

GUILDFORD BOROUGH COUNCIL

Draft Minutes of a meeting of Guildford Borough Council held at Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Wednesday 31 July 2019, which had been adjourned on 23 July 2019

* Councillor Richard Billington (The Mayor)

* Councillor Marsha Moseley (The Deputy Mayor)

- | | |
|--|---|
| <ul style="list-style-type: none"> * Councillor Paul Abbey * Councillor Tim Anderson * Councillor Jon Askew Councillor Christopher Barrass Councillor Joss Bigmore Councillor David Bilbé * Councillor Chris Blow * Councillor Dennis Booth * Councillor Ruth Brothwell * Councillor Colin Cross Councillor Graham Eyre Councillor Andrew Gomm Councillor Angela Goodwin Councillor David Goodwin * Councillor Angela Gunning * Councillor Gillian Harwood * Councillor Jan Harwood Councillor Liz Hogger * Councillor Tom Hunt * Councillor Gordon Jackson * Councillor Diana Jones Councillor Steven Lee * Councillor Nigel Manning | <ul style="list-style-type: none"> * Councillor Ted Mayne * Councillor Julia McShane Councillor Ann McShee Councillor Bob McShee Councillor Masuk Miah * Councillor Ramsey Nagaty * Councillor Susan Parker * Councillor George Potter Councillor Jo Randall * Councillor John Redpath * Councillor Maddy Redpath * Councillor Caroline Reeves * Councillor John Rigg Councillor Tony Rooth Councillor Will Salmon * Councillor Deborah Seabrook * Councillor Pauline Searle * Councillor Patrick Sheard * Councillor Paul Spooner * Councillor James Steel * Councillor James Walsh * Councillor Fiona White * Councillor Catherine Young |
|--|---|

*Present

CO44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Christopher Barrass, Joss Bigmore, David Bilbé, Graham Eyre, Andrew Gomm, Angela Goodwin, David Goodwin, Liz Hogger, Steven Lee, Ann McShee, Bob McShee, Masuk Miah, Jo Randall, and Tony Rooth, and from Honorary Aldermen Keith Childs, Catherine Cobley, Clare Griffin, Jayne Marks, and Lynda Strudwick.

CO45 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO46 ELECTION OF GUILDFORD JOINT COMMITTEE CHAIRMAN 2019-20

Upon the motion of the Leader of the Council, Councillor Caroline Reeves, seconded by the Deputy Leader of the Council, Councillor Fiona White, the Council

RESOLVED:

- (1) That the Council adopts, on a trial basis, an alternative arrangement with Surrey County with Councillor Keith Taylor continuing to chair the Guildford Joint Committee until the end of the 2019-20 municipal year; and, thereafter, the Borough Council electing a chairman for the ensuing two municipal years 2020-21 and 2021-22, with the trial arrangement being reviewed at the end of 2021-22.
- (2) That Councillor Julia McShane be elected Vice-Chairman of the Guildford Joint Committee for the remainder of the 2019-20 municipal year.

CO47 ALLOCATION OF SHADOW LEADER'S SPECIAL RESPONSIBILITY ALLOWANCE

The Council was informed that, under the Council's adopted scheme of allowances for councillors, there were a number of special responsibility allowances (SRAs) which were paid in addition to the basic allowance and given, as the name suggested, to those councillors undertaking additional duties that carried special responsibility, for example as Leader or Deputy Leader of the Council, lead councillor, or committee chairman. Following the local elections in May, the Annual Meeting and Selection Meeting, and subsequently the appointment by the Leader of her Executive, the councillors who, under the scheme of allowances, had been appointed to positions of special responsibility had been allocated the relevant SRAs.

However, it had not been possible for officers to identify the appropriate recipient in respect of one of the SRAs – namely the Shadow Leader's Allowance. The amount of that allowance was currently £5,601 p.a. The Council considered a report on the allocation of the Shadow Leader's Allowance.

