



EXTRAORDINARY COUNCIL MEETING

WEDNESDAY 22 JANUARY 2025

SUPPLEMENTARY AGENDA PACK NO.3
(ORDER OF PROCEEDINGS AT THE MEETING)

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WEBCASTING NOTICE

This meeting will be recorded for subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014.

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 have any queries regarding webcasting of meetings, please contact Democratic Services.

I would like to welcome everyone to this evening's extraordinary meeting of the Council.

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 Supplementary Agenda Pack 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 business on tonight's agenda. It also sets out details of 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 3 (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 Sallie Barker MBE
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:	6 minutes
Secunder of a motion:	4 minutes
Other councillors speaking during the debate on a motion:	4 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	4 minutes
Proposer of an amendment:	4 minutes
Secunder of an amendment:	4 minutes
Other councillors speaking during the debate on an amendment:	4 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	4 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	4 minutes

Procedure for dealing with motions:

The Council's attention is drawn to the relevant provisions of Council Procedure Rules in respect of the Rules of Debate (Council Procedure Rule 15). In particular, before a motion is proposed, the Mayor will invite any questions from councillors in respect of the motion. Such questions must relate directly to the motion being proposed and are restricted to questions relating directly to clarity of what is proposed.

Once a motion has been proposed and seconded, no questions nor answers are permitted, other than in respect of an amendment to the motion prior to such an amendment being moved. Once proposed and seconded, only speeches of debate shall be permitted.

Councillors' attention is also drawn to the revised time limit on speeches during a debate: up to 6 minutes for the proposer of a motion, and up to four minutes for all other speeches (including right of reply on the motion).

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. PUBLIC PARTICIPATION

No questions or statements have been received from the public.

4. QUESTIONS FROM COUNCILLORS

No questions have been received from councillors.

5. LOCAL PARTNERSHIPS REVIEW OF THE COLLABORATION (See Supplementary Agenda Pack No. 1)

The Leader of the Council, Councillor Julia McShane to propose, and the Lead Councillor for Community and Organisational Development, Councillor Carla Morson, to second the adoption of the following motion:

“That the Local Partnerships Review of the Collaboration report be noted”.

Reason:

Recognising the importance of the Collaboration programme in becoming a well-managed and resilient council, this report sought to ensure that both Councils have an independent assessment and assurance on the Collaboration programme so far.

6. GAMBLING ACT 2005: STATEMENT OF PRINCIPLES 2025-28 (Pages 7 - 76 of the Council agenda)

Update:

At its meeting held on 15 January 2025, the Licensing Committee considered this matter and resolved to recommend to Council that the Gambling Act 2005: Statement of Principles 2025-28 be approved.

The Motion:

The Chair of the Licensing Committee, Councillor Catherine Young to propose, and the Vice-Chair of that Committee, Councillor Keith Witham to second the adoption of the following motion:

“That the draft Gambling Act 2005 Statement of Principles 2025-28, as set out in Appendix 1 to the report submitted to the Council, be approved.”

Reason:

To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of principles for the period 2025-28.

7. OFFICER DECISION MAKING PROTOCOL (Pages 77 - 92 of the Council agenda)

Update:

At its meeting held simultaneously with Waverley’s Standards Committee on 16 January 2025, the Corporate Governance & Standards Committee considered this matter and during the debate it was suggested that the penultimate bullet-point in paragraph 3.3 of the Protocol could be amended to read:

“Any relevant professional advice from other Officers such as legal and/or finance colleagues, *including third party advice*, where appropriate;”

The Committee resolved to recommend to the Council, at its extraordinary meeting on 22 January 2025, the adoption into the Constitution of the Officer Decision Making Protocol, attached as Appendix 1 to the report to the Committee, subject to the above amendment.

