO THE EXECUTIVE BY THE ENVIRONMENT SCRUTINY COMMITTEE FOR DECISION (4/9/06)**

In respect of the matters referred to the Executive by the Environment Scrutiny Committee at its meeting on 4 September 2006, the Executive

RESOLVED: That the following recommendations be adopted:

**(i) EN38 – WASTE AND RECYCLING ACTION PLAN**

(I) That, subject to:

(a) the amendment of the Action Plan timetable as follows:-

(i) 2007/08: that Officers investigate the costs of suitable composting facilities and the addition of a borough-wide kerbside collection of food waste.

(ii) All years: Add a section about selling green cones and wormeries, to encourage home composting of food waste.

(b) Officers continuing to investigate options for the disposal of other plastics for recycling as well as bottles, with the aim of enabling collection of all types of plastic as soon as possible; and

(c) Officers investigating methods for the improved promotion of wormeries as well as green cones, to encourage more home composting of food waste;

the following recommendations be adopted:

(II) That the development of the waste and recycling services and initiatives be fully acknowledged.

(III) That the Head of Recycling, Cleansing and Parking Services be authorised to carry out all necessary investigations into the options for the collection of food waste.

(IV) That the Head of Recycling, Cleansing and Parking Services be authorised to continue to explore all opportunities with Surrey County Council for the disposal of kitchen waste.

(V) That Officers continue to seek all opportunities for external funding.

Reason for Decision:

To reach the Council's 60% target for recycling and home composting of household waste.

**(ii) EN39 – COMBINED HEAT AND POWER AT MILLMEAD HOUSE**

(I) That Officers be authorised to produce a detailed business case, including anticipated phasing, for implementation of CHP and Ground Source Heat Pumps at the Millmead offices, and to report back to Members in three months' time.

- (II) That the possibility of extending a CHP scheme outside of the Council's property portfolio to such locations as the Britannia Public House and the NHS Buryfields Clinic be investigated and incorporated into the business case to be produced.
- (III) That the proposed major improvements to the Millmead reception area be not proceeded with, and that only minor improvements to the reception facilities be considered as the heating and cooling systems are resolved.

Reason for Decision:

To ensure replacement of redundant and inefficient plant at the Millmead offices with energy efficient equipment and to ensure the most cost effective implementation and least disruption to service delivery.

**(iii) EN40 – SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON VEHICLE PARKING STANDARDS**

- (I) That, subject to:
  - (a) the amendment of Paragraph 1, page 19 of the draft SPD to read: *"The standards are the maximum which will be allowed, in appropriate circumstances a lower provision may be acceptable"*;
  - (b) the amendment of any reference to maximum parking standards throughout the document to reflect the wording in (a) above;
  - (c) the amendment of Paragraph 2, Page 20 of the draft SPD (Schools and Colleges) to read:
 

*"Car parking: only operational requirements should be provided, including allowance for staff car parking, together with overflow parking on hard play areas for community uses. Pupil parking should not be provided as this encourages car usage (except in existing sites where any further on street parking will reduce highway safety or emergency access)"*.
  - (d) Officers looking again at the provision of staff parking at schools and colleges,

the amended Vehicle Parking Standards Supplementary Planning Document, as set out in Annex II to the report submitted to the Scrutiny Committee, be adopted.
- (II) That the screening opinion attached at Annex III to the report submitted to the Scrutiny Committee be agreed and that authority be delegated to the Head of Environmental Policy & Design Services to undertake screening opinions and appropriate assessments pursuant to Part IV of the Habitats Regulations.

Reasons for Decision:-

To assist planning applicants, developers and Council Officers in ensuring that appropriate levels of parking provision serving new developments within the

Borough are met and serve wider sustainability objectives and to ensure that there will be no impact on the SPA, in compliance with the Habitats Regulations.

