



COUNCIL MEETING

TUESDAY, 9 APRIL 2019

ORDER PAPER

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you make a representation to the meeting, you will be deemed to have consented to being recorded. By entering the Council Chamber, you are also consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding webcasting of meetings, please contact Committee Services on 01483 444102.

On behalf of all councillors, I would like to welcome you to this evening's meeting. I should be grateful if you would ensure that your mobile phones and other hand-held devices are switched to silent during the meeting. If the fire alarm sounds during the course of the meeting - we are not expecting it to go off - please leave the Council Chamber immediately and proceed calmly to the assembly point in Millmead on the paved area adjacent to the river as you exit the site.

This Order Paper sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any matter on the agenda or any matter relevant to the functions, powers, or duties of the Council. It also sets out details of any written questions to be asked by councillors, together with any motions or amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under the Public Participation item, they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

Councillor Mike Parsons
The Mayor of Guildford

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TUESDAY 9 APRIL 2019

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This Order Paper sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any matter on the agenda or any matter relating to the Council's functions, powers or duties. It also sets out details of any questions submitted by councillors on any matter relating to the Council's functions, powers or duties or any matter which affects the Borough, or any motions and amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under Item 6 (Public Participation), they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

Councillor Mike Parsons
The Mayor of Guildford

Time limits on speeches at full Council meetings:	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DISCLOSURES OF INTEREST

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 1 – 28 of the Council agenda)

To confirm the minutes of the Meeting held on 26 February 2019.

4 MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5 LEADER'S COMMUNICATIONS

There are no communications or announcements from the Leader this evening.

6 PUBLIC PARTICIPATION

Mr John Rigg has registered his wish to make a statement in respect of Item 11 on this Agenda.

The Leader of the Council to respond.

7 QUESTIONS FROM COUNCILLORS

- (a) **Councillor Caroline Reeves** to ask the Lead Councillor for Licensing, Environmental Health and Community Safety, Councillor Graham Ellwood, the following question:

“There has been a series of derogatory comments and misinformation on social media about the replacement stray dog service now that Treetops has closed. Please could the Lead Councillor for Licensing, Environmental Health, and Community Safety explain exactly what the new provision is and how it works, as well as a clear explanation of the charges?”

Also there is new legislation to cover the licensing of dog kennels, catteries and the breeding of dogs. Given the unfortunate stories we hear around bad practice and breeding farms, it would be beneficial to know what steps are taken to stop this. Please could the Lead Councillor give an explanation of how this new system functions?”

The Lead Councillor's response is as follows:

“Thank you for your question regarding the recent social media interest in the Council's stray dog service. I would like to explain the new service to reassure the public that animal welfare is at the forefront of the new service.

Following an open procurement process the Council has recently appointed a new contractor for the collection and kennelling of stray dogs. The new contract was extended to include the collection of stray dogs 24 hours a day, 7 days a week, rather than just evenings and weekends. This not only provides an improved service to residents but allows the Council's Dog Warden to focus on the recent introduction of more robust animal welfare regulations covering licensed animal establishments such as catteries and kennels during the working week.

The new contractor takes and logs all calls from Guildford residents about lost and found dogs 24 hours a day 7 days a week. When an owner is identified, the dog is delivered back to them instead of the owner having to travel to the kennels on the next occasion that the kennels are open. The service is operated in fully licensed and insured boarding kennels, which have recently achieved the highest star rating possible (5 stars) under the new animal welfare licensing regulations. The kennels are used mainly for commercial dog boarding and the stray block, located in a separate area, is to the same high standard as the rest of the kennels. The vans used to transport the dogs have secure fixed cages, as well as water and air conditioning for hot weather. The vans also have mobile telephones and breakdown cover in case of emergency. We have robust contract monitoring procedures in place that include inspections of the kennels to ensure that the dogs are well looked after.

The kennels will provide the Council with details of where unclaimed dogs are placed after the statutory 7 day holding period. As previously, all unclaimed dogs will be sent to established rescue organisations or centres if the kennels are unable to find them homes themselves. We do not put down healthy dogs (unless the dog is one of the four banned breeds named under the Dangerous Dogs Act 1991 and then we have a legal duty to euthanise by a Vet). In accordance with their licence requirement, the kennels are registered with a veterinary practice and any sick or injured dog will be taken straight to them. The kennels will also contact the Council in serious cases and where euthanasia is advised by the vet, or undertaken in an emergency.