The Motion:

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second the adoption of the following motion:

“That the Officer Decision Making Protocol, attached as Appendix 1 to the report submitted to the Council, be adopted into the Constitution, subject to the amendment of the penultimate bullet-point in paragraph 3.3 of the Protocol so that it reads:

“Any relevant professional advice from other Officers such as legal and/or finance colleagues, *including third party advice*, where appropriate;”

Reasons:

- To ensure clarity around Officer Decision Making.
- To provide a governance framework for officer decision making that ensures compliance with statutory requirements and promotes transparency, accountability, scrutiny, consultation and member engagement.

8. PROPOSED CHANGES TO THE MEMBER CODE OF CONDUCT (Pages 93 - 116 of the Council agenda)

Update:

At its meeting held on 16 January 2025, the Corporate Governance & Standards Committee considered this matter and made the following comments during the debate:

- It was noted that the current Code included provision for its review every four years, and it was suggested that a similar provision be included in the Model Code, subject to earlier reviews where required as a consequence of any changes proposed to the Model Code by the LGA in its annual review. The Senior Governance Officer said that she would expect that any review of the Code, together with any proposed changes, would be included in the Monitoring Officer's Annual Report to the Standards Committee, subject to the submission of an earlier report to the Committee if considered appropriate by the Monitoring Officer.
- It was noted that the current Code made provision for councillors to register and pass on any unsolicited gift of a value of £50 or more to the Mayor's Office for donation to a charity or raffle where it was impracticable to return any such gift, or the return would cause offence. As the Model Code had simply made provision for the registration of such gifts, it was suggested that a similar provision should be carried forward into the Model Code.
- A further report would be submitted to the Committee at its next meeting setting out a process for approval of dispensations

The Committee resolved that the Council, at its extraordinary meeting on 22 January 2024, be recommended to approve the following:

“That the LGA Model Councillor Code of Conduct, as set out in Appendix 1 to the report submitted to the Committee, be adopted and incorporated into the Constitution in place of the existing Code of Conduct for Councillors, subject to the addition of the following after the third sentence of the paragraph of unhighlighted text in section 10 (Gifts and Hospitality):

‘In such circumstances, you are advised to pass the gift to the Mayor's Office for donation to a charity or raffle as appropriate’.

The Motion:

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second the adoption of the following motion:

“That the LGA Model Councillor Code of Conduct, as set out in Appendix 1 to the report submitted to the Council, be adopted and incorporated into the Constitution in place of the existing Code of Conduct for Councillors, subject to the addition of the following after the third sentence of the paragraph of unhighlighted text in section 10 (Gifts and Hospitality):

‘In such circumstances, you are advised to pass the gift to the Mayor’s Office for donation to a charity or raffle as appropriate’.

Reasons:

- The LGA Model Councillor Code of Conduct was widely consulted on by the LGA and is reviewed by them on an annual basis.
- It is the recognised Code which is adopted by the majority of local authorities, including Waverley Borough Council and most of the Surrey Councils. This will make it easier for members who are twin-hatters with Surrey County Council, as they will be using the same Code.
- Having both Councils working to the same Code of Conduct will ensure that both Councils require the same standards of behaviour from members and co-opted members.
- The same Code of Conduct will provide more transparency for residents and greater clarity for staff, particularly in the case of, for example, joint meetings and shared decision making.

9. PROPOSED CHANGES TO THE ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF MISCONDUCT BY COUNCILLORS AND CO-OPTED MEMBERS
(Pages 117 – 136 of the Council agenda)

Update:

At its meeting held simultaneously with Waverley’s Standards Committee on 16 January 2025, the Corporate Governance & Standards Committee considered this matter, and the following points were raised during the debate:

- It was suggested, in respect of section 12 of the proposed arrangements (Informal Resolution), that requesting the subject member to apologise as a form of informal resolution was actually an admission by the subject member that they had erred and therefore a breach of the code, albeit at a very low level, had taken place. In response, the Senior Governance Officer indicated

that it was possible that a subject member could apologise to a complainant even if there had not been an investigation into whether there was a breach of the code. Similarly, the monitoring officer could still identify a training need and recommend that the subject member should attend appropriate training even though there had been no determination as to a breach of the code. The Senior Governance Officer also reminded the Committee that the draft revised Arrangements were based on the LGA's model guidance.