**(iv) EN41 – REVIEW OF CAR PARKING CHARGES ON SUNDAYS AND AT SHALFORD PARK**

- (I) That a further review of the need for on-street parking controls be undertaken prior to introducing any increase to Sunday charging in the off-street car parks.
- (II) That Surrey County Council's Guildford Local Committee be informed that it may be necessary to increase tariffs in the off-street car parks on Sundays to control demand, and be advised of this Council's concern over the possible effect of displacement of parking on to the highway and be requested to consider this during its next review of the Controlled Parking Zone.
- (III) That the proposal to increase the parking charge at Shalford Park from £1 to £1.50 be agreed as part of the next Parking Business Plan in order to ensure that Park and Ride remains attractive compared to parking nearer to the town centre.

Reasons for Decision:

To provide value for money and to control the use of car parks in the town centre to promote a dynamic economy.

**(v) EN42 – SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON INFRASTRUCTURE**

- (I) That the Infrastructure Supplementary Planning Document be amended in accordance with the changes set out in Annex II to the report submitted to the Scrutiny Committee.
- (II) That the Head of Environmental Policy & Design Services be authorised, in consultation with the Lead Member for Environment, to make factual changes necessary to ensure the Infrastructure SPD remains up to date.
- (III) That the screening opinion attached at Annex III to the report be agreed and that authority be delegated to the Head of Environmental Policy and Design Services to undertake screening opinions and appropriate assessments pursuant to Part IV of the Habitats Regulations.

Reasons for Decision:

To assist planning applicants, developers and the Council's Officers in delivering the infrastructure necessary to support new development, through the provision of up to date planning guidance and to ensure that there will be no impact on the SPA, in compliance with the Habitats Regulations.

**EX89 – MATTERS REFERRED TO THE EXECUTIVE BY THE LICENSING COMMITTEE FOR DECISION (6/9/06)**

In respect of the matters referred to the Executive by the Licensing Committee at its meeting on 6 September 2006, the Executive

RESOLVED: That the following recommendations be adopted:

**L14 - HACKNEY CARRIAGES: APPLICATION FOR INCREASE IN FARES – RESPONSE TO OBJECTIONS**

- (I) That the proposed increase in Hackney Carriage fares as detailed in the Officers' report to the Licensing Committee on 17 May 2006, be approved.
- (II) That proposals for future Hackney Carriage fare increases be considered by the Licensing Committee upon receipt of the minutes from the meeting of the Taxi Advisory Group held on 23 August 2006.

Reason for Decision:

To ensure that any Hackney Carriage fare increases made are considered fair and in line with rising costs.

**EX90 – SUPPLEMENTARY ESTIMATES – 2006/07**

The Executive noted a report on the supplementary estimates that had been approved during the current financial year.

**EX91 – GUILDFORD YOUTH COUNCIL – PROGRESS REPORT**

The Executive received and noted a report setting out details of the work and activities undertaken by the Youth Council during its tenth year of operation. The Youth Council Chairman, Scarlett Benson and Youth Council Co-ordinator, Kerry Sexton, attended the meeting to introduce the report and respond to Members' questions.

The Youth Council had continued to develop its role as a consultative body for initiatives being progressed by local organisations. The Borough Council was seeking to enhance this role and the views of the Youth Council had been sought on an increasing number of matters that had been referred to various Council committees and on other important issues affecting young people, details of which were set out in the report.

In addition to attendance at the formal Youth Council meetings, many of its members represented the Youth Council on local and national Groups, including the Guildford Local Strategic Partnership and the Surrey Youth Parliament

The report updated Members on progress with current projects together with those that were planned for 2007. The Executive acknowledged that the Youth Council had developed its role, supported new initiatives and found new direction during the year and noted that it would continue to need financial and administrative support from the Borough and County Councils.

**EX92 – SPECIAL PROTECTION AREA AVOIDANCE STRATEGY**

Prior to consideration of this matter, the following persons addressed the meeting in accordance with Procedure Rule 32 (a):

- Wendy May (Stoughton Community Association)
- Ian Godfrey (Secretary, Stoughton Community Association)
- Jennifer Kyte
- Beverley Mussell (Westborough Allotments Self Help Association)
- Tony Page

The Executive considered a report on the outcome of the public consultation exercise recently undertaken in respect of the proposed Interim Special Protection Area Avoidance Strategy (SPAAS). A similar report had been considered by the Environment Scrutiny Committee at its meeting on 4 September 2006. Details of the Scrutiny Committee's recommendations were reported to the Executive at the meeting.