Our charges remain unchanged under the new arrangements. As before, owners have to pay one fee which comprises two parts: the government and council prescribed fee. The total fee is £108.50 for the first day or part thereof and it increases incrementally each day to a maximum of £271.00 on the 7th day (£108.50, £131.00, £153.00, £180.00, £207.00, £234.50, and £271.00).

The new animal welfare licensing legislation has introduced higher welfare standards and more types of animal activities are required to be licensed. The new regulations introduce a national system of premises ratings, similar to the food hygiene rating scheme which will allow members of the public to make a decision on which businesses to use based on the standards achieved. The Council is also actively searching for businesses that require licensing under the new legislation to ensure they are licensed appropriately.”

Councillor Graham Ellwood
Lead Councillor for Licensing, Environmental Health and Community Safety

- (b) **Councillor Bob McShee** to ask the Lead Councillor for Community Health, Wellbeing, and Project Aspire, Councillor Iseult Roche the question set out below. The Lead Councillor's comments in response to each element of the question is set out in red type below:

"With the Executive deciding that the option to build a new Spectrum be progressed at a cost of up to £220 million, may I ask the Lead Councillor:

- (i) whether the Executive has considered what would be the financial effect on Guildford residents and council taxpayers towards the cost of building and operating such a large and expensive new project?

As stated in the report that was considered by the Executive on 19 March, the next phase of the feasibility process will look at the overall business case for the new venue. The cost of building a venue of comparable size to the existing one would be broadly the same, and probably slightly less, than refurbishing the existing building with significantly less disruption. As part of the business case, a funding plan will be required to be developed (as per recommendation 2 of the report).

- (ii) Surely the charges for usage and/or level of council tax will have to increase in order to help pay towards the costs of building and running such a facility once built?

As detailed in the 19 March report, Guildford Spectrum has historically run with an operating surplus contributing revenue income back into council funds. The impact of the cost of building the facility will depend to an extent as to how it is funded, the possible options for funding was set out in section 11 of the 19 March report and include planning gain (e.g. S106, Community Infrastructure Levy (CIL)), grant funding (e.g. Sport England), commercial partnership arrangements and borrowing).

The provision of leisure facilities is about building on Spectrum's fantastic success, we want to get the community more active and punitive pricing would not assist in achieving this goal as set out in the Council's Sport Development Strategy and the Health and Well Being Strategy. We want lots of people to be able to enjoy excellent facilities at a reasonable price again and again bringing exciting events, health benefits, employment and regional visitors to our town.

- (iii) What are the current charges for services provided at the existing Spectrum?

There is a vast range of charges for the different facilities for customers at Spectrum. The commercial prices are market led so if the charges are too high customers will use alternative facilities or spend their money in a different way. This would be unlikely to change in a new facility. The community prices are signed off by councillors each year as part of the budget process and this is unlikely to change.

- (iv) What charges are projected for services provided in a new Spectrum?

Please see the answer to (iii) above.

- (v) What increase in council tax may be required to help fund this project?

As stated earlier, a funding plan will be required as part of the business plan process. As I'm sure you are aware, there are government restrictions on how much council tax can be increased in a year without having a referendum. For a

borough council this threshold is currently 3% and this increase has to meet all the pressures on council budgets.

(vi) Will there be an entry charge for a new Spectrum?"

It is unlikely there would be any change to the current arrangements, with no general admission charge to visit the building unless you wished to gain access to a specific facility or event. We want to encourage as many people as possible to visit and enjoy both the leisure facilities and the catering facilities in the venue.

(c) **Councillor Bob McShee** to ask the Leader of the Council, Councillor Paul Spooner, the following question:

"With the Executive attempting to rush through the Local Plan before the local elections, it is clear that the scale and location of proposed housing development will bring more traffic into Guildford town, the villages, and across the borough, so I ask the Leader of the Council:

- (i) what steps are the Council taking to relieve the traffic congestion, pollution and environmental damage that will inevitably be caused?
- (ii) surely highways and other infrastructure improvements required to cope with new housing must come first?"