The current scheme of allowances stated that the Shadow Leader "refers to the leader of the majority opposition group". The term "majority opposition group" was not defined, either in the scheme of allowances, or elsewhere in the Constitution. When the Council adopted the scheme of allowances in February 2016, there were three political groups on the Council – the Conservative group had 35 councillors and control of the Executive, and the two opposition groups comprised the Liberal Democrat group and Guildford Greenbelt Group (with nine and three councillors respectively). At that time, it was clear which group was the "majority opposition group".

However, since the local elections on 2 May 2019, the position had become less clear with the political balance changing with five formally constituted political groups, with no group having overall political control of the Council.

In view of the current circumstances, the report had set out options for consideration by the Council, including a suggestion that the Council asks the Independent Remuneration Panel during the forthcoming review of councillors' allowances to consider whether the continuation of the Shadow Leader's Allowance was appropriate.

Upon the motion of Councillor John Rigg, seconded by Councillor John Redpath, the Council:

- (1) That the Shadow Leader's Special Responsibility Allowance be not allocated in 2019-20.
- (2) That the Independent Remuneration Panel be requested, as part of its forthcoming review of the Scheme of Councillors' Allowances, to examine the suitability of the Shadow Leader's Special Responsibility Allowance in the context of the prevailing circumstances at the Council and to consider and report on possible alternatives.

Reason:

To determine how the Shadow Leader's Special Responsibility Allowance should be allocated in the 2019-20 municipal year.

CO48 CAPITAL AND INVESTMENT OUTTURN REPORT 2018-19

The Council considered the Capital and Investment Outturn report for 2018-19, which had set out:

- a summary of the economic factors affecting the approved strategy and counterparty updated
- a summary of the approved strategy for 2018-19
- a summary of the treasury management activity for 2018-19
- compliance with the treasury and prudential indicators
- non-treasury investments
- capital programme
- risks and performance
- Minimum Revenue Provision (MRP)
- details of external service providers
- details of training

In total, expenditure on the General Fund capital programme had been £37.7 million, which was less than the revised budget by £99.6 million. Details of the revised estimate and actual expenditure in the year for each scheme were set out in Appendix 3 to the report. The budget for Minimum Revenue Provision (MRP) had been £1.2 million and the outturn was £795,190. This was due to slippage in the capital programme in 2017-18.

The Council's investment property portfolio stood at £161 million at the end of the year. Rental income had been £9 million, and income return had been 6.3% against the benchmark of 4.8%.

The Council's cash balances had built up over a number of years, and reflected a strong balance sheet, with considerable revenue and capital reserves. Officers carried out the treasury function within the parameters set by the Council each year in the Capital and Investment Strategy.

The Council had borrowed short-term from other local authorities for cash flow purposes and ensured that there was no cost of carry on this. No additional long-term borrowing was taken out during the year. The Council had £212.9 million borrowing at 31 March 2019, of which £20 million was short-term borrowing for cash purposes.

The report had confirmed that the Council had complied with its prudential indicators, treasury management policy statement and treasury management practices (TMPs) for 2018-19. The policy statement was included and approved annually as part of the Capital and Investment Strategy, and the TMPs were approved under delegated authority.

Interest paid on debt had been lower than budget, due to less long-term borrowing taken out on the general fund because of slippage in the capital programme.

The yield returned on investments had been lower than estimated, but the interest received was higher due to more cash being available to invest in the year – a direct result of the capital programme slippage. Officers had been reporting higher interest receivable and payable and a lower charge for MRP during the year as part of the budget monitoring when reported to councillors during the year.

The report had also been considered by the Corporate Governance and Standards Committee and Executive at their respective meetings held on 13 and 18 June 2019, and both endorsed the recommendation in the report.

Upon the motion of the Chairman of the Corporate Governance and Standards Committee, Councillor Tim Anderson, seconded by the Leader of the Council, Councillor Caroline Reeves, the Council

RESOLVED:

- (1) That the treasury management annual report for 2018-19 be noted.
- (2) That the actual prudential indicators reported for 2018-19, as detailed in Appendix 1 to the report submitted to the Council, be approved.

Reason:

To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

CO49 FOOD POVERTY

The Council received and noted the Overview and Scrutiny Food Poverty report, which was presented for information in order to share the review findings with the wider membership of the Council and the public and to provide an opportunity for debate on a matter of local concern.