The approved SPAAS would carry weight when the Council considered future planning applications for residential development in the Borough in relation to the Council's consideration of whether the proposed development would be likely to have any significant effect on the Thames Basin Heaths Special Protection Area as required by The Conservation (Natural Habitats, &c.) Regulations 1994.

In producing the SPAAS, Officers had worked closely with English Nature, which had supported the approach being taken by the Council. This approach had also been endorsed by the Government Office for the South East.

Details of the avoidance sites which had been included in the consultation exercise and an update of the estimated cost of avoidance in respect of each site were summarised in the report submitted to the Executive. Members noted that developer contributions to avoidance costs would be secured by Section 106 planning obligations.

The Executive considered a summary of responses to the consultation exercise, which had been included in the report submitted to the Environment Scrutiny Committee and on the Supplementary Information sheet circulated at the Executive's meeting, together with the Officers' comments thereon.

The Executive also considered the revised draft Interim SPAAS, which had been amended in the light of the responses received during the public consultation exercise.

In order to determine how much of each of the proposed avoidance sites could be put forward as avoidance land, visitor surveys were being undertaken to gauge current use and visitor patterns. Officers, in consultation with English Nature, would then be able to determine what percentage of each site should be put forward as avoidance land.

The consultation version of the Strategy had included five sites following the Executive's decision on 13 July 2006 to include the 70-hectare site, Chantry Wood. It had only been necessary to provide sufficient avoidance land to deliver Guildford's housing targets set out in the Surrey Structure Plan and emerging South East Plan, which was the equivalent of 42 hectares of avoidance land. The Officers considered that it would be prudent to identify more land than was required so as to build flexibility into the Strategy, and to ensure that a number of sites could be provided across the Borough.

The Executive noted that, subject to the outcome of the visitor surveys, it was unlikely that all three sites around the urban area of Guildford would be required. By including all three of these sites (Riverside, Chantry Wood and Tyting Farm), the cost of the tariff would be artificially high, as the sites covered the majority of the same area. It was noted that as the Riverside site had a catchment that covered the whole of the urban area of Guildford, it should therefore be included. However, as the catchment of Chantry Wood and Tyting Farm excluded a small part of the urban area, it was considered appropriate to remove one of these sites from the Strategy. The Executive agreed with the Environment Scrutiny Committee's recommendation that Tyting Farm should be removed from the list of proposed avoidance areas.

The Executive and the Chairman of the Environment Scrutiny Committee agreed that, as it was intended to implement the 'Avoidance Strategy' with effect from Monday 18 September 2006, the call-in procedure under Overview and Scrutiny Procedure Rule 69 (f) should not apply in relation to the decision on this matter.

The Executive

RESOLVED:

(NOTE: The italicised text, or text which has been struck through, indicates where the Executive has amended the Scrutiny Committee's recommendation).

(I) That the amended interim Special Protection Area Avoidance Strategy, as set out in Annex II to the report submitted to the Environment Scrutiny Committee be approved for implementation with effect from Monday 18 September 2006, subject to:

- (a) ~~the inclusion of Westborough Woods in the Strategy as a local 'interceptor' avoidance site, allowing development within 400m providing the developers contribute to measures such as footpath improvements.~~
- (b) ~~the Council entering into urgent discussions with English Nature as an interim measure until a revised Strategy is adopted, to determine mitigation measures that would be sufficient to allow planning approvals to be given for sites that are either within walking distance (400m) or which have good public transport links to the avoidance areas and offer the possibility of attracting visitors away from the SPAs, namely Lakeside Park, Riverside Park, and Westborough Woods. It is expected that the relevant sites for the PFI affordable housing bid would come within this category so that the Council's PFI bid would be unaffected.~~
- (a) the Council continuing to discuss with English Nature (and its successor body Natural England) the extent to which additional sites, which may not yet have come forward, and specifically footpaths which link areas of natural open space, could contribute to the overall aim of creating 'avoidance' opportunities in line with the protection of the Special Protection Areas and further that any such space could be considered in the progress review which will be undertaken on an annual basis and necessary adjustments to this Strategy would then be made;
- (b) Officers, in consultation with English Nature, preparing a Section 106 template to be used to secure financial contributions for ~~mitigation~~ avoidance measures for all planning applications approved under the interim measure, ~~that takes account of essential work to the avoidance sites identified in (b) above as well as that necessary to provide more appropriate "interceptor" sites with particular emphasis on exploring appropriate additional "interceptor" sites;~~
- (c) procedures being put in place to ensure that all ~~mitigation~~ *necessary* works on avoidance sites are implemented only after full consultation with the appropriate Parish Councils and residents' organisations;
- (d) the Council writing to English Nature stating that the Council and respondents to its consultation on this matter are concerned that the major effect on helping the affected birds would be gained by action on the SPAs directly, specifically by

controls on dogs in the nesting season (with examples from the responses) and urging English Nature to give priority to this type of action;

- (e) the Avoidance Strategy not encouraging additional car journeys, contrary to the Council's Climate Change Strategy;
- (f) the Council using monies received from house building levies as reasonably close to the areas where new building is expected to take place as it can;
- ~~(h) the incorporation in the Avoidance Strategy of improvement to footpaths, bridleways and to make areas to which the public have access easier to reach and more attractive. (Note that 5kms of a 2 metre wide path provides 1 ha. of mitigation land). These areas should include Westborough Woods, the stretch of the Wey Navigation from the A3 (GR 990509, near Dennis Roundabout) to Broadoak Bridge & accesses to the Wey, specifically the footpath from Slyfield to Stoke Lock.~~
- (g) the removal of Tyting Farm from the list of proposed avoidance sites; and
- ~~(j) a review of the Interim Avoidance Strategy on an annual basis until such time as a revised Strategy is adopted.~~
- (h) the further amendments to the Avoidance Strategy, as set out in the Executive's Supplementary Information Sheet.

(II) That authority be delegated to the Head of Planning Development Services to undertake screening opinions and appropriate assessments pursuant to Part IV of the Habitats Regulations.

Reason for Decision:

To facilitate the determination of planning applications by ensuring that there will be no impact on the SPA and therefore compliance with the Habitats Directives.

**EX93 – 101 SINGLE NON-EMERGENCY TELEPHONE NUMBER**

The Executive considered an update report on progress with the 101 Non Emergency Telephone Number, which sought support for the principle of a district/borough based call centre model to enable a joint bid for funding to be submitted to the Home Office by 6 October 2006.

Members noted that Surrey District/Borough Council Leaders and Chief Executives had met on 6 September 2006 to consider the proposals and had unanimously agreed that a bid should be made by the Districts/Boroughs to provide the call handling service.

The final draft bid had proposed Reigate & Banstead Borough Council as the daytime call handling partner with Mole Valley District Council as the out-of-hours partner. This 'East Surrey' bid, together with the Police, would create a two-partner proposal at day one of implementation.

The Project Board had considered whether Guildford or Mole Valley should be the 24/7 partner. This was fundamentally about choosing one from the two so that the complexity of the proposal could be reduced. On balance, Mole Valley had been named.

In relation to Guildford's position, although there had been some spare capacity at the Central Emergency Communications System, it was considered very unlikely that this role could be accommodated within existing resources and therefore being the named out-of-hours partner would have created the need for additional resources, albeit potentially generating income at the same time.

The Executive noted that Guildford had been named specifically as being able to assist in providing additional capacity as required and that this would generate additional income but without requiring significant additional resources.