The Leader of the Council's response is as follows:

"Prior to addressing the detail of Cllr McShee's question, it is important to state up front that the Local Plan Inspector, in finding the Plan sound, has endorsed the approach taken by Council across the 11 main issues he identifies upon which the soundness of the Plan depends. This includes stating that, subject to his modifications, the Plan's overall spatial strategy is sound in every respect.

In response to part (i) of Councillor McShee's question, the Council has set out its approach to planning for future patterns of movement in the draft Local Plan, the Topic Paper: Transport and in the extensive evidence base covering the issues of traffic congestion, air and noise pollution. These issues were then discussed extensively during the examination hearings.

The planning inspector has recently published his report on the draft Local Plan. He finds that the plan is sound, subject to agreed main modifications, and is compliant with the legal requirements.

Specifically, the planning inspector's report addresses as issue 8 the question of 'Whether the Plan deals adequately with the transport impacts of its development strategy'. I would refer Councillor McShee to paragraphs 125 to 142 of the report.

In opening this section, the inspector identifies that:

'The Plan incorporates the programme of transport schemes contained in the Guildford Borough Transport Strategy 2017. This covers all modes of surface transport. The Plan's spatial strategy has been assessed in Surrey County Council's Strategic Highway Assessment Report (2016) and the Council's Addendum (2017). The conclusion of these studies was that the amount and distribution of development proposed in the Proposed Submission Local Plan together with the key highway schemes would not have a severe impact on the local and strategic highway network.' (125).

The inspector presents his findings with respect to the Council's approach to improvements to the A3 and junctions, local roads including the schemes for traffic management and/ or environmental improvements in the villages, other transport proposals including the new rail stations, the Sustainable Movement Corridor and the new park and ride.

He concludes as follows:

'The Plan deals adequately with the transport impacts of the development strategy, and takes a positive approach towards encouraging people to shift transport mode away from private vehicles. Subject to the main modifications described above, the transport strategy is sound.' (142).

In response the part (ii) of his question, I would refer Councillor McShee to Policy ID1 Infrastructure and Delivery, as modified, of the draft Local Plan.

This includes various elements including that:

'(1) Infrastructure necessary to support new development will be provided and available when first needed to serve the development's occupants and users and/or to mitigate its otherwise adverse material impacts. To achieve this, the delivery of development may need to be phased to reflect the delivery of infrastructure.' and

'(4) The imposition of Grampian conditions shall be considered as a means to secure the provision of infrastructure when it is needed. If the timely provision of infrastructure necessary to support new development cannot be secured in line with this policy, planning permission will be refused.'"

Councillor Paul Spooner
Leader of the Council

- (d) **Councillor Tony Rooth** to ask the Lead Councillor for Infrastructure and Governance, Councillor Matt Furniss, the question set out below.

"In view of the widening of the A281 road at Shalford to 4 lanes and an additional roundabout at Broadford Road being a condition of the planning approval for 1,800 homes at Dunsfold Aerodrome, would the Lead Councillor comment upon the effects these roadworks would have on Shalford Common, the open character of the village and the cricket club, what measures will be taken to cope with the increase in traffic coming into Guildford itself and along the roads towards Peasmarsh and Chilworth and Gomshall and whether these schemes will solve the congestion problems on the A281 and surrounding roads?"

The Lead Councillor's response is as follows:

"These highway improvements were approved as part of the redevelopment of Dunsfold Park for a new settlement. The proposals were recommended for approval by an independent Inspector following a Public Inquiry held between the 18 July and 3 August 2017. The development was subsequently approved by the Secretary of State for Housing, Communities and Local Government on 29 March 2018. Guildford Borough Council was not the determining authority for this development; however, the environmental impacts of the scheme, including these works, were considered as part of this process.

During the course of the appeal Guildford Borough Council, with the support of Surrey County Council, were able to secure a contribution of £5 million towards measures to

mitigate the transportation impact of the development within Guildford including improved edge of centre or out of town parking provision or other measures to provide road capacity headroom on the southern approaches to Guildford Town Centre This is in addition to the cost of the Shalford Works and the other transport interventions which are to be undertaken at the cost of the developer.”