Councillors also noted the officer's covering report and the minutes of the discussion on the matter by the Overview and Scrutiny Committee at its meeting on 4 June 2019.

At its August meeting, the Executive (as the decision-maker) would be required to respond formally to the recommendations and indicate agreement or otherwise.

During the debate, councillors welcomed the report and made a number of comments including:

- the high correlation between food poverty and obesity, and food poverty and mental health
- the huge impact food poverty had on life expectancy, health generally and children's concentration levels at school
- welcoming the first recommendation asking the Leader to write to the Secretary of State outlining the problems caused by Universal Credit and welfare reforms and calling for immediate upstream action on food insecurity
- suggesting that the Secretary of State be urged to legislate to compel supermarkets and food providers to donate food approaching its use-by date to local charities and food banks

The Council

RESOLVED: That the report and recommendations in respect of Food Poverty in the Borough be noted.

CO50 OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19

The Council considered a report which outlined the work undertaken by overview and scrutiny during the past year and, within Appendix 1 to the report, its future work programme as thus far developed. The report also included details of measures to continue the further development of overview and scrutiny, in the context of the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities which had been issued in May 2019.

Decisions taken under the 'urgency' provisions and the use of 'call-in' were detailed within the report. In 2018-19, five decisions had been taken under the urgency provisions of the Overview and Scrutiny Procedure Rules, and there had been no call-ins.

The report had also been considered by the Overview and Scrutiny Committee at its meeting on 9 July 2019, and the Committee had commended it to Council.

Upon the motion of Councillor James Walsh, seconded by Councillor Paul Spooner, the Council

RESOLVED:

- (1) That the report be commended as the annual report of the Overview and Scrutiny Committee for 2018-19.
- (2) That the current rules relating to call in or urgency provisions remain unchanged.
- (3) That the policies, practice, and approaches identified within the statutory guidance on overview and scrutiny, attached as Appendix 2 to the report submitted to the Council, be noted.

Reasons:

- Article 8.2(d) of the Council's Constitution requires the Council's Overview and Scrutiny Committee to report annually to Full Council on the work undertaken during the year, its future work programme, and amended working methods if appropriate.
- The Council's Overview and Scrutiny Procedure Rule 16(i), requires the operation of the provisions relating to call-in and urgency to be monitored annually and a report submitted to Full Council with proposals for review if necessary.
- Statutory guidance on overview and scrutiny has been published in May 2019 to ensure that local authorities carry out their overview and scrutiny functions effectively.

CO51 COMMUNITY GOVERNANCE REVIEW - PARISHES OF EAST HORSLEY AND EFFINGHAM

Councillors noted that the Council had powers under the Local Government and Public Involvement in Health Act 2007 to conduct a Community Governance Review (CGR), which was a review of the whole or part of the Borough to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style (i.e. whether to call it a town council or village council etc.) of new parishes;
- The electoral arrangements for parishes (including the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes

The Council considered a detailed report on a formal request from East Horsley Parish Council to conduct a CGR, with the suggested terms of reference to include the following proposals:

Proposal 1

Subject to Proposal 2 below, to alter the existing boundary between the parishes of East Horsley and Effingham in the area close to Effingham Common, as set out in Map A3 of Appendix A to the parish council's submission.

Proposal 2

To recommend to the Local Government Boundary Commission for England ("LGBCE") that it approves the change of the existing boundary between the Clandon and Horsley ward and the

Effingham ward of the Borough Council so that it is coterminous with the change to the parish boundary referred to in Proposal 1 above.

Proposal 3

To increase the maximum number of councillors to be elected to East Horsley Parish Council from nine councillors to twelve councillors.

The Council was asked to approve the proposed terms of reference in respect of the proposed CGR, as set out in Appendix 2 to the report submitted to the Council, together with the proposed timetable for the review.

Upon the motion of the Leader of the Council, Councillor Caroline Reeves, seconded by the Deputy Leader, Councillor Fiona White, the Council

RESOLVED:

- (1) That the terms of reference in respect of the proposed community governance review of the parishes of East Horsley and Effingham, including the proposed timetable, as set out in Appendix 2 to the report submitted to the Council, be approved and published.
- (2) That the Democratic Services Manager be authorised to conduct the community governance review on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard.