- The Committee's attention was drawn to the wording in paragraph 12 .1 which stated that informal resolution did not mean that a subject member had been found to have breached the Code of Conduct, because the matter had not been investigated at that stage.
- When this matter had previously been reviewed by a former task group of this Committee, it was felt that keeping timescales slightly longer was important to enable the subject member to seek their own independent legal advice. Concern was expressed about the shortening of those timescales. In response, the Senior Governance Officer advised members that the shortening of timescales was intended to improve officer deadlines, and that members would still be able to seek advice.

The Committee resolved to recommend to the Council, at its extraordinary meeting on 22 January 2025, the adoption into the Constitution of the revised Arrangements for dealing with Allegations of Misconduct by Councillors and Co-Opted Members, as set out in Appendix 1 to the report submitted to the Committee.

The Motion:

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second the adoption of the following motion:

“That the revised Arrangements for dealing with Allegations of Misconduct by Councillors and Co-Opted Members, as set out in Appendix 1 to the report submitted to the Council, be adopted into the Constitution in place of the existing Arrangements”.

Reason:

Having one set of Standards Arrangements will make the process clearer for residents and members, as well as officers who manage standards complaints.

10. PROPOSED BUDGET PROCEDURE RULES (Pages 137 - 152 of the Council agenda)

Update:

At its meeting held simultaneously with Waverley's Standards Committee on 16 January 2025, the Corporate Governance & Standards Committee considered this matter, and the following point was raised during the debate:

- The Joint Constitutions Review Group, when it considered this matter on 16 December, requested that the draft Budget Procedure Rules include provision for members to table non-financial amendments which had no impact on the Executive's draft budget. It was therefore suggested that the following be added to the end of paragraph 7.13 of the draft Budget Procedure Rules:

"Any minor amendment which does not have a material effect on the Executive's draft budget may be proposed at the Budget Meeting."

The Committee resolved to recommend to the Council, at its extraordinary meeting on 22 January 2025, the following:

- (1) That the Budget Procedure Rules, as set out in Appendix 1 to the report submitted to the Committee, be adopted into the Constitution, subject to the above amendment.
- (2) That the Monitoring Officer be authorised to make any consequential amendments to the Constitution.

The Motion

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second the adoption of the following motion:

- “(1) That the Budget Procedure Rules set out in Appendix 1 to the report submitted to the Council be adopted and incorporated into the Constitution, subject to the addition of the following to the end of paragraph 7.13 of the draft Budget Procedure Rules:

"Any minor amendment which does not have a material effect on the Executive's draft budget may be proposed at the Budget Meeting."

- (2) That the Monitoring Officer be authorised to make any consequential amendments to the Constitution.”

Reasons:

- A procedure for holding a Budget Setting Council meeting will ensure that there are appropriate timescales for the scrutiny of any proposed amendments to the Budget, and that the legal requirements are met.
- It will also ensure that any amendments have been considered by the Joint Strategic Director – Finance & Resources and that members are aware of the financial implications of any amendments without the need for adjournments.

11. SENIOR STAFF INVESTIGATION (See Exempt Supplementary Agenda Pack No. 2)

Joint Senior Staff Committee – 14 January 2025

At its meeting on 14 January 2025, the Joint Senior Staff Committee (JSSC) considered a summary of the Heminsley Law report into the senior staff investigation. Following an adjournment to Friday 17 January and then to Monday 20 January, the JSSC received and noted the report of the Head of Paid Service, and the Heminsley Law report which was appended to it. The JSSC accepted the report for consideration by both councils.

Proposed procedure for dealing with this matter

Please refer to section 2 of the exempt report of the Head of Paid Service circulated on Monday evening, which deals with the issue of whether the Council should deal with this matter in private or in public. Specifically, the Council is asked to make that choice having regard to and balancing the relevant public interests of disclosure against the private interests of those affected by disclosure and to come to a view on where you judge the public interest test to lie.