Councillor Matt Furniss
Lead Councillor for Infrastructure and Governance

- (e) **Councillor Colin Cross** to ask the Lead Councillor for Finance and Asset Management, Councillor Nigel Manning, the question set out below.

“In view of the Executive’s recent u-turns in putting community assets like Burchatts Farm and Chantry Wood Campsite out for commercial disposal, will they give their binding undertaking to endorse the policy of the Independent Alliance and Residents for Guildford and Villages Groups, to promote all the borough’s cultural, historical and community assets for the benefit of the community, with such sites being protected and managed in a way that maximises their community value, whilst being as financially viable as is reasonably possible?”

The Lead Councillor’s response is as follows:

“I am afraid I cannot agree with Cllr Cross’s assertion that the Executive have made any U-turns. I must make clear that in neither of the cases mentioned was it the intention to dispose of the properties, both would have remained in the Council’s ownership and ultimate control. This Executive not only promotes our local culture and heritage, but spends substantial sums every year supporting these offers, totalling £1.9m.

Whilst I am happy to see that opposition parties share this Executive’s desire to support both culture and heritage, the role of any particular asset is something that needs to be assessed from time to time in the light of the demands on the Council as a whole. I agree that the work we do to support our communities, particularly those who are most vulnerable must be a priority but such work extends far beyond any particular asset. I am pleased to see that opposition parties also share our desire to support communities”.

Councillor Nigel Manning
Lead Councillor for Finance and Asset Management

8 REVIEW OF PROBITY IN PLANNING – LOCAL CODE OF PRACTICE (Pages 29 – 70 of the Council agenda)

The Deputy Leader of the Council, Councillor Matt Furniss, to propose, and the Deputy Mayor, Councillor Richard Billington to second, the adoption of the following motion:

That the ‘Probity in Planning Councillors’ Handbook’ attached as Appendix 2 to the report submitted to the Council be adopted.

Reason:

To provide up to date and fit for purpose Probity in Planning guidance to councillors and officers, together with other relevant information on the planning process at the Council in a helpful handbook for councillors.

Comments:

None

9 APPOINTMENT OF INDEPENDENT MEMBERS OF CORPORATE GOVERNANCE AND STANDARDS COMMITTEE (MAY 2019 - MAY 2023) (Pages 71 – 80 of the Council agenda)

Note:

If councillors wish to discuss the content of the CVs submitted by either of the candidates which are set out on pages 75 – 80 (on pink), the Council will need to consider passing a resolution to exclude the public from the meeting on the grounds of the likely disclosure of exempt information as described in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

The motion:

The Deputy Leader of the Council, Councillor Matt Furniss, to propose, and the Deputy Mayor, Councillor Richard Billington to second, the adoption of the following motion:

That Murray Litvak be appointed, and Maria Angel MBE be re-appointment as independent members of the Council's Corporate Governance and Standards Committee with effect from May 2019, for a four-year term of office.

Reason:

To comply with Article 10 of the Council's Constitution.

Comments:

None

10 APPOINTMENT OF INDEPENDENT PERSONS UNDER SECTION 28 LOCALISM ACT 2011 (MAY 2019 - MAY 2023) (Pages 81 – 110 of the Council agenda)

Note:

If councillors wish to discuss the content of the CVs submitted by any of the candidates, which are set out on pages 87 – 110 (on pink), the Council will need to consider passing a resolution to exclude the public from the meeting on the grounds of the likely disclosure of exempt information as described in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

The motion:

The Deputy Leader of the Council, Councillor Matt Furniss, to propose, and the Deputy Mayor, Councillor Richard Billington to second, the adoption of the following motion:

That the following persons be appointed as the Council's Independent Persons for a four-year term of office expiring in May 2023:

- Vivienne Cameron
- Bill Donnelly
- Paul Eaves
- Liz Lawrence
- Roger Pett
- Bernard Quoroll
- John Smith

Reason:

To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011.

Comments:

None

11 NOTICE OF MOTION DATED 28 MARCH 2019

Written note to Councillors from the Managing Director:

The Council's attention is drawn to the note circulated to all councillors by the Managing Director on 5 April 2019 specifically in respect of paragraph (1) of the proposed resolution set out in the above motion. This is also attached as Appendix 1 to this Order Paper.