Reason:

To address the community governance request received in respect of this matter with a view to ensuring that community governance within the area under review is:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

CO52 REVIEW OF THE CODE OF CONDUCT FOR STAFF

The Council noted that although there were requirements under legislation for the Council to adopt a Code of Conduct for Councillors to provide local guidance about behaviour and conduct, there was no such requirement for a Code of Conduct for Staff. It was acknowledged, however, that it was good practice to have one and of benefit to offer guidance and signposting to relevant employment policies and protocols that govern officers in their day-to-day work.

Whilst the current Code of Conduct for Staff was included in Part 5 of the Council's Constitution alongside the Councillors' Code of Conduct, it was clear that the Constitution, as the Council's tool of governance, was not a day-to-day reference for many of the Council's employees. The Code of Conduct for Staff had therefore been rewritten to be a more accessible document in terms of style and language and it contained links to other key sources of online information for all employees.

Alongside a general modernisation, it was also proposed that the revised Code of Conduct for Staff should:

- (a) become part of the line management process, including new employee induction and end of probation sign off, and
- (b) be provided to all staff (new and existing), who would be required to confirm that they understood the behaviours and conduct expected of them.

This matter had also been considered by the Corporate Governance and Standards Committee at its meeting held on 13 June. The Committee had made a number of comments and

suggestions, and these had been incorporated where appropriate into the draft revised Code of Conduct for Staff, which was set out in Appendix 2 to the report submitted to the Council.

Upon the motion of the Leader of the Council, Councillor Caroline Reeves, seconded by Councillor Tim Anderson, the Council

RESOLVED: That the revised Staff Code of Conduct attached as Appendix 2 to the report submitted to the Council be adopted.

CO53 APPOINTMENT OF COUNCILLORS TO EXTERNAL ORGANISATIONS 2019-2023

The Council noted arrangements, following a review in 2017, for appointing councillors to a number of external organisations. Under these arrangements, the Council normally appointed councillors to such external organisations that:

- (i) supported the Council's Corporate priorities, and/or
- (ii) assisted in delivery of Council services, and/or
- (iii) were using Council facilities

Appointments would be for a four-year term up to the next Borough Council elections and all uncontested appointments would be confirmed by the Democratic Services Manager under delegated authority. In respect of appointments to external organisations that were normally reserved to full Council for confirmation, only those that were contested would actually be referred to Council for determination.

Details of the contested 'Council appointments' and the respective nominees were set out in the Order Paper.

Each nominee had been given the opportunity to make either a written or an oral personal statement to the meeting in support of their nomination before the vote was taken. The Council noted that, where permissible under the relevant external organisation's constitution/standing orders, the unsuccessful nominee would be the deputy to the appointee.

Having considered each nominee's representations, the Council

RESOLVED:

- (1) That Councillor Fiona White be appointed to the Council of Governors of the Royal Surrey County Hospital NHS Foundation Trust.
- (2) That Councillor Ramsey Nagaty be appointed to Watts Gallery (Limnerslease Committee).

CO54 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meetings of the Executive held on 21 May and 18 June 2019.

CO55 EXCLUSION OF THE PUBLIC

Upon the motion of the Mayor, Councillor Richard Billington, seconded by the Deputy Mayor, Councillor Marsha Moseley, the Council

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for consideration of the business contained in agenda item 25 on the grounds that it involved the likely disclosure of exempt information, as defined in paragraphs

1 and 4 of Part 1 of Schedule 12A to the Act, and the business contained in the item of urgent business (agenda item 25A) on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the 1972 Act.

CO56 FUTURE GUILDFORD: PROPOSED RESTRUCTURE OF CORPORATE MANAGEMENT TEAM (Paragraphs 1 and 4)

The Council considered a report on the process for the first stage of the Future Guildford transformation programme, which was the restructure of the Corporate Management Team, which included a proposed reduction of the number of Directors by one post.