All 11 District/Borough Leaders had endorsed the view that, as 7 out of the 8 issues covered by 101 were district council functions, this proposal would provide a more efficient and effective service. The Executive accordingly

RESOLVED: (I) That the Council confirms its agreement to, and support for, a district-based model of delivery and call centre provider in respect of the proposed 101 Non-Emergency Telephone Number scheme, with Reigate & Banstead Borough Council and Mole Valley District Council being, respectively, the daytime call handling partner and the out-of-hours partner.

(II) That the Chief Executive and relevant Director(s) be authorised to agree the appropriate elements of the Surrey bid to the Home Office, in consultation with the Lead Members for Community Safety and Housing.

Reason for Decision:

To enable the Surrey Safer and Stronger Communities Partnership Board to submit a bid to the Home Office for funding of a Surrey wide arrangements for providing a 101 Non-Emergency Telephone Number.

**EX94 – FORMAL ADOPTION OF THE SURREY JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY**

The Executive was reminded that the Council had responded formally to the public consultation on the draft Surrey Joint Municipal Waste Management Strategy (JMWMS), which had been issued by the Surrey Local Government Association (SLGA) on 27 April 2006. Members noted that the SLGA had now commended the formal adoption of the JMWMS by all 12 Surrey authorities.

The production of the Strategy was a mandatory requirement with associated guidance issued by the Department for Environment, Food and Rural Affairs (DEFRA) and was also a vital step in collaborative strategic planning for the future of waste management within Surrey.

The Surrey JMWMS was a 20-year long-term plan for the management of waste in the county with challenging targets and the stated intention of reducing the use of landfill. It had also been developed in line with the waste hierarchy with the aim to prioritise waste minimisation and recycling.

All 12 waste authorities had submitted waste action plans for their areas of responsibility and an extensive series of technical supplementary reports had also been produced. Members noted that Surrey County Council's Action Plan outlined how the Waste Disposal Authority wished to manage the various aspects of waste in terms of disposal and treatment within the county, which included Energy from Waste via incineration.

Whilst it was clear that the JMWMS contained many positive elements including challenging recycling targets, joint waste education and awareness campaigns, facilities for processing organic waste and improvements to the Civic Amenity sites, the Executive felt that the JMWMS should only be adopted formally by this Council with the caveat that Surrey County Council's Action Plan could not be supported given this Council's stated policy of opposition to incineration.

Accordingly, the Executive

RESOLVED: (I) That the Surrey Joint Municipal Waste Management Strategy be adopted as the primary strategy for managing Surrey's municipal waste and the Council's own Waste Collection Authority Action Plan, and that the Strategy be submitted to the Government Office for the South East and the Secretary of State.

(II) That the Head of Recycling, Cleansing & Parking Services be authorised to write to the Surrey Local Government Association confirming this Council's adoption of the JMWMS but also to state that this Council does not approve of incineration and therefore cannot approve Surrey County Council's Action Plan.

Reason for Decision:

To implement the JMWMS for the long-term management of municipal waste within Surrey and to re-state this Council's objection to the use of incineration.

**EX95 – REVIEW OF THE COUNCIL'S RESERVES**

The Executive considered a report on the review of the Council's reserves and revenue balances. The report provided details of the use for each reserve and made a number of recommendations for changes to some of them.

The Executive

RESOLVED: (I) That the following changes to Earmarked Reserves be approved:

- (i) General Reserve  
Change the name of the reserve to "General Fund Major Capital Schemes Reserve".
- (ii) General Fund Minor Capital Schemes Reserve  
Transfer £200,000 of the balance to the General Fund Major Capital Schemes Reserve.
- (iii) Industrial Estates Reserve  
Any residual balance after allowing for commitments be transferred to the General Fund Major Capital Schemes Reserve.
- (iv) Insurance Reserve  
Transfer £157,000 to the General Fund Major Capital Schemes Reserve.
- (v) Movement Initiatives Reserve  
Transfer balance (approx £154,000) to the General Fund Major Capital Schemes Reserve to help fund Park and Ride schemes.