James Findlay QC, who is the Council's lead barrister on the Local Plan, will be at the meeting to offer any further advice the Council may need in order to deal with this matter.

The motion:

NB: Councillor Tony Rooth will now be formally proposing the motion, of which Councillor McShee gave notice on 28 March.

Councillor Tony Rooth to propose, and Councillor Colin Cross to second, the adoption of the following motion:

"This Council notes that an Extraordinary Meeting of the Council has been called on Thursday 25 April 2019 for the purpose of considering whether the Local Plan should be formally adopted following receipt of the Inspector's final report.

The Council

RESOLVES:

- (1) That consideration of whether the Council should adopt the Local Plan be deferred to a suitable and reasonable date after the Borough Council elections on 2 May 2019.
- (2) That, should the Council decide not to defer consideration of the adoption of the Local Plan, the proposed Extraordinary Council meeting currently arranged for 25 April 2019 be held at a venue with a much larger capacity than the Council Chamber in order to accommodate the large number of Guildford residents interested in the Local Plan who may wish to attend the meeting.
- (3) That, irrespective of the date and venue, public participation at the Extraordinary Meeting be extended by thirty minutes to one hour to allow the public to address the Meeting before the Council makes a decision on the possible adoption of the Local Plan."

Comments:

Councillor Liz Hogger
Councillor Bob McShee

Following the debate on the motion, the Mayor will ask for separate votes to be taken on each paragraph. Please note that:

- If paragraph (1) is carried, paragraph (2) will fall and a vote would then be taken on paragraph (3).
- If paragraph (1) falls, separate votes would then be taken on paragraphs (2) and (3).

12 MINUTES OF THE EXECUTIVE (Pages 111 - 118 of the Council agenda)

To receive and note the minutes of the meetings of the Executive held on 19 February and 7 March 2019, which are attached to the Council agenda.

Comments:

None

13 COMMON SEAL

To order the Common Seal.

NOTE to assist councillors in their consideration of Item 11 on the agenda for the Council Meeting on 9 April 2019 – Notice of Motion Dated 28 March 2019

1. The motion

- 1.1 Councillors will be aware that the following motion is due to be considered at next week's Council meeting on 9 April 2019:

"This Council notes that an Extraordinary Meeting of the Council has been called on Thursday 25 April 2019 for the purpose of considering whether the Local Plan should be formally adopted following receipt of the Inspector's final report.

The Council

RESOLVES:

- (1) *That consideration of whether the Council should adopt the Local Plan be deferred to a suitable and reasonable date after the Borough Council elections on 2 May 2019.*
- (2) *That, should the Council decide not to defer consideration of the adoption of the Local Plan, the proposed Extraordinary Council meeting currently arranged for 25 April 2019 be held at a venue with a much larger capacity than the Council Chamber in order to accommodate the large number of Guildford residents interested in the Local Plan who may wish to attend the meeting.*
- (3) *That, irrespective of the date and venue, public participation at the Extraordinary Meeting be extended by thirty minutes to one hour to allow the public to address the Meeting before the Council makes a decision on the possible adoption of the Local Plan."*

Paragraph 1 of the motion

- 1.2 The following information is prepared as context to and advice in respect of consideration of paragraph (1) of this motion.

Decision on deferral: premature and lacking full information

- 1.3 First, inviting the Council at this meeting to defer the decision on adoption of the Local Plan until after the Borough Council elections is considered to be premature, and any decision would not be capable of being made on a fully informed basis. It is only at the extraordinary meeting of the Council on 25 April that such material information as is needed as to whether a decision should be made forthwith can be properly presented to councillors. If the decision on whether or not to adopt the Local Plan is to be deferred, 25 April is the appropriate date upon which to do so, after a fully informed debate, by which time councillors will have had a proper opportunity to consider all of the relevant information, such as any legal advice, the officer's report, the Inspector's report and the final draft Local Plan documents.
- 1.4 Further, the Council will be aware that a training session for all councillors has already been arranged for 18 April 2019. This session will provide guidance to councillors on matters for consideration at the extraordinary meeting, the decision to be made, and the implications and possible consequences of a decision to not adopt the Plan, as well as providing guidance on the law relating to predetermination and the implications of any deferral of the decision.