In accordance with the delegation of full Council, a consultation had commenced with those employees who may be affected. Once the consultation was complete, the Managing Director in consultation with the Leader would present the staffing structure and responsibilities of senior posts (that is, at Director level), to the Employment Committee.

The report did not seek approval in respect of the restructure, as such a decision would be informed by the responses gathered as part of the consultation process, and would be the subject of a report to a future meeting of the Employment Committee.

However, recognising that whatever the structure and posts adopted following consultation, there may be redundancies, the budget for associated redundancy costs must be provided, and that as such costs would be in excess of £95,000, the approval of full Council was required, in accordance with Part 3 of the Constitution and the Council's Pay Policy Statement

The report had set out the respective termination costs against each of the relevant posts included in the pool of Directors and had sought authority from the Council to agree payment of the specific amount to the relevant Director. This would be on the understanding that it would only be made if the proposal for going from four Directors to three was implemented after the formal consultation period had concluded, and after the Employment Committee had gone through the selection process.

At its meeting on 10 July 2019, the Employment Committee had also considered the report and had endorsed the recommendations therein.

Upon the motion of the Leader of the Council, Councillor Caroline Reeves, seconded by the Deputy Leader of the Council, Councillor Fiona White, the Council

RESOLVED:

- (1) That the costs associated with the redundancy of each of the named Directors set out in the table in paragraph 3.1 of the report submitted to the Council, be noted, and that approval be given for a financial settlement with a Director to the appropriate level where the decision of the Employment Committee has the effect of terminating the employment of that Director.
- (2) That it be noted that this approval is sought notwithstanding that the proposals are the subject of consultation, and that those proposals are not yet adopted.

Reason:

To enable a senior management team restructure.

**CO57 ACQUISITION OF AN INDUSTRIAL HOLDING ON SLYFIELD INDUSTRIAL ESTATE
(Paragraph 3)**

The Council considered a report on a proposed bid for the acquisition of the long leasehold interest and the freehold interest of an industrial holding on Slyfield Industrial Estate, Guildford.

It was noted that the Council was already the freehold owner of a large part of Slyfield Industrial Estate. The property the subject of the proposed bid was therefore of strategic importance due to its location and the potential to intensify the use in the longer-term in line with the Council's emerging industrial estate strategy.

The Council was asked to approve a proposed supplementary capital estimate of up to £5 million, in order to facilitate the proposed purchase.

As the approval of the transfer of monies from the provisional to the approved capital programme was an executive function and given the tight time scales imposed by the vendor, bearing in mind that the next scheduled meeting of the Executive was on 27 August, the Managing Director would be asked to exercise his delegated power to act in relation to matters of urgency by giving approval:

- (a) to the proposed purchase of the property and the submission of a Council bid up to a maximum price, details of which were set out in the report;
- (b) to the transfer of monies from the provisional to approved capital programme (scheme no. P12p – strategic property acquisitions) in order to facilitate the purchase; and
- (c) to authorise the Corporate Property Manager to take all necessary steps to complete the purchase, in consultation with the Chief Finance Officer and the Lead Councillor.

Any such action taken by the Managing Director under delegated powers would be reported to the Executive on 27 August for information.

Upon the motion of the Leader of the Council, Councillor Caroline Reeves, seconded by Councillor John Rigg, the Council

RESOLVED: That the Council approves a supplementary estimate of up to £5 million to increase the budget to meet the purchase cost of acquiring the property the subject of the urgent report submitted to the Council.

Reason:

To secure a good investment and strategic property increasing future income and the Council's flexibility in terms of long-term estate planning.

Note: By reason of the special circumstances described below, the Mayor considered that this item should be dealt with at this meeting as a matter of urgency pursuant to Section 100B 4 (b) of the Local Government Act 1972.

Special Circumstances: This matter required a decision by the Council to approve the supplementary capital estimate to enable a bid to be submitted within the tight timescale set by the vendor.

CO58 COMMON SEAL

The Council

RESOLVED: That the Common Seal of the Council be affixed to any documents to give effect to any decisions taken by the Council at this meeting.

The meeting finished at 8.03 pm

Signed
Mayor

Date