*(vi) Rating Valuation Appeals Reserve*

Transfer £528,000 to Spectrum Renewals Reserve and the balance (approximately £3.584m) to the General Fund Major Capital Schemes Reserve.

(II) That the former CCT related reserves (Grounds Maintenance, Housing Repairs, Lido Reinvestment and Services Group) be utilised for current programmes of work and then closed and that, in future, these services be invited to submit bids to the Major or Minor Schemes Capital Programmes as appropriate.

(III) That the levels of balance held and the suggested ongoing policy in respect of each of the other reserves referred to in Annexe 1 to the report submitted to the Executive be approved.

Reason for Decision:

To make best use of the Council's earmarked reserves.

**EX96 – CHILDCARE VOUCHER SCHEME**

The Executive considered a report on the possible introduction of a Childcare Voucher Scheme (CVS) as an employee benefit, providing tax and National Insurance (NI) savings for the employee and NI savings for the employer. CVSs were independent from any other employee benefit that an employer might provide such as the Council Childcare Allowance.

A CVS was a Government Scheme to help working parents with childcare costs. The Government gave tax and NI savings on up to £243 of childcare vouchers per month per working parent. The Scheme enabled employees to accept childcare vouchers from their employer instead of equivalent salary (referred to as "salary sacrifice") and the voucher portion of their salary was tax and NI free, providing savings to both the employee and employer. Members noted that a childcare voucher company would normally be contracted to provide the vouchers.

The vouchers could be used towards payment of childcare costs for children up to the age of 15 (or 16 for children with special needs).

Employees had the potential to save tax and NI up to £962 per year and a higher rate taxpayer could save up to £1,066. Employers would save employer NI of between 9.3-12.8% on the value of the vouchers issued. Childcare Voucher Providers would charge an administrative fee to the employer of between 4% and 8% of the employer's NI saving. Prior to the administrative charge, an employer would save £270-£370 per annum per employee taking advantage of the full Childcare Voucher allowance. On the assumption that the 30 staff that currently benefited from the Childcare Allowance payment took full benefit of the CVS, the Council would receive a saving of £8,100 (less the administrative fee) based on all the staff being lower rate taxpayers.

The Executive noted that, in addition to the financial benefits that an employer would receive from introducing a CVS, Childcare Voucher Providers had highlighted the following advantages:

- A demonstration of commitment to staff;
- Improvement in staff motivation and morale;
- Reduction in absenteeism
- Retention of staff and savings on recruitment costs

The report had also set details of how the Council might introduce a CVS and the current status of the Council's existing Childcare Allowance scheme.

The following options were considered:

- (a) The introduction of a CVS as an additional employee benefit for all eligible employees of the Council.
- (b) The introduction of a CVS and the review of the existing Council Childcare Allowance.
- (c) Do nothing.

The Executive, having noted that the Staff Side supported the introduction of a CVS with the following provisions:

- That those currently receiving the Childcare Allowance should be given the option to remain in the scheme.
- That new employees should be eligible for the Childcare Allowance if they were unable to benefit from the CVS

RESOLVED: (I) That a Childcare Voucher Scheme, as described in the report submitted to the Executive, be introduced and that the existing Council Childcare Allowance scheme be reviewed.

(II) That superannuation be paid by the Council on the pre salary-sacrificed amount as per the employee's choice.

(III) That the proposal be discussed in greater detail by the Local Joint Panel at its meeting on 12 September 2006.

Reason for Decision:

To increase the number of employees able to take advantage of assistance towards childcare provision whilst targeting the Childcare Allowance to those with greatest need.

**EX97 – PROPOSED TEMPORARY OUTDOOR ICE RINK ADJACENT TO THE ELECTRIC THEATRE**

The Executive considered a report on a proposal to establish a seasonal outdoor ice rink adjacent to the Electric Theatre between 10 December 2006 and 21 January 2007.