Decision on deferral: no proper reason for not taking the decision at the Extraordinary Meeting

- 1.5 Secondly, it is not clear why a deferral is sought. Paragraph (1) of the motion implies that there may be impediments or reasons why the decision cannot be taken. This is not the case. There is no legal rule requiring that a decision is not made in the pre-election period. It is accepted that in general terms careful consideration should be given to taking important decisions during the purdah period but, in this case, there are good reasons for doing so. The Council should take decisions, which are due to be taken, unless there are good reasons to do otherwise.

Decision on deferral: delay in considering the matter of adoption

- 1.6 Thirdly, in the context of the Local Plan, a deferral would mean a delay in bringing the matter back to a further extraordinary Council meeting in the summer, whilst allowing sufficient time for newly elected members to be trained and fully briefed on the Local Plan process and the framework surrounding it, as well as the content of the Local Plan itself.
- 1.7 Training, and discovery sessions, to properly equip a newly returned Council of members will be multi-staged, and iterative to enable full engagement with the plan making process and its history, as well as the nature of the choice to be made at this stage in that process. While administrative arrangements may be made expeditiously, a sound, informed and robust decision as to the benefits and disbenefits of adoption, will require an appropriate series of support and training.
- 1.8 The likely timetable for any deferred decision, which may be between 6 and 16 weeks, places at risk the advice that, once a plan is declared “sound” and issued as such, there is an imperative that *quick consideration* must be given to it. Accordingly, a delay in the order of that referred to above is considered to be significant.
- 1.9 While the Council may decide on 25 April to not adopt the examined, and sound plan, a decision will, on that day, be fully informed and taken on its merits. Given that part of the case presented to councillors on 25 April will relate directly to the justification for adoption forthwith, it would be premature for the Council to take a decision which pre-emptively precludes the presentation, and consideration of the whole case.

Decision on deferral: decisions in the Purdah period

- 1.10 The decision as to whether to adopt or not to adopt the Local Plan is, as described below at paragraph 3.7, a binary one: the qualitative analysis as to site allocation, priority, and soundness have been decisions for the Secretary of State, and debate, consultation, and engagement has taken place.
- 1.11 The pre-election period does not act to prevent decisions being made, and even decisions which are the focus of controversy are not automatically to be avoided.
- 1.12 The rules on Purdah in the local authority context relate to the prohibition in section 2 of the Local Government Act 1986 which states that:-
- 2(i) A local authority shall not publish material which, in whole or in part, appears to be designed to affect public support for a political party”*
- 1.13 The Council has been and will continue to be observant of strict neutrality in its publication of material relating to the local plan.

2. Prematurity of the motion

2.1 A comprehensive officer's report (which is necessarily in the early stage of preparation given the very recent publication of the final report) will be included on the agenda for the extraordinary meeting on 25 April, and which will consider a range of key information that will assist careful consideration of the decision. This will include amongst other items:

- The final report submitted to the Council by the Planning Inspector including main modifications that he has indicated are necessary in order to make the submitted Local Plan sound. This was published by the Council on 28 March 2019
- Reflection on a range of relevant factors to inform the consideration of whether the Local Plan should be adopted
- Accompanying documentation, including the Sustainability appraisal adoption statement and the Habitations Regulation Assessment
- Reflection on legal compliance of the proposed Local Plan

2.2 It is submitted that any decision around adoption, non-adoption or indeed deferral of a decision regarding the Local Plan sensibly should be made on the basis of receipt of full information regarding the item.

2.3 Section 3 below provides some planning context relevant to the consideration of whether (or not) to defer adoption of the Local Plan to a date after the local elections on 2 May 2019. It does not develop arguments relating to potential risks and implications of not adopting the plan, which will be addressed in the Officer's report for the extraordinary meeting on 25 April.

2.4 It should be noted that a deferral cannot be used to attempt to make further modifications to the Local Plan, such as the removal of allocated sites. The Inspector's report is final, and it will not be open to the Council to seek changes to it at this stage. The decision for the Council will be whether to adopt the Local Plan in its entirety, or not at all.

2.5 The potential risks associated with not adopting the Local Plan will be dealt with as part of the scheduled training session for all councillors on 18 April, in the forthcoming Council report, and in the presentation to the Council.