Paragraph 2.6 sets out a number of key factors that the Council should take into account when making this judgement.

The Monitoring Officer will advise Council on the public interest test.

It is suggested that a formal vote in this regard should be taken on the following motion that would normally be presented whenever a report contains exempt information for consideration at a meeting:

“(1) That pursuant to Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of agenda item 11 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information

(as defined by Section 100I of the Act) of the description specified as appropriate in Paragraphs 1, 2, 5 and 7 of the revised Part 1 of Schedule 12A to the Act namely:

Para (1): Information relating to any individual.

Para (2): information which is likely to reveal the identity of an individual.

Para (5): information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Para (7): Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- (2) That the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Before the vote is taken on this motion, members will be given the opportunity to debate whether this matter should be dealt with in private or in public.

If the above motion is carried, any members of the public present will be asked to leave the chamber and the webcast will be suspended, before the Council proceeds with consideration of this item of business.

If the motion is lost, the Deputy Mayor (who will be presiding), will ask the Council to agree to adjourn the meeting for a short period to allow time for officers to circulate copies of the report (including the Heminsley Law Report) to any members of the public or press present, and to post the reports on to the public website.

In accordance with Council Procedure Rule 15.1, the Deputy Mayor, having taken appropriate officer advice, has agreed to waive the rules of debate referred to in Council Procedure Rule 15.2 for the purposes of enabling councillors to engage with a Question-and-Answer session with Mr Simon Stephen of Heminsley Law, in advance of the formal consideration and debate of this matter, and giving political group leaders the opportunity of commenting first during the debate on the motion in respect of this matter.

To assist councillors, the following procedure will be followed to deal with this matter:

- (1) The Deputy Mayor to confirm that he has waived usual procedure rules of debate in accordance with CPR 15.1 as described above.
- (2) The Deputy Mayor to invite the Head of Paid Service to introduce his Officer report on this matter.

- (3) The Deputy Mayor to ask Mr Stephen to present the main findings of the investigator's report.
- (4) The Deputy Mayor to invite questions from councillors in respect of the investigator's report, and to ask Mr Stephen, or another, to respond to those questions.
- (5) The Deputy Mayor to ask whether councillors have any questions relating directly to matters of clarity in respect of the motion, which is set out in (6) below. The Leader of the Council, as proposer of the motion, will respond to any such questions.
- (6) The Deputy Mayor to ask the Leader of the Council to move the adoption of the following motion:

“That the Council resolves:

- (1) To note the report of the Head of Paid Service and the investigation report by Heminsley Law, as set out at Appendix 1.
- (2) To confirm the actions taken by the Council and identified in the Improvement Plan in Appendix 2.
- (3) To confirm that the action taken in respect of this matter was appropriate and proportionate, and that any further action would not be in the public interest.”

Reason:

Consideration of the Investigator's Report by full Council demonstrates transparency and good governance.

- (7) The Deputy Mayor to ask Councillor Fiona White to second the adoption of the motion. She may reserve her right.
- (8) The Deputy Mayor to open the debate by inviting the following group leaders to comment on the motion in advance of other councillors if they so wish:
 - Councillor Philip Brooker
 - Councillor Joss Bigmore
 - Councillor Patrick Oven
 - Councillor James Walsh
- (9) The Deputy Mayor to invite other councillors who have indicated a wish to speak to comment on the motion.

- (10) After councillors have commented on the motion, the Deputy Mayor will ask Councillor White (if she reserved her right) if she wishes to comment, and then ask the Leader if she wishes to exercise her right of reply to the debate on the motion.
- (11) The Council will then take a vote on the motion by way of show of hands or, if five or more councillors so request before the vote is taken, a recorded vote.
- (12) The Deputy Mayor to announce the outcome of the vote on the motion.