The proposal involved the design, build and installation of a temporary, 320m<sup>2</sup> ice rink on the plaza directly in front of The Electric Theatre, at a total cost of £123,772. It was anticipated that income would offset this expenditure with a realistic likelihood that an operating surplus would be generated. However, it was recognised that achieving a surplus would be dependent on, amongst other factors, significant promotional advertising and could not be guaranteed. Details of anticipated expenditure and income based on three levels of potential utilisation were set out in Annexe I to the report.

Members recognised that ice-skating was currently booming in terms of participation levels, and outdoor skating in attractive locations had become very popular over the last few years, for example at Somerset House, Hampton Court and the Tower of London. Seasonal facilities in particular had also been successful in Windsor, Greenwich and Hampstead Heath.

Whilst Members generally welcomed the provision of a seasonal outdoor ice-skating facility in Guildford as an exciting addition to Guildford's Christmas offer, which would also coincide with The Electric Theatre's 10<sup>th</sup> Anniversary, it was clear that there were risks associated with such a venture. The report had set out details of those risks for Members to evaluate before making a decision on the proposal.

The report had also indicated that as the provision of temporary ice rinks in the UK over the festive season had expanded rapidly, the three major specialist companies in this field had been approached by the Head of Cultural Services to enquire whether they would be able to provide a facility in Guildford for the Christmas period. Members noted that one of these companies was already fully committed and that of the other two, Iceshow Ltd had offered a substantially better priced package. The report had therefore set out Iceshow Ltd's detailed proposals for the Executive's consideration.

In considering the proposal, the Executive was advised that If the ice rink were to be in place for more than 28 days, a temporary planning permission would be required, as would temporary advertisement consent for the advertising boards etc. In addition, Building Regulation consent would be required in respect of the skate hire and equipment marquee.

The Executive was informed that, for the proposal to proceed, a 60% non-refundable deposit would be required immediately by the equipment supplier in order to secure certain essential equipment in time for the event for which there was considerable demand.

In view of the financial risks associated with the proposal, the Executive favoured an alternative option which would provide for the ice rink project to be undertaken entirely by a third party, which would secure and guarantee the set up payments for the equipment and fee to Ice Show Ltd, thereby taking the risk away from the Council. Members noted that discussions had already been held with such a third party, namely Best Red Ltd.

The third party option would place the project on a standard basis for most events at the Electric Theatre. The Council and The Electric Theatre would benefit from the 'feel good' factor, by providing a popular service to residents and visitors to the town. The Electric Theatre would receive Box Office commission as well as 12% of catering income from the Café Bar. The increase in catering income would be expected to be significant as the Theatre and Café Bar were usually closed over the Christmas period.

The Executive and the Chairman of the Community Development Scrutiny Committee agreed that the call-in procedure under Overview and Scrutiny Procedure Rule 69 (f) should not apply in respect of the decision on this matter given the need to ensure that the necessary equipment was reserved as soon as possible. Having given careful consideration to the proposal, the Executive

RESOLVED: (I) That, subject to the receipt of all necessary consents, the proposal for the installation of a temporary ice rink adjacent to The Electric Theatre between 10 December 2006 and 21 January 2007, as described in the report submitted to the Executive, be approved in principle.

(II) That Best Red Ltd be invited to undertake the project on the Council's behalf on such satisfactory terms and conditions, particularly with regard to the taking of the financial risks associated with the project, as may be agreed by the Head of Cultural Services and Head of Legal & Property Services, in consultation with the Leader of the Council.

(III) That, should Best Red Ltd be unable to undertake the project as envisaged in (II) above, the Head of Cultural Services be authorised to enter into an appropriate contract with Iceshow Ltd on terms to be agreed by the Head of Legal & Property Services and that Procurement Procedure Rules be waived in that regard, in consultation with the Leader of the Council.

Reason for Decision:

To enable The Electric Theatre to maximise leisure opportunities for the residents of Guildford.

**EX98 – POSSIBLE PROVISION OF PUBLIC CAR PARK IN SHERE – OUTCOME OF FEASIBILITY STUDY**

Members were reminded that, at its meeting on 3 November 2005, the Executive had requested the Officers to undertake a feasibility study into the possible provision of a public car park in Shere and to report back the findings in due course.