3. Context for the intended adoption of the Local Plan

3.1 Starting in 2012, the process of preparing the Local Plan, which will replace elements of the Council's current Local Plan dating from 2003, has been lengthy, costly and resource intensive.

3.2 Following this process, which included substantial engagement including four formal public consultations, the Local Plan Inspector has issued his final report, which was published on the Council's website on 28 March 2019. The Examination process is now formally complete.

3.3 The Inspector concludes that, with recommended main modifications, the Plan is sound and capable of adoption.

3.4 In such circumstances current Government advice is that **"it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound"** (Plan-making Guidance, paragraph 58 which carries forward paragraph 26 of the previous guidance)

- 3.5 This is particularly the case given the age of the existing plan and the consequences of delay in the process so far.
- 3.6 It is noteworthy that the Plan, with the Inspector's main modifications, would be largely consistent with the Plan submitted to the Secretary of State with the overwhelming (32 to 7, with 3 abstentions) agreement of Full Council in terms of its spatial strategy and site allocations. Such changes as there have been are "favourable" to the Council. Importantly, the Plan has a materially lower housing requirement (562 dwellings per annum (dpa) vs the submitted 654 dpa) and it does not include any specific allowance to address unmet need from Woking. Moreover, it no longer includes the four new main modification Green Belt housing sites proposed in the Sept/Oct 2018 consultation.
- 3.7 Since publication of the Inspector's Report, the Local Plan now carries substantial weight in decision-making. All that remains is for the Council to consider whether or not to adopt the Plan so that it becomes part of the development plan for Guildford . The Council cannot debate the findings of the Report with the Inspector. It cannot determine to accept some parts of the Plan and reject others. It is a binary decision – the Council can choose to either adopt or not adopt the Local Plan. There is no scope for accepting some of his findings (and proposed modifications) and not others. For example, individual site allocations and the housing requirement should not be open for detailed discussions. The Inspector's report determines that the Local Plan, with his suggested main modifications, can be considered sound. Any deviations from his recommendations do not have his endorsement and, as detailed above, his involvement is now at an end.
- 3.8 On the basis that this Plan has undergone significant scrutiny and has been found to be sound, whilst other considerations may be relevant, a decision to defer consideration of its adoption does not appear to be grounded in any clear planning rationale for doing so.
- 3.9 In fact, there are several benefits of adopting the Local Plan in a timely manner. These will be considered in further detail as part of the report to the extraordinary Council meeting on 25 April following the Executive meeting in due course. However, several are highlighted briefly in Annex A to this note.

4. Conclusion

- 4.1 In conclusion, it is considered that any deferral of the decision on adoption of the Local Plan should be considered in the context of the full report to Council on 25 April 2019 and following the training session for Councillors that is scheduled for 18 April 2019. To opt to defer on 9 April would be premature.
- 4.2 Furthermore, from a planning perspective, there should be no reason to delay consideration regarding whether or not to adopt the Local Plan. Rather, there are good planning reasons to support its adoption as quickly as possible and this approach is also supported by Government guidance.

Annex A: Selected benefits associated with adopting the Local Plan in a timely manner

In addition to Government advice relating to quickly adopting a local plan that has been found sound, there are planning benefits to considering plan adoption in a timely manner. Further detail will be provided in the scheduled Councillor training and report to Council on 25 April. However, some benefits include:

- Creating an environment of planning certainty: such that progress with the preparation of (major) planning applications, as well as the Council's preparation of Supplementary Planning Documents to further guide the form of new development are not subject to delay.
- A robust basis for decision-making in relation to planning applications: timely adoption of a new Local Plan will ensure the Council has a 5-year housing land supply as soon as possible, and will put it in a strong position to refuse and successfully defend appeals for inappropriate schemes.
- Securing planning benefits for the Borough's community: albeit that the plan carries significant weight, its timely adoption will establish it as part of the development plan for the area, as well as confirming its full weight. This will support the delivery of more beneficial planning contributions, such as to meet the urgent need for affordable homes.
- Changing circumstances: The Plan is prepared for a medium to long-term horizon (to 2034) and in a manner that is flexible and can respond to change. However, any significant delay in adoption of the Local Plan, may lead in future to questions being raised associated with changing circumstances.

James Whiteman
Managing Director

5 April 2019