The Executive considered a further report which set out details of the work carried out to date on the feasibility study. The report explained that the need for an off-street public car park in Shere had been identified in the Shere Conservation Area Appraisal (CAA), which recognised that it was important to encourage people to continue to visit Shere as the vitality and economic viability of the various shops and businesses depended on visiting trade and tourism. The CAA had concluded that there might be an opportunity to create a small public car park somewhere in the village and that this should be explored.

The Executive was informed that there was an existing private unmade off-street car park at Shere Recreation Ground that was used by visitors to the recreation ground and also by the public. It would be possible, subject to the receipt of planning permission, to extend this area and Surrey County Council had given its approval in principle to extending the car park by utilising the existing access.

Members noted that the Shere Recreation Ground Association (SRGA), which administered the site on behalf of trustees, had indicated that it had no objection in principle to the extension of the existing car park and its use as a public car park, subject to agreement of an appropriate rent and other terms with Shere Parish Council. It was also noted that the Parish Council fully supported the proposal and had agreed to make a contribution of £10,000 towards the capital cost of the car park and to be responsible for its future maintenance.

The Executive acknowledged that the award of any grant from the Minor Schemes Capital Programme towards the scheme would be conditional upon the car park being available for public use. It was suggested that the use of the car park should be free so as to encourage people to use it.

Having noted that the provision of a public car park at Shere would fit in with the Council's Key Strategic Priority of preserving and enhancing a sustainable environment, both rural and urban, within Guildford Borough, the Executive

RESOLVED: (I) That work on this project be continued as described in paragraph 10.1 of the report submitted to the Executive and that a further report be submitted to the Executive upon its completion.

(II) That the Officers be requested to put together a bid for funding towards the scheme via the Minor Schemes Capital Programme for 2007/08.

Reason for Decision:

The need for the provision of an off-street car park in Shere had been identified in the Shere Conservation Area Appraisal.

**EX99 – REVISED COVERT SURVEILLANCE POLICY**

The Executive considered a report on the revision of the Council's Covert Surveillance Policy, which had been implemented on 28 March 2002, following its adoption by the Council.

Members noted that Mr Jeremy Fordham, of the Office of Surveillance Commissioners, had inspected the Council's arrangements for complying with the Regulation of Investigatory Powers Act 2000 (RIPA) on 3 November 2005. Although Mr Fordham's report had been generally favourable, he was of the opinion, after reviewing a sample of authorisation forms that some might be vulnerable to hostile challenge. He had noted that the evidential strength of the documents would rely on the authorising officer showing that he or she had personally assessed each of the statutory criteria. Mr Fordham had commented that it would specifically be the authorising officer's own mind processes that might be questioned if the validity of an authorisation was ever challenged.

Mr Fordham's most significant recommended amendment was to reduce the number of Officers who could authorise covert surveillance operations in order to ensure that there was a core of expertise among a small number of authorisers familiar with the statutory criteria. Such an arrangement would help to reduce the risks identified above.

The Executive agreed that this was a sensible suggestion bearing in mind that any officer who granted an authorisation could be required to attend court as a witness in order to explain his or her reasons for granting it.

Having noted that other proposed amendments to the Policy had been summarised in Annexe 1 to the report, the Executive

RECOMMEND: (I) That authority be delegated to the Chief Executive in respect of the appointment of Authorising Officers for the purposes of covert surveillance operations.

(II) That the amended "Version 2" of the Covert Surveillance Policy, as attached as Annexe 2 to the report submitted to the Executive, be adopted, subject to the amendment of the first sentence of paragraph 4.1.4 to read as follows:

*"The Information Rights Officer will provide the Chief Executive and Leader of the Council with a quarterly report on the number and nature of covert surveillance authorisations, highlighting any areas of concern."*

Reason for Recommendation:

To comply with requirements of the Regulation of Investigatory Powers Act 2000.